

**LONE STAR COLLEGE SYSTEM DISTRICT  
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Fourth Edition**

**SECTION I – GOVERNANCE and BOARD OF TRUSTEES**

**I.A. LEGAL STATUS OF DISTRICT**

**I.A.1. Legal Status of Texas Public Junior Colleges and/or Districts**

**I.A.1.01 Status Derived from Texas Constitution and Education Code**

The District derives its legal status from the Constitution of the State of Texas and from the Texas Education Code that authorizes a public junior college and/or districts any one of the following classifications:

- a. Independent school district junior college
- b. City junior college
- c. Union junior college
- d. County junior college
- e. Joint-county junior college; and
- f. Public junior college as part or division of a regional college district.

**I.A.1.02 Definition**

A public junior college shall be defined as an institution of higher education.

**I.A.2. LSCS Legal Status**

**I.A.2.01 District Established**

The District was established pursuant to an election held according to state law on October 7, 1972, for the purpose of creating a Union Junior College District.

**I.A.2.02 District Name**

The corporate name of this college as provided by law is “Lone Star College System District (LSCS)”, herein referred to as “the System”.

**I.A.2.03 Change of Name**

The Board of the System by resolution may change the name of the System or a college within the System by eliminating the words “community” or “junior” from the name of the System or college, unless the change would cause the System or college to

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have the same or substantially the same name as an existing district, college, or other public or private institution of higher education in this state.

The Board shall file with the Texas Higher Education Coordinating Board (Coordinating Board) a copy of the resolution that is certified by the secretary of the Board. The name change is effective on the date the resolution is filed with the Coordinating Board.

After a name change is filed, the college or System shall use the new name in all official actions, communications, or records.

**I.A.2.04 Junior College District Service Areas**

Services provided by junior community college districts are defined as the courses and programs described in Texas Education Code Sec. 130.011 and 130.003(e).

The service area of a junior college district means:

- a. The territory within the boundaries of the taxing district of a junior college district; and
- b. The territory outside the boundaries of the taxing district of a junior college district in which the junior college district provides services.

The service area of the Lone Star College System District includes the territory within:

Aldine, Conroe, Cypress-Fairbanks, Humble, New Caney, Spring, Tomball, Magnolia, Willis, Montgomery, Splendora, Cleveland, Tarkington, and Klein independent school districts - each of these territories are within Harris, Montgomery and/or San Jacinto Counties; and

The Huntsville and New Waverly independent school districts in Walker County.

The territory within the taxing boundaries of the System includes Aldine, Conroe, Cypress-Fairbanks, Humble, Klein, Magnolia, New Caney, Splendora, Spring, Tomball and Willis independent school districts.

The territory outside the taxing boundaries of the System includes Cleveland, Huntsville, Montgomery, Tarkington and New Waverly independent school districts.

**I.A.2.05 New Campuses or College Districts**

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The establishment of any new public junior college campus within an existing junior college district, or the establishment of any new junior college district shall be approved by the Legislative Budget Board, if the establishment occurs during a time when the legislature is not in session.

The Legislature shall approve the establishment of any new public junior college campus within an existing junior college district, or the establishment of any new junior college district if proposed during, or within three months prior to, a legislative session.

**I.A.2.06 Extension of District Boundaries**

- a. Territory may be annexed to the junior college district for junior college purposes only by either contract or election, if the territory:
  - i. is located wholly within a single school district, county, or municipality;  
and
  - ii. is contiguous to the junior college district or located in the service area of the district established under Texas Education Code, Sec. 130, Subchapter J.
- b. A junior college district may not annex territory if:
  - i. the territory is included in the boundaries of another junior college district
  - ii. a campus of the Texas State Technical College System is located within the county in which the territory is located and outside the junior college district.
- c. Annexation elections or other annexation procedures may be conducted for more than one territory at the same time.

**I.A.3. System Foundations**

**I.A.3.01 System Purpose**

LSCS is a publicly-supported, two-year, comprehensive community college, which offers postsecondary educational opportunities in northern metropolitan Houston in Harris, Montgomery, and San Jacinto Counties.

**I.A.3.02 System Program Offerings**

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As authorized by Texas Education Code, Sec. 130.003(e), the System provides:

- a. Technical programs, leading to associate degrees of certificates, designed to develop marketable skills and support economic development.
- b. Academic courses in the arts and sciences to transfer to senior institutions.
- c. Continuing adult programs for academic, professional, occupational, and cultural enhancement.
- d. Developmental education programs designed to improve the basic skills of students.
- e. A program of counseling and guidance designed to assist students in achieving their individual educational and occupational goals.
- f. Workforce development programs designed to meet local and statewide needs.
- g. Adult literacy and other basic skills programs for adults.
- h. Other purposes as may be prescribed by the Coordinating Board, or the System's Board, including economic development.

**I.A.3.03 Statement of Mission**

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

**I.A.3.04 Value Statements**

- a. Affordable Access – We believe that the Lone Star College System provides an affordable and accessible educational experience which meets the needs of its diverse communities.
- b. Building Communities and Partnerships – We believe that the Lone Star College System is the catalyst for promoting a seamless educational journey and for nurturing the intellectual and cultural life of the community.
- c. Commitment to International Education – We believe that the Lone Star College System demonstrates its commitment to international education by embracing multiple perspectives, promoting understanding and educating students to become contributing members in a culturally and ethnically diverse world.

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- d. Communication – We believe that the achievement of the Vision and Mission of the Lone Star College System requires an effective system of communication among both internal and external constituencies.
- e. Diversity – We believe the Lone Star College System provides an inclusive learning and working environment for our diverse students, faculty, administrators and staff and that our System programs, services and personnel reflect the communities we serve.
- f. Economic and Workforce Development - We believe that LSCS serves as the critical link for economic and workforce development to provide prosperity through partnerships with business, government, and community organizations.
- g. Ethics/Integrity – We believe that it is essential that all Lone Star College System employees adhere to the highest standards of ethics and integrity.
- h. Evaluation/Accountability - We believe that it is essential that the Lone Star College System employ data-supported decision making and regularly assess the impact and outcomes of our efforts for continuous improvement.
- i. Human Resources - We believe that the most important resources of the Lone Star College System 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.
- j. Leadership – We believe that the Lone Star College System, 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.
- k. Environment – We believe that the Lone Star College System is a dynamic learning environment, distinguished by academic freedom and excellence in teaching, allowing citizens to develop to the full extent of their ability, to succeed in a competitive work environment and to be effective lifelong learners.

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- l. Stewardship – We believe that the Lone Star College System is committed to rigorous stewardship of the resources entrusted to its care to ensure maximum benefit for the community.
- m. Technology – We believe technology is a critical resource in supporting and achieving instructional, operational and strategic goals of the Lone Star College System.

**I.A.3.05 Biennial Review**

The Board shall review and, if necessary, revise the Statement of Mission and Value Statements on a biennial basis to ensure that they represent accurately the role and scope of a comprehensive public community college district and are responsive to the changing needs of the System's constituencies.

**I.A.3.06 Multi-cultural Education**

The System acknowledges and recognizes the increasingly diverse, multi-cultural nature of society consisting of age, racial, gender, ethnic, and religious groups whose cultures, values, beliefs, and lifestyles are viable elements of a democratic society. To encourage full implementation of the System's value statements, which support dynamic and diverse learning communities and access with quality, the Board declares the following guiding principles of the System:

- a. The System fully recognizes the rights of individual persons in all the Colleges to learn within the framework of multi-cultural experiences which maximize the development of their human potential.
- b. The System will promote and support the Colleges in their efforts to design and implement instructional experiences and support services that will lead to a more humane and democratic, multi-cultural society.
- c. The System will foster an instructional and student life environment to provide community college students a basis for understanding and appreciating the contribution of all individuals in our society.

**I.A.3.07 Multi-College Operating Philosophy**

- a. The System and its member colleges will seek to serve the best interests of students.
- b. The System Office is established to assist the colleges in providing services and programs to students and the community.

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- c. Matters of curriculum, financial planning, capital investments and binding financial agreements including contractual appointments shall be coordinated System-wide.
- d. The Colleges shall operate independently within parameters established by Board policy and System procedures, approved by the Chancellor, in order to meet the mission and goals of the System.
- e. College Presidents shall be full participants in the establishment of System-wide priorities.
- f. College Presidents shall be line officers responsible to the Chancellor for the performance of their duties.
- g. For accreditation and all legal purposes, the System shall be considered the sole entity.
- h. Decisions shall be made as close as possible to the point where they will be carried out.
- i. Employees of the System shall have the responsibility and authority necessary to fulfill their duties as contained in their position descriptions.
- j. The Colleges and System Office shall establish goals and objectives consistent with, and supportive of, System-wide values and goals, as well as action plans to accomplish the goals and objectives.
- k. Colleges shall be responsible for establishing and cultivating positive community relations within their service area.
- l. Resources shall be allocated, in such a manner to guarantee optimal levels of quality for all programs at all of the colleges.

**I.A.4. Institutional Effectiveness**

**I.A.4.01 Plan**

Lone Star College System District stands for quality education throughout all programs and phases of the institution. In order to measure the attainment of the goals outlined by the long-range plans, the Board has identified the following components of institutional effectiveness. These components are considered to be an integral part of

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the total administration of the System and must be given the support and consideration they demand.

- a. Ongoing short and long range planning processes must be maintained that provide environmental scanning and input for effective decision making and planning.
- b. The planning process assists in the development of the necessary goals and directions for each function to identify criteria for measurement and success.
- c. Throughout the institution, each program and administrative area must continuously monitor and evaluate functions and achievements. This evaluation process is utilized in the improvement of the function as well as the planning process.
- d. The System is committed to, and complies with, the Criteria of the College Delegate Assembly, either current or as hereafter modified, consistent with the policies and procedures of the Commission of Colleges of the Southern Association of Colleges and Schools (SACS).
- e. The System understands and agrees that the Commission on Colleges may, at its discretion, make known to any agency or member of the public (that may request such information) the nature of any action, positive or negative, regarding status with the Commission.
- f. The System agrees to disclose to the Commission on Colleges any and all such information as the Commission may require to carry out its evaluating and accrediting function.

## **I.A.5. Administrative Organization Plan**

### **I.A.5.01 Governance Structure**

The Board, through its adoption of policy, provides direction for the System to accomplish its mission. The ultimate authority in the structure is the Board, and final decisions on matters of governance will always rest with the Board.

The Chancellor is the Chief Executive Officer of the System, interpreter of policy adopted by the Board, and the only employee reporting directly to the Board. Operating under a line and staff form of organization, appropriate reporting lines are defined by the Chancellor.

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The System shall create and maintain a council and committee structure to create opportunities for employees, students and others to have input into the decision making process of the System.

The executive officers have direct access to the Chancellor and have line authority in their respective areas of responsibility.

**I.A.5.02 Participatory Governance**

Participatory Governance is 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. In this context, "participatory" refers to the responsibility for adequate consideration of an issue from all points of view. "Governance" refers to the process whereby policy issues are considered, formulated, presented and finally supported. Central to the decision-making process is the development of an environment characterized by openness and mutual trust and respect.

**I.A.6. Equal Educational and Employment Opportunities – Policy**

**I.A.6.01 Non-Discrimination Policy**

1. No officer or employee of the System, when acting or purporting to act in official capacity shall refuse to permit any student to participate in any school program because of the student's race, religion, color, gender, sexual orientation or national origin.
2. The System shall not fail or refuse to hire, promote or retain any individual, shall not discharge any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, religion, gender, sexual orientation, national origin, disability age, or veteran's status.

Nor shall the System limit, segregate, or classify its employees or applicants for employment in any way that would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect the status as an employee because of the individual's race, color, religion, gender, sexual orientation or national origin.

*LSCS Policy Manual Section adopted by the Board of Trustees on May 5, 2011*

**I.B. BOARD RESPONSIBILITIES, POWERS AND DUTIES**

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**I.B.1. Board Governance**

**I.B.1.01 General**

The Lone Star College Board of Trustees (referenced in this Section 1 as the “Board”) is responsible for ensuring that the Lone Star College System (referenced in this Section 1 as “System”) is an integral part of their communities and serve their ever-changing needs. Board members are accountable to the community for the performance and welfare of the Lone Star College System. To ensure effectiveness, the Board should function as a cohesive group to articulate and represent a balanced System and public interest, establish a climate for learning and monitor the effectiveness of the System. The Board does not do the work of the System; rather it establishes vision for the work through the policies it sets. This Policy Section I.B.1 on Board Governance shall be in addition to, but not in conflict with any other subsection within Section I entitled Board Policy Governance and Board of Trustees.

**I.B.1.02 Fulfill Responsibilities**

The Board shall, to the best of its collective and individual ability, meet its responsibilities and duties set forth in Board Policy. (See Policy Section I - Governance and Board of Trustees B. 2.02 and B.2.03.)

**I.B.1.03 Adhere to Ethical Standards**

1. Board members will maintain the highest ethical standards, abiding by Board policies with respect to ethics (Policy Section I - Governance and Board of Trustees B.3.01) and conflicts of interest (Policy Section I - Governance and Board of Trustees B.4.01 et. seq.). Board members serve in a fiduciary capacity and will conduct all matters with this standard in mind. A Board member's loyalty is to the entire System rather than to any part or constituency within it or in the community at large. No Board member shall make any request or demand for action that violates any law, the written policies, rules, or procedures of the Board or the System. As a fiduciary, and subject to the Texas law on the use or misuse of official System Information, Board members shall maintain strict confidentiality of information presented and discussed with the Board during its Closed Session Board Meetings and Board Committee Meetings; and of all information proprietary and belonging to the System, or information about the System that is not within the public domain. A violation and misuse by any Board member may be (i) considered Official Misconduct and subject to removal in accordance with Policy Section I C.3.04, and/or (ii) an Abuse of Office and subject to prosecution under Chapter 39 of the Texas Penal Code.
2. Board members do not receive any remuneration or emolument of office, but are entitled to reimbursement for their actual expenses incurred in performing their duties, to the extent

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authorized and permitted by the Board. Any expenses incurred by a Board member in performing their duties shall be fiscally conservative and understood to be subject to the Texas Public Information Act.

3. Board members should, when traveling via air, have the System pay the cost (or be reimbursed for the cost), of such coach fare; when out-of-town on the System's business, the System should pay a Board member's reasonable expense for lodging, meals and transportation costs thereto. All reimbursable expenses to Board members shall be documented to the System in accordance with the System's requirements.

**LB.1.04 Act as a Unit**

The Board governs as a unit, with one voice. This principle means that individual Board members have authority only when they are acting as a Board. They have no power to act on their own or to direct System employees or operations. The power of governance is expressed through one voice. As individuals, Board members make no commitments on behalf of the Board to constituents, nor do they criticize or work against Board decisions.

**LB.1.05 Represent the Common Good**

The Board exists to represent a balance between the System and the general public. They are responsible for balancing and integrating the wide variety of interests and needs into policies that benefit the common good and the future of the System. Board members should learn as much as they can about the communities they serve. They gain this knowledge by studying demographic, economic and social trends, by being aware of issues facing the community. They use what they learn in acting as a unit, with one voice in making decisions that respond to System and community interests, needs and values.

**LB.1.06 Set the Policy Direction**

The Board establishes policies that provide direction and guidance to the Chancellor and other System officers. A major Board responsibility is to define and uphold a vision and mission that clearly reflects student and community expectations. The Board should think strategically, concentrate on priority items and focus on the future learning needs of their communities. Board members engage in exciting, creative, thoughtful discussions as they explore the future and envision what they want their communities to be. Policies should set standards for quality, ethics and prudence in System operations.

**LB.1.07 Employ, Evaluate and Support the Chancellor**

Successful governance depends on a good relationship between the Board and the Chancellor. The Chancellor is the single most influential person in establishing Lone Star College System

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as the premier College System in the Country. Therefore selecting, evaluating and supporting the Chancellor are among the Board's most important responsibilities. The Chancellor and Board function best as a partnership. The Chancellor implements Board policies, while the Board depends on the Chancellor for guidance and educational leadership. This relationship works best when there are clear, mutually agreed-on expectations and role descriptions. The partnership thrives on open communication, confidence, trust, and support.

**LB.1.08 Create a Positive Climate**

The Board sets the tone for the entire System. Through their behavior and policies, the Board establishes a climate in which learning is valued, professional growth is enhanced, and the most important goals are student success and adding value to the community. The Board creates a positive climate when it looks to the future, acts with integrity, supports risk-taking, and challenges the Chancellor and System officers to strive for excellence.

**LB.1.09 Monitor Performance**

The Board is responsible for holding the Chancellor accountable for serving current and future community learning needs. The Board adopts the System's direction and broad goals as policy, and then monitors the 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. They receive periodic reports from System officers and review reports by and for external agencies, such as accreditation, audit, and state and federal accountability reports. All monitoring processes culminate in the evaluation of the Chancellor as the System leader. The Board's ability to monitor is enhanced when it defines the criteria and standards to be used well in advance of when reports are required, so that the Chancellor and staff are clear about what is expected.

**LB.1.10 Support and Be Advocates for the System**

Board members are advocates and protectors of the System. They promote the System in the community, and seek support for the college from local, state, and national policymakers. They protect the System's ability to fulfill its mission and promise to their communities.

**LB.1.11 Public Responsibility**

The Board is vested with the general supervision of the System's funds, recognizes a vital and crucial institutional responsibility to those with whom it has financial transactions. To the end that the financial integrity of the System shall always remain inviolate, the Board pledges that it will maintain constant vigil over its funds through regular review and periodic reports, including but not limited to each Board member's efficient personal use of funds for business purposes and while

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attending Board functions and Board professional development opportunities. No intrusion upon this commitment will be tolerated.

**LB.1.12 Duties and Requirements of Board Officers**

In addition to any duties set forth in Board Policy (Policy Section I - Governance and Board of Trustees D.1) Officers of the Board shall act as follows:

**LB.1.12.1 The Board Chair**

Shall preside at all regular and special meetings of the Board, sign all contracts duly authorized by Board policy, and appoint all committees not otherwise provided for, of which he and the Chancellor shall be ex-officio members. The Board Chair is the only person authorized to speak for the Board, except in instances where this authority is delegated by the Board Chair. The Chair shall have the right and power to vote on all issues brought before the Board. Additionally, the Chair shall have the authority to prepare or assist in the preparation of all agendas used for its meetings.

**LB.1.12.2 The Board Vice-Chair**

Shall preside in the absence of the Board Chair and is vested with the same power and duties as the Board Chair in those instances.

**LB.1.12.3 The Board Secretary**

Shall keep the official seal; maintain records of all meetings and other official actions, and correspondence of the Board.

**LB.1.12.4 The Assistant Secretary**

Shall assume the duties of the secretary in the absence of the secretary.

**LB.1.13 Self-Evaluation**

At least annually, the Board shall perform a self-evaluation of its performance, in the following categories and consider the issues mentioned below.

**LB.1.13.1 Board Organization**

1. The Board operates as a unit.
2. Board members uphold the final majority decision of the Board.
3. The Board considers and respects minority opinions.

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4. Board members understand that they have no legal authority outside Board meetings.
5. Board members represent Board policy in responding to public and employee questions.
6. Board members make decisions after thorough discussion and exploration of many perspectives.
7. The Board's decisions are independent of all partisan bias.
8. Board meetings are conducted in an orderly, efficient manner that allows for sufficient discussion.
9. The meeting agendas are relevant to the work of the Board.
10. The Board has adequate input into the planning of meeting agendas.
11. Meeting agenda items contain sufficient background information and recommendations for the Board.
12. Closed sessions are held as required and/or permitted by Texas law.
13. Board officer responsibilities are clear.
14. Board officer responsibilities are appropriate for the work of the Board.
15. Board committees have clear and appropriate responsibilities.
16. Board committees effectively assist the Board to do its work.
17. The Board's recruitment and selection processes reflect well on the system..
18. The Board's recruitment and selection processes attract excellent candidates.

**LB.1.13.2 Policy Role**

1. The Board understands that the primary function of the Board is to establish the policies by which the System is to be administered.
2. Board members understand and support the concept that Board policy is the primary voice of the Board.
3. The Board periodically reviews and evaluates its policies.
4. The Board assures a systematic, comprehensive review of Board policies.
5. The Board focuses on policy in Board discussions, not administrative matters.
6. The Board has clarified the difference between its policy role and the roles of the Chancellor and staff.
7. The Board policy manual is current, relevant, and useful.
8. Policy recommendations contain adequate information and are presented so that sufficient time is allowed for study and discussion.
9. The policy-making process is clear, public (except as prohibited by law), and inclusive.
10. The Board, through the Chancellor, seeks advice and recommendations from faculty, staff, and students in development educational policy.
11. The Board openly discusses issues and seeks the views of college constituents.

**LB.1.13.3 Community Relations**

1. The Board is committed to protecting the public interest.

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2. The Board effectively represents the "voice" of the community.
3. The Board has determined what benefits the community should derive from the System.
4. Board members act on behalf of the entire community.
5. The Board is knowledgeable about community and regional needs and expectations.
6. The Board has strategies for involving the community in discussion of issues that impact the community.
7. Board members maintain good relationships with community leaders.
8. The Board has protocols for dealing with the citizens and the media.
9. Board members keep the Chancellor informed of community contacts.
10. The Board encourages active cooperation by citizens, organizations, and the media.
11. The Board provides assistance to the Chancellor in developing educational partnerships with community agencies, businesses and local government, where appropriate.

**LB.1.13.4 Policy Direction**

1. The Board is knowledgeable about the mission and purposes of the institution.
2. The Board is appropriately involved in defining the vision, mission and goals.
3. The vision and goals of the institution adequately address community needs.
4. The Board has ensured that the mission and goals are sufficiently responsive to community current and future needs.
5. The Board bases its decisions in terms of what is best for students and the community.
6. The Board spends sufficient time discussing the future direction of the System.
7. The Board regularly reviews the mission and purposes of the institution.
8. The Board is knowledgeable about the educational programs that implement the mission of the System.
9. The Board is involved in setting expectations for broad student learning outcomes.
10. The Board maintains a future-oriented, visionary focus in Board discussions.
11. The Board annually sets annual priorities in conjunction with the Chancellor.
12. The Board requires long-range strategic planning.
13. The Board is appropriately involved in the planning process.
14. The Board understands the educational and legal context in which planning occurs.
15. The Board is familiar with the general strategic and master plans of the institution.
16. The Board encourages partnerships and other cooperative agreements with business, government, community agencies, and other educational institutions.

**LB.1.13.5 Board-Chancellor Relations**

1. The Board and Chancellor have a positive, cooperative relationship.
2. A climate of mutual trust and respect exists between the Board and Chancellor.
3. The Board sets clear expectations for the Chancellor.

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4. The Chancellor's job description is current and accurate.
5. The Board provides a high level of support to the Chancellor.
6. The Board maintains open communication with the Chancellor.
7. Board members are available to the Chancellor for support and feedback.
8. The Board effectively evaluates the Chancellor.
9. The Board has clear protocols for communicating with staff that include the Chancellor.
10. The Board clearly delegates the administration of the System to the Chancellor.
11. Board members keep the Chancellor informed about contacts with the community and staff.
12. Board members respect the role of the Chancellor as the link between the Board and staff.
13. The Board encourages the professional growth of the Chancellor.
14. The Board and Chancellor work cooperatively to maintain a broad perspective.

**LB.1.13.6 Standards for Lone Star College System Operations**

1. The Board is knowledgeable about the educational programs and services of the System.
2. The Board understands the fiscal condition of the organization.
3. The Board has established parameters for System budget planning.
4. The Board requires and is involved in long-range fiscal planning.
5. The Board understands the budget document.
6. The Board assures that the budget reflects System priorities in the mission and goals.
7. The Board has a long-range facilities plan.
8. Board policies adequately address parameters for facilities maintenance and appearance.
9. Board policies adequately address parameters regarding safety and security.
10. Board policies adequately address parameters for investments and management of assets.
11. Board policies adequately address parameters for fiscal management that meet audit standards.
12. The Board has policies that require fair and equitable employment processes.
13. The Board is committed to equal opportunity.
14. The Board has policies that require fair employee due process and grievance procedures that are permissible under state and/or federal law.
15. The Board has policies that require adequate participation in decision-making within the institution.

**LB.1.13.7 – Institutional Performance**

Through the Chancellor, the Board has a process for ensuring the effectiveness of:

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1. All educational programs
2. Fulfilling the System mission
3. Student learning outcomes and success of all students
4. The System influence within the community
5. The System accreditation process
6. State and federal accountability requirements and reports
7. Implementation of all Board policies

**I.B.1.13.8 Board Leadership**

1. The Board has a clear description of Board roles and responsibilities.
2. The Board understands its roles and responsibilities.
3. The Board adheres to its roles and responsibilities.
4. The Board understands and adheres to its legal responsibilities.
5. The Board adheres to a code of ethics or standards of practice.
6. Board members treat one another with respect.
7. Board members work together as a team to accomplish the work of the Board.
8. Board members are prepared for Board meetings.
9. The Board accommodates the differences of opinion that arise during debates of issues.
10. The Board bases its decisions upon all available facts in each situation.
11. Board members avoid conflicts of interest and the perception of conflicts of interest.
12. Board members may contribute single interest or their own professional perspectives to discussions, but always vote on behalf of the community as a whole.
13. Once a decision is made, Board members cease debate and uphold the decision of the Board.
14. The Board maintains confidentiality of privileged information.
15. The Board works together in a spirit of harmony and cooperation.
16. Through its behavior, the Board has set a positive example for the Chancellor and other employees.
17. The Board actively encourages creativity and innovation.
18. The Board is willing to take a stand for what it believes is right for students and the community.
19. The Board understands the political implications of its actions.
20. The Board works to build positive relationships with all stakeholders.
21. The Board considers the political ramifications of its decisions.

**I.B.1.13.9 Advocating for the Lone Star College System**

1. Board members are knowledgeable about the System's history, mission, and values.
2. The Board recognizes positive accomplishments of the System. Board members actively support the mission and values of the System.

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3. Board members speak positively about the institution in the community.
4. Board members support the Systems by attending various events.
5. The Board plays a leadership role in the local community.
6. Board members participate in community activities as representatives of the System.
7. The Board helps educate the local community about community college needs and issues.
8. Board members are knowledgeable about state laws and regulations.
9. Board members are knowledgeable about state and national educational policy issues.
10. The Board advocates System interests to state and national agencies and legislators.
11. The Board actively seeks political and civic support for the System.
12. The Board works to secure adequate public funding.
13. The Board actively supports the Systems' foundation and fundraising efforts.
14. The Board understands and protects the academic freedom of the faculty and administrators.
15. The Board supports the state and national community college trustee associations.

**LB.1.13.10 Board Education**

1. Candidates for the Board are educated about Board responsibilities and the college.
2. New members receive an orientation to the Board and the institution.
3. The Board strives to become increasingly more effective.
4. Board members are engaged in a continuous process of training and development.
5. The Board has an ongoing program of Board development.
6. Board members are knowledgeable about the roles and responsibilities of trusteeship.
7. The Board is knowledgeable about state and national laws and issues related to community colleges.
8. The Board is knowledgeable about major social and economic trends and issues that affect the institution.
9. The Board adequately studies issues prior to Board action.
10. The information provided to the Board is appropriate and relevant.
11. The information requested by and provided to Board members does not put an undue burden on staff.
12. Sufficient resources are allocated for Board members to attend conferences.
13. Board members are up-to-date on community colleges' issues through reading and attendance at conferences.
14. Board members devote time, thought, and study to the duties and responsibilities of a community college Board member.
15. The Board periodically evaluates itself.
16. The Board self-evaluation process provides useful information on Board performance.

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**LB.1.13.11 Board Goals**

One of the outcomes of a self-evaluation is the establishment of Board goals for the following year. The self-evaluation process may include a request that the Board assess how well the goals set in the prior evaluation were achieved.

*LSCS Policy Manual Section adopted by the Board of Trustees on May 5, 2011*

**I.B.2. Responsibilities, Powers and Duties**

**I.B.2.01 Powers Reserved**

All authority not vested by the laws of the state in the Coordinating Board or in the Central Education Agency shall be reserved and retained locally in the College System or in the Board, as provided by applicable law – Education Code, Sec. 130.002.

**I.B.2.02 Responsibilities**

The Board, being composed of lay members, shall exercise the traditional and time-honored role as it has evolved in the United States, and shall constitute the keystone of the governance structure. In this regard, the Board:

- a. Is expected to preserve institutional independence and to defend its right to manage its own affairs through its chosen administrators and employees.
- b. Shall enhance the public image of the College(s) under its governance.
- c. Shall interpret the community to the campus and interpret the campus to the community.
- d. Shall nurture the College(s) under its governance to the end that it achieves its full potential within its role and mission.
- e. Shall insist on clarity of focus and mission of the College(s) under its governance.

**I.B.2.03 Powers and Duties**

The Board shall have specific powers and duties imposed by statutes of the State. The Board has the legal power and duty to:

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- a. Govern – Be governed in the establishment, management, and control of the System by the general laws governing the establishment, management and control of public community colleges insofar as the general law is applicable. Have the exclusive power and duty to govern and oversee the management of the System.
- b. Set and collect tuition and fees – Set and collect any amount of tuition, rentals, rates, charges, or fees the Board considers necessary for the efficient operation of the System, within the requirements of Section 54.051(n) of the Education Code. The Board may set a different tuition rate for each program, course, or course level offered by the System, including a program, course, or course level to which a provision of Section 54.051 applies, as the Board considers appropriate to reflect course costs or to promote efficiency or another rational purpose.
- c. Provide Direction - Provide policy direction for the System and adopt such rules, regulations and bylaws as the Board deems advisable.
- d. Establish Goals - Establish goals consistent with the System’s role and mission.
- e. Levy Taxes - Levy and collect taxes and issue bonds.
- f. Assess and Collect Taxes - Provide for assessing and collecting of taxes.
- g. Adopt Annual Budget - The Board shall approve an itemized current operating budget on or before September 1 of each year.
- h. Conduct Annual Audit - Have the accounts audited in accordance with the approved financial reporting system.
- i. Submit Annual Reports - Submit the required annual reports to the Governor, Comptroller, State Treasurer, State Auditor, and Legislative Budget Board.
- j. Receive Bequests and Gifts – All bequests and gifts shall be received and accepted by the Lone Star College System Foundation for and in behalf of the Board and/or System. The Chancellor, or designee, shall report to the Board on a quarterly basis as to all bequests and gifts received.
- k. Establish Endowment Fund - Establish an endowment fund outside the state treasury in a depository selected by the Board.
- l. Select Depository - Select a depository for the System Funds.

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- m. Order Elections - Order elections as required by law.
- n. Exercise Eminent Domain - Exercise the right of eminent domain to acquire property.
- o. Appoint Chancellor - Appoint the Chancellor, evaluate the Chancellor, and assist the Chancellor in the achievement of performance goals. Give public notice of the name or names of the finalists being considered for the position of Chancellor at least 21 days prior to the meeting at which final action or vote is to be taken on the employment of the individual.
- p. Employ Personnel - Appoint or employ agents, employees, and officials as deemed necessary or advisable to carry out any power, duty, or function of the Board; employ a dean, or other administrative officer; upon the Chancellor's recommendation, employ faculty and other employees of the System.
- q. Pass Resolutions or Orders - Proceed by and through resolutions or orders adopted or passed by the Board. The affirmative vote of a majority of all Board members shall be required to adopt or pass a resolution or order.
- r. Fix and Collect Rentals, Rates and Charges - Be authorized to fix and collect rentals, rates, charges or fees, including student union fees from students and others for the occupancy, use or availability of all or any of its property, buildings, structures, activities, operations or facilities, of any nature, in such amounts and in such manner as may be determined by the Board.
- s. Acquire Property - May acquire and hold real and personal property, and dispose of property that is no longer necessary for the operation of the System, in any appropriate manner.
- t. Hold Title to Property - Hold all rights and title to the property of the System, whether real or personal.
- u. Lease Property - Execute, perform and make payments under contracts, which may include leases, leases with option(s) to purchase, or installment purchases with any person for the use, acquisition or purchase of any personal property, or the financing thereof. The contracts shall be on terms and conditions that are deemed appropriate by the board in accordance with state law.
- v. Retain Real Estate Broker - Employ, retain, contract with or compensate a licensed real estate broker or salesperson for assistance in the acquisition or sale of real property.

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- w. Sue - Sue or be sued.
- x. Communicate with Coordinating Board - Ensure that its formal position on matters of importance to the System is made clear to the Coordinating Board, when such matters are under consideration by the Coordinating Board.
- y. Set Admissions Standards - Set campus admission standards consistent with the role and mission of the System, and considering admission standards nationwide, having a similar role and mission, as determined by the Coordinating Board.

**I.B.2.04 Taxing Authority**

- a. Appraisal - Appraisal of taxable property in the System shall be conducted by the countywide appraisal district.
- b. Assessment and Collection - Taxes may be assessed and/or collected by the tax assessor-collector for a county, city, taxing district or other governmental subdivision in which all or any part of the System is located. Tax assessors and tax collectors shall receive compensation in an amount agreed to, but not to exceed two (2) percent of the ad valorem taxes assessed.

The System shall have its taxes assessed by and collected by the Harris County Assessor and Collector of Taxes, and the Montgomery County Assessor and Collector of Taxes.

- c. Professional Requirements - The tax assessor-collector and staff of the political subdivision that assesses and/or collects the System's taxes shall comply with requirements of the Property Taxation Professional Certification Act.
- d. Limit on Contracting - The System may not enter into a contract relating to the performance of an activity governed by Title 1 of the Tax Code (i.e., the Property Tax Code) with a member of the Board of Directors of the appraisal district or districts in which the System participates, or with a business entity in which a member of the appraisal board has a substantial interest.

An individual has a "substantial interest" in a business entity if the combined ownership of the individual and the individual's spouse is at least ten (10) percent of the voting stock or share of the business entity, or the individual or the individual's spouse is a partner, limited partner or officer of the business entity.

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“Business Entity” means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust or other entity recognized by law.

**I.B.2.05 Board Authority**

Because the Board is a body corporate, members can perform no valid act except as a body, at meetings properly convened and conducted.

Each Board member shall have the legal responsibility of a fiduciary in the management of funds under the control of the System, subject to the Board’s control and management.

The Board has final authority to determine and interpret the policies that govern the System and, within the limits imposed by other legal authorities, has complete and full control of the System.

**I.B.2.06 Transacting Business**

Official Board action shall be taken only in meetings that comply with the Texas Open Meetings Act. The affirmative vote of a majority of all Board members shall be required to transact business. (See “Board Meetings”, below). Each action of the Board, supported by the majority, is binding on the whole Board.

**I.B.2.07 Individual Board Member Authority**

A Board member, as an individual, shall have no authority over the System, its property, or its employees. However, as noted by the Attorney General in Opinion No. JM-119 (1983), individual Board members retain the right to seek information from System records and employees, without specific Board authorization, so long as they follow any relevant Board policies in seeking that information.

Each Individual Board member, in his or her official capacity as a public officer entrusted with governing and overseeing the management of the System, has an inherent right of access to records maintained by the System, under Board policies for orderly access.

An individual Board member may act on behalf of the Board only with the official authorization of the Board. Without such express authorization, no individual member may commit the board on any issue. No individual member of the Board may exercise authority with respect to the operation of the System or services of System employees by virtue of their status as a Board member.

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If a citizen brings a complaint to an individual Board member, he or she shall refer the complainant to the Chancellor or designee, who shall proceed according to appropriate Board policy.

**I.B.2.08 Staff Authority**

Except as authorized by these policies, no employee or agent shall have the authority to bind the System contractually.

*LSCS Policy Manual Section adopted by the Board of Trustees on March 3, 2011*

**I.B.3. Ethics**

**I.B.3.01 Statement of Ethics**

A member of the Board shall strive to improve public education and, to that end, shall adhere to the following ethical standards:

- a. Attend all regularly scheduled Board meetings insofar as possible, and become informed concerning issues to be considered at those meetings.
- b. Work with other Board members to establish effective Board policies, and to delegate authority for administration of the Colleges to the Chancellor.
- c. Recognize that policy decisions should be made only after full discussion at publicly held Board meetings.
- d. Render all decisions based on the available facts and independent judgment, and refuse to surrender that judgment to individuals or special interest groups.
- e. Encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and students, staff and all elements of the community.
- f. Communicate to other Board members and the Chancellor expressions of public reaction to Board policies and College programs.
- g. Be informed about current educational issues by individual study, and through participation in programs providing needed information, such as those sponsored by the American Association of Community Colleges, and the Association of Community College Trustees.

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- h. Support the employment of those persons best qualified to serve as College staff, and insist on a regular and impartial evaluation of all staff.
- i. Avoid being placed in a position of conflict of interest, and refrain from using Board position for personal or partisan gain.
- j. Take no private action that will compromise the Board or administration, and respect the confidentiality of information that is privileged under applicable law.
- k. Remember always that the first and greatest concern of Board members must be the educational welfare of the students attending the colleges.

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

**I.B.4. Conflict of Interest**

The Board may contract with a business entity in which a Board member has a substantial interest if the Board member follows the disclosure and abstention procedure set out below.

**I.B.4.01 –Substantial Interest Affidavit and Abstention From Vote**

If a board member or a person related to a board member in the first degree by either affinity or consanguinity has a substantial interest in a business entity or in real property, the board member, before a vote or decision on any matter involving the business entity or the real property, shall file an affidavit with the official Board record-keeper stating the nature and extent of the interest and shall abstain from further participation in the matter if:

- a. 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 that is distinguishable from the effect on the public; or
- b. In the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

**I.B.4.02 -Separate Vote**

The Board shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a Board member has a substantial interest. The affected Board member shall not participate in that separate vote, but

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may vote on a final budget if he or she filed the affidavit, and the matter in which he/she is concerned has been resolved. A Board member may perform an otherwise “prohibited act” (see below) if a majority of the Board members are required to file affidavits of similar interests on the official action.

**I.B.4.03 Conflicts Disclosure Statements**

Each board member and the Chancellor, as a local government officer of the System, shall file a conflicts disclosure statement, as adopted by the Texas Ethics Commission, with respect to an applicable vendor if the vendor enters into a contract with the System or the System is considering entering into a contract with the vendor; and the vendor has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12 month period preceding the date the Board member or Chancellor becomes aware that a contract with a vendor described above has been executed or the System is considering entering a contract with the vendor; or has given to the local government officer or a family member of the officer one or more gifts, other than gifts of food, lodging, transportation, or entertainment accepted as a guest, that have an aggregate value of more than \$250 in the 12-month period preceding the date the officer becomes aware that such a contract has been executed; or the local governmental entity is considering entering into a contract with the vendor.

A Board member is not required to file a conflicts disclosure statement in relation to a gift accepted by the officer or a family member of the officer if the gift is:

- a. given by a family member of the person accepting the gift;
- b. a political contribution as defined by Title 15, Election Code; or
- c. food, lodging, transportation, or entertainment accepted as a guest.

The Board member and the Chancellor shall file the conflicts disclosure statement with the records administrator of the System not later than 5:00 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of the statement.

The System shall provide access on the System’s Internet Web site to all filed conflicts disclosure statements and questionnaires.

The conflicts disclosure statement is required in addition to the substantial interest affidavit and interest in property affidavit referenced below.

**I.B.4.04 Prohibited Acts**

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Except as provided above, a Board member shall not knowingly:

- a. Participate in a vote or decision on a matter involving a business entity or real property in which the Board member has a substantial interest if it is reasonably foreseeable that an action on the matter would have a special economic effect on the business entity that is distinguishable from the effect on the public, or will have a special economic effect on the value of the property, distinguishable from its effect on the public.
- b. Act as surety for a business entity that has a contract, work or business with the System.
- c. Act as surety on any official bond required of an officer of the System.

**I.B.4.05 – Definitions**

- a. “Business Entity” - Business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust or any other entity recognized by law.
- b. “Substantial Interest” - A person has a substantial interest in a business entity if either of the following is the case:
  - i. The person owns at least:-
    - 10% of the voting stock or shares of the business entity; or
    - Either 10% or \$15,000 of the fair market value of the business entity; OR
    - Funds received by the person from the business entity exceed 10% of the person’s gross income for the previous year.

A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

A Board member is considered to have a substantial interest if a person related in the first degree by either affinity or consanguinity to the Board member, as determined under Government Code Chapter 573 (See “Nepotism” Section {below and}, Chapter IV - Human Resources, Board Policy Manual), has a substantial interest, as defined above.

If a Board member is required to file, and does file an affidavit, that Board member shall not be required to abstain from further participation in the matter or matters requiring such an affidavit if a majority of the Board members are likewise required to file, and do file, affidavits of similar interests on the same official action.

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- c. “Local Government Officer”- A local government officer is a member of the governing body of a local governmental entity, such as the System; or a director, superintendent, administrator, president, or other person designated as the executive officer of the local governmental entity, such as the Chancellor.
- d. “Records Administrator” - Records administrator” means the director, superintendent or other person responsible for maintaining the records of the System, such as the Chancellor, or designee.

**I.B.4.06 Prohibited Practices**

Each Board member is a public servant of the System and the State of Texas.

“Public servant” means a person elected, selected, appointed, employed, or otherwise designated as one of the following, even if the person has not yet qualified for office or assumed his or her duties:

- a. An officer, employee, or agent of government; or
- b. A candidate for nomination or election to public office.

The following practices are strictly prohibited and include, but are not limited to, the following activities:

- a. Bribery A Board member shall not intentionally or knowingly offer, confer, agree to confer, solicit, accept or agree to accept a benefit:
  - i. as consideration for the Board member’s decision, opinion, recommendation, vote or other exercise of official discretion;
  - ii. as consideration for a violation of a duty imposed on the Board member by law;
  - iii. that is a political contribution as defined by Title 15 of the Election Code, or an expenditure made and reported as a lobbying expense in accordance with Government Code, Chapter 305, 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.

“Benefit” means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the Board member has a direct and substantial interest.

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- b. Abuse of Office - A Board member shall not, with intent to obtain a benefit or with intent to harm another, intentionally or knowingly violate a law relating to the office, or misapply anything of value, belonging to the System, that has come into his/her custody by virtue of his/her office.

“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.

- c. Bank Relations - A Board member who is a stock holder, officer, director or employee of a bank that has bid to become a depository for the System shall not vote on the awarding of a depository contract to said bank.

If a Board member has a substantial interest in a bank with which the System is considering entering into a loan or other transaction besides a depository contract, the Board member must comply with the affidavit of abstention requirements.

- d. Incompatibility of Office - A Board member may not occupy 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.
- e. Gifts - A Board member exercises discretion in connection with contracts, purchases, payments, claims, and other pecuniary transactions involving the System. As such, a Board member shall not solicit, accept, or agree to accept any benefit from a person the Board member knows is interested in or likely to become interested in any such transactions of the System.

A Board member who receives an unsolicited benefit that he or she is prohibited from accepting under this section may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax exempt charitable organization formed for educational, religious, or scientific purposes.

- f. Nepotism - Except as otherwise allowed by law, no person shall be employed in the System who is related to a member of the Board by blood (consanguinity) within the third degree, or by marriage (affinity) within the second degree. (See Nepotism Chart in this Chapter).

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The Board shall not hire as an independent contractor for personal services an individual who is related to a Board member by blood (consanguinity) within the third degree, or by marriage (affinity) within the second degree. (See Nepotism Chart in this Chapter).

- g. Disclosure of Interest in Property - If a Board member or candidate for a Board member position has legal or equitable interest in any real property or personal property acquired with public funds, either by purchase or condemnation, and has actual notice of the acquisition or intended acquisition of the property, the Board member or candidate shall file an affidavit as follows:
- i. The affidavit shall be filed with the county clerk(s) of the county or counties in which the property is located, and of the county in which the Board member or candidate resides, within ten (10) days prior to the acquisition of the property.
  - ii. The affidavit shall include the following information:
    - The name of the Board member or candidate and the public office held or sought;
    - A full and complete description of the property;
    - A full description of the nature, type and amount of interest in the property, including, but not limited to, the percent ownership interest in the property, and the date the interest was acquired;
    - A verification, as prescribed by law, of the truth of the information in the affidavit;
    - An acknowledgment of the same type as required for the recording of deeds in the deed records of the county clerk's office.

**NOTE: Special requirements exist when federal funds are involved.**

- h. Employment of a Former Trustee - A former trustee of the System may not accept employment with the System until the first anniversary of the date the Trustee's membership on the Board ends.

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

**I.C. BOARD MEMBERS: ELIGIBILITY, ELECTIONS, APPOINTMENT AND DEVELOPMENT**

**I.C.1. Board Members – Eligibility and Benefits**

**I.C.1.01 Qualifications**

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To hold office as a member of the Board of Trustees, one must:

- a. be a United States citizen;
- b. be 18 years of age or older on the first day of the term to be filled at the election, or on the date of appointment, as applicable;
- c. have not been determined by a final judgment of a court exercising probate jurisdiction to be;
  - i. totally mentally incapacitated; or
  - ii. partially mentally incapacitated without the right to vote
- d. have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities;
- e. have resided continuously in the state for twelve (12) months, and in the territory from which the office is elected for six (6) months;
- f. be a qualified (registered) voter;
- g. take the official oath of office;
- h. serve without compensation;
- i. reside in the District.

**I.C.1.02 Residence – Defined**

“Residence” shall mean domicile – one’s home and fixed place of habitation to which one intends to return after any temporary absence. One does not lose one’s resident status by leaving to go to another place for temporary purposes.

**I.C.1.03 Compensation and Expenses**

Board members shall not receive any remuneration or emolument of office, with the exception of certain health and life insurance benefits as provided by state law. Board members shall be entitled to reimbursement for their actual expenses incurred in performing their duties, to the extent authorized and permitted by the Board.

**I.C.1.04 Reimbursement of Costs and Expenses**

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Board members shall be reimbursed for reasonable expenses incurred in carrying out Board business, with prior Board approval, and for reasonable expenses incurred while attending meetings and conventions as official representatives of the Board. System charges may be made to the System for registration fees, air travel and lodging. An amount for Board member travel expense reimbursement shall be approved in the budget each year.

Reimbursement shall be made by the System upon submission of a detailed record of expenses, which shall be reviewed by the Chancellor, and submitted to the Business Office. A Board committee designated by the Board may review individual Board members' records of expenses. Travel expenses for a Board member's spouse, or any other person traveling with the Board member, shall not be reimbursed by the System, but shall be at the expense of the Board member, except in the instance of group meals that constitute an official function. All registration fees, travel arrangements, and hotel reservations for such meetings will be made through the Chancellor's office, as appropriate.

**I.C.1.05 Board Member Tuition Waivers**

Current Board members, and former Board members who served at least a full six-year term of office, shall be entitled to the same tuition waiver benefit as granted full-time employees.

**I.C.1.06 Benefits Former Board Members**

Former members of the Board of Trustees, who served at least a full six-year term of office, shall be accorded the same privileges and benefits accruing to current serving members, as allowed by law.

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

**I.C.2. Board Members – Elections and Appointments**

**I.C.2.01 Elections**

At least three Board members shall be elected at each election, the number of members depending upon that required to constitute a Board of nine (9) members to serve terms of six (6) years each.

**I.C.2.02 – Single-Member Districts**

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Election of Board members shall be by single-member districts, with three (3) district Board members elected from their respective districts in November of each even-numbered year.

*LSCS Policy Manual Section adopted by the Board of Trustees on October 10, 201*

**I.C.2.03 Filing Information**

A candidate for any position may have his or her name printed on a ballot for election to any position to be filled at each regular election by filing a completed application form, accompanied by a \$200 filing fee, or by filing a petition, signed by 200 registered voters of the System, with the Secretary of Board, no later than the 62nd day before the day of the election .

An application may not be filed before the 30th day before the date of the filing deadline.

The application must state the number of the position for which the candidate is filing, or the name of the incumbent member of the Board holding the position sought. The location on the ballot of the names of the candidates for each position shall be chosen by lot, by the Board. The candidate shall be eligible to run for only one position in each election.

**I.C.2.04 Write-In Voting**

In a general or special election for members of the governing body of a junior college district, a write-in vote may not be counted for a person unless the person has filed a declaration of write-candidacy with the Secretary of the Board in the manner provided for write-in candidates in the general election for state or county officers.

A declaration of write-in candidacy must be filed no later than 5:00 p.m. of the 5th day after the date the application for a place on the ballot is required to be filed, unless the election is held in November of an odd-numbered year in which case the last day to file is the 67th day before election day.

Subchapter B, Chapter 146, Election Code, applies to write-in voting in an election for members of the Board of Trustees, except to the extent of a conflict with this section.

**I.C.2.05 Residency Term – Pre-filed Candidacy**

An individual seeking election to the office of member of the Board of Trustees, by having his or her name placed on the ballot, must have resided continuously in the state for twelve (12) months, and in the District for six (6) months prior to the last date on which the candidate could file to be listed on the ballot.

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**I.C.2.06 Residency Term – Write-In Candidacy**

An individual seeking election to the office of member of the Board of Trustees by write-in vote must have resided continuously in the state for twelve (12) months, and in the District for six (6) months prior to the day of the election.

**I.C.2.07 Appointment to Position on Board**

A Board position may be filled by appointment when the Board, by resolution or order, decides to appoint an individual (rather than call a special election) to fill the vacancy of an unexpired term, created by death, resignation or otherwise.

To be eligible for appointment to a vacant Board position, an individual must have resided continuously in the state for twelve (12) months, and in the District for six (6) months prior to the day on which the appointment is made.

**I.C.2.08 Election of Unopposed Candidate**

A political subdivision, other than a county, in which write-in votes may be counted only for names appearing on a list of write-in candidates, may declare each unopposed candidate elected to the office if:

- a. each candidate whose name is to appear on the ballot is unopposed; and
- b. no proposition is to appear on the ballot.

The Board may declare each unopposed candidate elected to the office, upon receipt of certification from the authority responsible for having the official ballot prepared. The certification must state that only one candidate's name is to appear on the ballot for that office and no candidate's name is to be placed on a list of write-in candidates for that office under applicable law. If the Board makes such a declaration, the election is not held. A copy of the order or ordinance must be posted on Election Day at each polling place that would have been used in the election.

**I.C.2.09 Loyalty Oath**

Before a candidate can have his or her name placed on the ballot, he or she must execute and have notarized the loyalty oath.

**I.C.2.10 Nepotism**

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A candidate shall not take any affirmative action to influence a System employee or current Board member regarding the appointment, re-appointment, employment, confirmation, re-employment, change in status, compensation or dismissal of a person related to the candidate by blood (consanguinity) within the third degree, or by marriage (affinity) within the second degree. (See Nepotism Chart in this Chapter).

However, this prohibition does not apply to a candidate's actions taken with respect to a bona fide class or category of employees or prospective employees.

**I.C.2.11 Date of Election**

The election of members to the Board of Trustees shall be on even numbered years and following the United States Federal Election schedule traditionally on the first Tuesday in November.

*LSCS Policy Manual Section adopted by the Board of Trustees on October 10, 2013*

**I.C.2.12 Notice**

The Board shall call the election not later than the 62nd day before Election Day, except for an election held on the general election day in November, in which the election shall be called not later than the 70th day before Election Day. Notice of the election shall be posted not later than the 21st day before Election Day in a place convenient to the public in the Administrative Offices of the System, and shall also be published at least once, not earlier than the 30th day or later than the tenth (10th) day before election day, in a newspaper published within the System's boundaries, or in a newspaper of general circulation in a county where the System is located, if none is published within the System's boundaries.

The Board shall also deliver, no later than the 60th day preceding the election, notice of the election to the county clerk of each county in which the System is located.

The notice shall state the nature and date of the election, the location of each polling place, and the hours the polls will be open. The Board shall retain a copy of the published notice that contains the name of the newspaper and the date of publication and shall preserve that copy for twenty-two (22) months after the Election Day.

**I.C.2.13 Polling Places Accessible**

Each polling place shall be accessible to and usable by the elderly and persons with physical disabilities.

**I.C.2.14 Voters with Disabilities**

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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. § 294), and amendments, and Title II of the Americans with Disabilities Act (ADA) (42 U.S.C. §§ 12131 et. seq.), and amendments, that provides a practical and effective means for voters with physical disabilities to cast a secret ballot.

**I.C.2.15 Bilingual Materials**

The System shall provide bilingual election materials, as specified by law, when:

- a. The director of the federal census determines that:
  - i. More than five (5%) percent or more than 10,000 of the citizens of voting age of the District are members of a single language minority and are limited-English proficient, and
  - ii. The illiteracy rate of the citizens in the language minority as a group in higher than the national illiteracy rate, illiteracy defined as the failure to complete the fifth primary grade; or
- b. Five (5%) percent or more of the inhabitants of a county are persons of Spanish origin or descent, according to the most recent federal decennial census officially recognized by the state or political subdivisions. An election precinct may be exempted from the requirement if official census information indicates that persons of Spanish descent comprise less than five (5%) percent of the precinct's inhabitants. If the District includes territory in more than one county, the bilingual materials must be used in each precinct that includes territory lying within a county in which 5% or more of the inhabitants are of Spanish origin or descent.

“Language minorities” include American Indian, Asian American, Alaskan natives, or people of Spanish heritage.

“Limited-English proficient” means unable to speak or understand English adequately enough to participate in the electoral process.

**I.C.2.16 Voting Rights Act**

The Board, being subject to the provisions of the Voting Rights Act of 1965, shall submit any changes that affect elections to the U.S. Justice Department for pre-clearance, and shall implement such changes unless the Justice Department interposes an objection within 60 days after the date of submission.

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**I.C.2.17 Early Voting**

The Board shall provide for early voting in Board elections, as provided by law.

**I.C.2.18 Canvass Returns**

For elections held on the uniform election day in May, the Board shall canvass the returns at the time set by the presiding officer not later than the eleventh (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 U.S. Two members of the Board constitute a quorum for purposes of canvassing an election.

**I.C.2.19 Majority Vote Required**

A candidate receiving a majority of the votes cast for a 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.

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

**I.C.2.20 Certificate of Election**

After the completion of a canvass, 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 date of the election;
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, subject to the submission of a recount petition.

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A recount petition shall delay the issuance of a certificate of election and qualification for the office involved in the recount pending completion of the recount. A candidate may not qualify for an office involved in a recount before completion of the recount. A candidate who has received a certificate of election and qualified for an office before the submission of a recount petition shall not be affected by the recount petition.

A certificate of election may not be issued to a person who has been declared ineligible to be elected to the office.

The presiding officer of the canvass shall also prepare a report of the precinct results as contained in the election register and shall deliver the report to the secretary of state as required by law.

**I.C.2.21 Statement of Officer and Oath of Office**

Newly elected Board members shall sign and file with the Secretary of State the required Statement of Officer. After the statement has been filed, and certificates of election have been issued, but before entering upon the duties of the office, the Board member shall take the oath of affirmation of office, and shall file it with the Chair of the Board.

The oath may be administered, and a certificate of the fact given by:

- a. a judge, retired judge, clerk or commissioner of any court of record
- b. a notary public
- c. a justice of the peace or clerk of a justice court
- d. the Secretary of State of Texas
- e. a member or a retired member of the State Legislature
- f. the Lieutenant Governor of Texas
- g. the Governor of Texas
- h. the Attorney General.

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

**I.C.3. Board Members – Vacancies and Removal from Office**

**I.C.3.01 – Vacancies**

Any vacancy occurring on the Board through death, resignation or otherwise, shall be filled by a special election ordered by the Board, or by appointment by resolution or order of the Board. If the vacancy occurs on a Board whose members are elected at large/by position, the person appointed to fill the unexpired term shall serve until the next regular election of members of the Board, at which time, the position shall be

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filled by election for a term appropriately shortened to conform with what regularly would have been the length of term for that position.

**I.C.3.02 Resignation**

To be effective, a Board member's resignation must be in writing and signed by the Board member, and must be delivered to the Board for action, in the form of acceptance. The Board may not refuse to accept a resignation. If a Board member submits a resignation, whether for immediate effect or for some future date, a vacancy occurs on the date the Board takes action to accept the resignation, or on the eighth (8th) day after its receipt by the Board, whichever is earlier.

**I.C.3.03 Non-Residence**

A person elected to serve as a Board member must remain a resident of the District through the term of office. A Board member who ceases to reside in the District vacates his or her office.

The Board may require member(s) to file an affidavit with the Chair of the Board, stipulating that the member(s)' residence is located within the District.

**I.C.3.04 Removal from Office**

Board members may be removed from Board membership for 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), conviction by a judge or jury for any felony or for misdemeanor official misconduct, or for absences from more than half of the regularly scheduled Board meetings that the member is eligible to attend during a calendar year, not counting an absence for which the member is excused by a majority vote of the Board. A Board member is considered absent from a regular Board meeting if he or she participates by telephone conference but is not physically present at a regular Board meeting.

“Official Misconduct” includes, but is not limited to, conviction of an offense relating to the making or authorizing of separate, sequential or component purchases to avoid the purchasing contracts requirements.

Actions for removal of Board members must be brought before the judge of the District Court holding jurisdiction, except that any court convicting a Board member of a felony or official misconduct shall order immediate removal.

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

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**I.C.4. Board Member Development and Training**

**I.C.4.01 – Purpose**

In accordance with the intent of the Legislature and the expectations of the public to provide competent representation, the Board encourages individual Board members to engage in programs of training and continuing education in trusteeship and other areas of community college operations which will help trustees to perform the duties of office effectively.

**I.C.4.02 Authority**

The Board of Trustees must authorize all travel by individual Board members, and reimbursement of expenses associated with trustee education programs and institutional representation.

**I.C.4.03 Reimbursement of Development/Training Expenses**

Reasonable and customary expenses for transportation, lodging, meals and conference registration shall be borne by the System for individual Board members. Board members shall be responsible for the expenses of accompanying spouses, except in the instance of group meals that constitute an official function. When there is a differential in lodging rates for single or double occupancy, Board members shall be responsible for the difference of the two rates.

Board members shall follow System procedures regarding requests for reimbursement of travel expenses, and the use of System credit cards. Board members shall be reimbursed at System approved rates for mileage, except in cases where commercial airfare is less than the amount for mileage. In such instances, the reimbursement will be at the airfare rate.

**I.C.4.04 Frequency**

Except as otherwise provided by the Board of Trustees for specific purposes related to the best interest of the System, Board members shall generally be limited annually to one national and one state or regional trusteeship meeting.

Reasonable exceptions include, but are not limited to, institutional representation to higher education associations, the Legislature, the Texas Higher Education Coordinating Board, the Congress and agencies of the federal government.

**I.C.4.05 – Texas Higher Education Coordinating Board Training Programs:**

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The Texas Higher Education Coordinating Board (THECB) shall provide training for Board membership in accordance with Education Code, Sec. 61.084. A registration fee shall be paid by each Board member in an amount adequate to cover the costs incurred by the Coordinating Board, and other state agencies in providing the program. Such amount shall be determined prior to each seminar. Board members are eligible to attend such training programs, and shall be reimbursed for costs of registration, as well as actual expenses of travel, meals and lodging.

The content of the instruction at a training program offered pursuant to Education Code Sec. 61.084 shall focus on the official role and duties of Board members, and shall provide training in the areas of budgeting, policy development, and governance.

Topics may include:

- a. Auditing procedures and recent audits of public community/junior colleges;
- b. The enabling legislation that creates public community/junior colleges;
- c. The role of the Board, and the relationship between the Board and a college's administration, faculty, staff and students;
- d. The mission statements of public community/junior colleges;
- e. Disciplinary and investigative authority of the Board;
- f. The requirements of the Texas Open Meetings Act and the Texas Public Information Act;
- g. The requirements of conflict of interest laws and other laws relating to public officials;
- h. Any applicable ethics policies adopted by public community/junior colleges and the Texas Ethics Commission; and
- i. Any topic relating to higher education that the Coordinating Board considers important.

**I.C.4.06 Fee Reimbursement for Training Programs**

A Board member shall pay from private funds the required THECB course registration fees, and any costs of travel, meals and lodging. Neither the requested fee, nor a Board Member's travel costs shall be reimbursed from appropriated funds, other than grants and donations of private funds available for that purpose.

**I.C.4.07 Conventions, Workshops, Press Conferences and Ceremonial Events**

Board members may attend a regional, state or national convention or workshop, ceremonial event, or press conference without such gatherings being construed as "meetings" under the Texas Open Meetings Act. However, no formal action concerning System business shall be taken at such events and any discussions of public business shall be merely incidental to the event.

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**I.C.4.08 Open Government Training**

Within 90 days of taking the oath of office, each Board member shall complete a course of training on open meetings and open records provided by the Texas Attorney General or other approved source of training regarding the responsibilities of the Board and its members under Chapter 551 of the Texas Government Code.

**I.C.4.09 Reporting**

Each member of the Board attending a conference or workshop shall provide to the Board of Trustees a verbal report of the sessions and/or meetings which a Board member has attended.

**I.C.4.10 -Board Member Orientation**

The Board and the Chancellor shall provide an orientation for new Board members within the calendar year of their election, to assist them in understanding the Board's function, policies and procedures. Assistance given in the orientation of new Board members may include the following, as appropriate, or available:

- a. Selected materials on the responsibilities of being a contributing member of the Board.
- b. Material pertinent to meetings and an explanation of its use.
- c. Invitations to meet with the Chancellor and College Presidents, and other administrative personnel designated by the Chancellor to discuss services the administration performs for the Board.
- d. Access to a copy of the Board's policies and administrative regulations, and other documents and information currently in use by other Board members.
- e. Information regarding appropriate meetings and workshops.
- f. A formal orientation on legal and budgetary oversight responsibilities of the Board.
- g. Other information and activities as the Board or the Chancellor deems useful in fulfilling the role of Board member.

**I.C.4.11 -Annual Plan**

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The Chancellor shall work with the Board to develop and implement a plan to address the training needs of Board members.

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

**I.D. BOARD INTERNAL ORGANIZATION**

**I.D.1. Board Officers**

**I.D.1.01 Election of Officers**

Officers of the Board shall be elected at the first regular meeting of the Board following the regular election of Board members in odd-numbered years or at any time thereafter in order to fill a vacancy. Board shall be authorized to elect:

- a. Chair - A chair, who shall be a member of the Board.
- b. Vice Chair - A vice chair, who shall be a member of the Board.
- c. Secretary - A secretary, who may or may not be a member of the Board.
- d. Assistant Secretary - An Assistant Secretary, who may or may not be a member of the Board.
- e. Other Officers: The Board may elect any other officers as deemed necessary or advisable.

**I.D.1.02 Reorganization**

In addition to the required post-election organization, the Board may also re-organize officers at other times.

**I.D.1.03 Duties and Requirements of Board Chair**

The Board chair shall:

- a. Preside at meetings of the Board
- b. Have a vote the same as the other members
- c. Perform such other duties and functions as are prescribed by the Board and authorized by the Texas Education Code.

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**I.D.1.04 Duties and Requirements of the Vice Chair**

The vice chair of the Board shall assume the duties of the chair in the absence of the chair.

**I.D.1.05 Duties and Requirements of the Secretary**

The secretary of the Board shall:

- a. be the official custodian of the minutes, books, records and seal of the Board
- b. perform other duties and functions as prescribed by the Board.

**I.D.1.06 Duties and Requirements of the Assistant Secretary**

The assistant secretary of the Board shall assume the duties of the secretary in the absence of the secretary.

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

**I.D.2. Board Committees**

**I.D.2.01 Committee Structure**

The Board may, from time to time, as it deems necessary, create committees to facilitate the efficient operation of the Board. A committee that includes one or more Board members is subject to the Texas Open Meetings Act when it meets to discuss public business or policy.

A committee that includes less than a quorum of Board members is not subject to the Open Meetings Act if it serves a purely advisory function, with no power to supervise or control public business. However, should the committee actually function as something more than a merely advisory body with the result that it in fact supervises or controls public business or policy, it must comply with the Open Meetings Act to avoid depriving the public of access to the Board's actual decision-making process.

**I.D.2.02 Special or Ad Hoc Committees**

The Board or the Board chair may create special or ad hoc committees to handle special assignments. If the Board does not appoint members to such committees, the chair of the Board shall do so. Such committees shall terminate upon completion of their assignments, or such committees may be terminated by vote of the Board.

**I.D.2.03 – Audit Committee**

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The Board chair shall appoint three members to the Audit committee for a two (2) year period and coincide with biennial reorganization of the Board.

Duties of the Audit Committee are as follows:

**I. Hiring of External Auditor**

- A. The Board of Trustees Audit Committee (BAC) should obtain proposals from prospective external auditors at least every five years and confirm market pricing at least every two years.
  - 1. When evaluating submitted proposals from qualified external auditing individuals or firms (auditors), the BAC should consider:
    - a. The reputation of the auditors and the individuals assigned to the audit;
    - b. Recent or current clients of the auditor;
    - c. The auditor's familiarity with governmental entities similar to LSCS;
    - d. Estimated cost of the audit over the term of the contract;
    - e. The location of the primary offices of the auditor; and
    - f. Any other relevant information.
  - 2. The BAC should interview (preferably face-to-face) the top three prospective auditors after evaluations of all proposals have been completed.
  - 3. The BAC shall recommend to the Board of Trustees which auditor should be approved for the audit engagement.
  - 4. The BAC should review and execute an engagement letter each year, the engagement letter sets out the scope of the audit, including the proposed maximum fee. Any increase in the fee must be pre-approved by the BAC.

**II. Other Functions of the BAC**

- A. In the event of discovered malfeasance via internal or external audits, the Chancellor shall apprise the BAC in a timely manner regarding the findings of such discovery along with any corrective action taken or anticipated.
- B. The BAC will work and cooperate as needed with the LSCS's Chief Financial Officer and his/her staff with regards to the annual external audit engagement;
- C. The BAC shall meet at least one week prior to the regular board meeting when action on the annual audit report is scheduled. The auditors, the Director of Internal Audits, the Vice Chancellor for Administration and Finance/CFO, and

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his/her staff as appropriate shall attend the BAC meeting to respond to any questions the BAC may have concerning the auditor's report;

- D. The BAC shall submit a recommendation to the full Board of Trustees as to the action to be taken on the annual audit report. The recommendation and Board action must be completed prior to December 31 of each year;
- E. Upon approving the annual Internal Audit Plan, the Chancellor will provide the Board Audit Committee a confidential copy, and review any other areas of interest that may be included in the plan;
- F. At least annually, the BAC will review a summary status report prepared by the Director of Internal Audit and approved by the Chancellor.

*LSCS Policy Manual Section adopted by the Board of Trustees on December 1, 2011*

**I.D.3. Attorney and Advisory Committees**

**I.D.3.01 Attorney**

The Board may employ an attorney to provide legal counsel and representation for the interests of the Board and the System.

**D.3.02 Local Advisory Councils for Vocational Education**

The System, as a condition for receiving federal funds to operate vocational education programs, shall establish local advisory councils to provide advice on current job needs, and on the relevancy of courses being offered by the System, in meeting those needs.

The local advisory councils shall be composed of members of the general public, especially of representatives of business, industry and labor, and shall have an appropriate representation of both sexes, and of the racial and ethnic minorities found in the program areas that it serves.

Local advisory councils may be established for program areas, schools, communities or regions, whichever the System determines best to meet the needs of the System. The System may form a local advisory council composed of representatives from several craft committees, or representatives of several school councils, having the requisite representation described above.

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The System shall consult with the local advisory council in developing the System's application to the Coordinating Board.

The Board encourages the System to utilize local citizen advisory committees to enable the continued development of the System.

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

**I.D.4. Board Evaluation**

**I.D.4.01 Self-Evaluation**

The Board shall plan and conduct, at least annually, a thorough evaluation or review. This yearly review may include an analysis of:

- a. Board procedures
- b. Board member training
- c. Conflict resolution
- d. Working relationships with the Chancellor
- e. Conduct of Board meeting
- f. Long-range and strategic planning and goal-setting
- g. Relationship with the community

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

**I.E. BOARD MEETINGS**

**I.E.1. Meetings**

**I.E.1.01 Definitions**

“Meeting” means a deliberation among a quorum of the Board, or between a quorum of the board and 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.

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“Meeting” also means a gathering:

- a. that is conducted by the board or for which the Board is responsible
- b. at which a quorum of members of the Board is present
- c. that has been called by the Board, and
- d. at which the Board members receive information from, give information to, ask questions of, or receive questions from any third person, including, an employee of the System, about the public business or public policy over which the board has supervision or control.

“Deliberation” means a verbal exchange during a meeting among a quorum of the Board, or between a quorum of the Board and another person, concerning any issue within the jurisdiction of the Board, or any public business.

**I.E.1.02 Open Meetings**

Every meeting of the Board shall be open to the public. The Board may, however, exclude any witness or witnesses from a hearing during an examination of another witness in the matter being investigated, and may enter into a closed or executive session, as provided by law.

**I.E.1.03 – Recording**

All or any part of an open meeting may be recorded by any person in attendance by means of a tape 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. These rules shall not prevent or unreasonably impair a person from exercising the right to record a meeting that is open to the public.

Citizens wishing to either video tape or audio tape a LSCS Board of Trustees meeting must adhere to the following policies:

The Chancellor’s Office must be notified prior to the meeting of the citizen’s interest in recording the proceedings. All equipment that requires setting up must be assembled at least 30 minutes prior to the start of the meeting.

Video and/or audio recording must be conducted in a manner that does not interfere with the operation or proceedings of the meeting. The Board proceedings shall not be

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interrupted for the purpose of accommodating any individual's camera coverage or tape recording.

The presiding officer at the meeting may stop the audio or visual reproduction if the individual operating the equipment or the equipment is being disruptive or in any way interfering with the orderly conduct of the Board meeting.

Arrangements for placement of any special microphones or lighting equipment must be made with the Chancellor's staff prior to the beginning of the meeting. No strobes, flash lighting, or other bright lights that would impair the conduct of the meeting shall be used, unless approval has been obtained from the Chancellor and the Chair of the Board prior to the start of the meeting.

Those using video cameras to record the meeting should be located behind the audience area. Stationary equipment that requires setting up shall not be taken down during the course of the meeting, but may be removed during a recess or after the meeting is over.

No tape recorder or video camera shall be allowed in the executive closed session.

**I.E.1.04 Minutes**

Board action shall be carefully recorded by the clerk; when approved, these minutes shall serve as the legal record of official Board actions. The written minutes of all meetings shall be approved by vote of the Board and signed by the Chair and the Secretary of the Board.

The Board shall prepare and retain minutes or make a tape recording of each open meeting. The minutes shall state the subject matter of each deliberation, and shall indicate each vote, order, decision or other action taken. The minutes and tapes are public records, and shall be made available for public inspection and copying upon submission of an appropriate Public Information Act request to the Chancellor or his or her designee.

The official minutes of the Board shall be retained on file in the office of the Chancellor, and shall be available for examination during regular office hours.

**I.E.1.05 Notice Required – Lead Time and Accessibility**

The Board shall give written notice of date, hour, place and subject(s) of each meeting it holds.

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If the Board recesses an open meeting to the following regular business day, the Board is not required to post notice of the continued meeting if the action is taken in good faith and not to circumvent Government Code Chapter 551. If an open meeting is continued to the following regular business day and, on that following day, the Board continues the meeting to another day; the Board must give the required written notice of the meeting continued to that other day.

Notice of a Board meeting shall be posted on a bulletin board at a place convenient to the public in the central administration office and on its Internet website for at least 72 hours before the scheduled time of the meeting. That notice or a notice posted at another Board-designated place shall at all times be readily accessible to the public for at least 72 hours before the scheduled time of the meeting.

**I.E.1.06 Inquiry During Meeting**

If a member of the public or of the Board inquires at a meeting about a subject for which notice has not been given, the notice provisions do not apply to a statement of specific factual information given in response to the inquiry, or a recitation of existing policy in response to the inquiry. Any deliberation of, or decision about, the subject of the inquiry shall be limited to a proposal to place the subject on the agenda of a subsequent meeting.

**I.E.1.07 Notice – Specificity of Agenda**

Agendas for all meetings shall be sufficiently specific to inform the public of the subjects to be deliberated at the meeting, setting out any special or unusual matters to be considered or any matter in which the public has a particular interest. Deliberations or actions pertaining to the Chancellor or a college president are of particular public interest, and notice of those subjects must be worded with such clarity that the public will understand what the Board proposes to discuss or accomplish.

**I.E.1.08 Emergency Meeting or Emergency Addition to Agenda**

In an emergency, or when there is an urgent public necessity, the notice of a meeting or the supplemental notice of a subject added to an agenda posted in accordance with law, is sufficient if it is posted for at least two hours before the meeting is convened.

An emergency or urgent public necessity exists only if immediate action is required because of an imminent threat to public health and safety or a reasonably unforeseeable situation including, but not limited to, the sudden relocation of a large number of residents from the area of a declared disaster to a governmental body's jurisdiction for a reasonable period immediately following the relocation. The Board

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shall clearly identify the emergency or urgent public necessity for each item in the notice of an emergency meeting, and each item added in a supplemental notice.

**I.E.1.09 Special Notice to News Media**

The System shall provide notice of each meeting by telephone, facsimile transmission, or electronic mail to any news media that has requested it and agreed to reimburse the System for the cost of providing the special notice. When an emergency meeting is called or an emergency item added to an agenda, the Board chair shall notify by telephone, facsimile transmission, or electronic mail any news media who have previously requested special notice of all meetings. If the reason for the meeting relates to the sudden relocation of a larger number of residents as stated in the Board Policy E.I. 08 herein, notice to the news media must be given not later than one hour before the meeting.

**I.E.1.10 Quorum**

A majority of the members of the Board (e.g., five members of a nine-member Board, regardless of the number of vacancies) constitutes a quorum for meetings for the Board.

**I.E.1.11 Voting**

Voting shall be by record vote. The name of the person making a motion, the name of a person seconding it, and the vote shall be recorded in the minutes. Five affirmative votes are required for any action to be taken.

No vote shall be taken by secret ballot.

**I.E.1.12 Meeting by Conference Call**

The Board may hold an open or closed meeting by telephone conference call if a quorum of the Board is physically present at the location where Board meetings are usually held.

Each part of the telephone conference call meeting that is required to be open shall be audible to the public at the location where the quorum is present and shall be tape-recorded. The tape recording shall be made available to the public. The location of the meeting shall provide two-way communication during the entire telephone conference call meeting, and the identification of each party to the telephone conference shall be clearly stated before the party speaks.

**I.E.1.13 Notice – Telephone Conference Call Meeting**

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The telephone conference call meeting is subject to the notice requirements applicable to other meetings. The notice shall specify as the location of the meeting, the location where meetings of the Board are usually held.

**I.E.1.14 Video-conference Call Meeting**

A meeting may be held by video-conference call only if a quorum of the Board is physically present at one location of the meeting. A meeting held by video-conference call is subject to the notice requirements applicable to other meetings, in addition to the notice requirements applicable to meetings by video-conference call.

**I.E.1.15 Notice – Video-conference Call Meeting**

The notice of a meeting to be held by video-conference call must specify as a location of the meeting the location where a quorum of the Board will be physically present, and specify the intent to have a quorum present at that location.

In addition, the notice of the meeting must specify as a location of the meeting each other location where a Board member who will participate in the meeting will be physically present during the meeting. Each of the locations shall be open to the public during the open portions of the meeting.

Each portion of a meeting held by video-conference call that is required to be open to the public shall be visible and audible to the public at each location specified in the notice.

Each location specified in the notice shall have two-way communication with each other location during the entire meeting. Each participant in the video-conference call, while speaking, shall be clearly visible and audible to each other participant, and during the open portion of the meeting, to the members of the public in attendance at a location of the meeting.

**I.E.1.16 Recording – Video-conference Call Meeting**

The Board shall make at least an audio recording of the meeting. The recording shall be made available to the public for inspection and copying.

**I.E.1.17 Quality of Audio and Video Signals – Video-conference Call Meeting**

The quality of the audio and video signals perceptible at each location of the meeting must meet or exceed standards specified by the Department of Information

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Resources. The quality of the audio and video signals perceptible by members of the public at each location of the meeting shall:

- a. meet or exceed the quality of the audio and video signals perceptible by the Board members participating in the meeting; and
- b. be of sufficient quality so that members of the public at each location of the meeting can observe the demeanor and hear the voice of each participant in the open portion of the meeting.

**I.E.1.18 Remote Participation**

The Board may allow a member of the public to testify at a meeting from a remote location by video-conference call, even if a Board member is not participating in a meeting from a remote location.

**I.E.1.19 Internet Broadcast**

The Board may broadcast an open meeting over the Internet. If the Board broadcasts a meeting over the Internet, it shall establish an Internet site and provide access to the broadcast from that site. The Board shall provide on the Internet site the same notice of the meeting, within the time required for posting that notice, that the Board is required to post under the Texas Open Meetings Act.

**I.E.1.20 Attorney Consultation**

The Board may use a telephone conference call, video-conference call, or communications over the Internet to conduct a public consultation with its attorney in an open meeting of the Board, or a private consultation with its attorney in a closed meeting of the Board.

Each part of a public consultation by the Board with its attorney in an open meeting must be audible to the public at the location specified in the notice of the meeting as the location of the meeting.

This provision does not apply to allow such a consultation with an attorney who is an employee of the System. An attorney who receives compensation for legal services performed, from which employment taxes are deducted by the System, is an employee of the System.

**I.E.1.21 Legislative Committee of Agency Meeting**

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The attendance by a quorum of the Board at a meeting of a committee or agency of the legislature is not considered to be a meeting of the Board if the deliberations at the meeting by the Board members consist only of publicly testifying, publicly commenting and publicly responding to a question asked by a member of the legislative agency or committee.

**I.E.1.22 Passing Resolutions or Orders**

The Board shall proceed by and through resolutions or orders adopted or passed by the Board. The affirmative vote of a majority of all Board members shall be required to adopt or pass a resolution or order. The Board shall adopt such rules, regulations, and bylaws as it deems advisable.

**I.E.1.23 Hearing-Impaired Persons**

In a proceeding before the Board in which the legal rights, duties or privileges of a party are to be determined by the Board after an adjudicative hearing, the Board shall supply for a party who is deaf or hearing-impaired an interpreter who has qualifications approved by the Texas Commission for the Deaf and Hard of Hearing.

For purposes of this requirement, “deaf or hearing impaired” means having a hearing impairment, regardless of the existence of a speech impairment, that inhibits comprehension of a proceeding or inhibits communication with others.

**I.E.1.24 Calling Special Meetings**

The chair of the Board shall call a special meeting at the chair’s discretion, or upon request by three or more members of the Board.

**I.E.1.25 Calling Emergency Meetings**

The chair shall call an emergency meeting when the chair, or two or more of the members of the Board determine that an emergency or urgent public necessity warrants the meeting.

**I.E.1.26 Meeting Space**

Public attendance at Board meetings shall be limited to the number of seats available in the Board room, with the necessary number of seats to be reserved for staff, press and others who have official business at the meetings.

**I.E.1.27 Rules of Order**

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The Board shall observed the parliamentary procedures as found in Robert's Rules of Order, Newly Revised, except as otherwise provided in Board procedural rules, or by law. Procedural rules may be suspended at any Board meeting by majority vote of the members present.

**I.E.1.28 Discussions and Limitations**

Discussions shall be addressed to the Chair of the Board, and then the entire membership. Discussion shall be directed solely to the business currently under deliberation, and the Board Chair shall halt discussion that does not apply to the business before the Board.

The Board Chair shall also halt discussion if the Board has agreed to a time limitation for discussion of an item, and that time limit has expired. Aside from these limitations, the Chair shall not interfere with debate so long as members wish to address themselves to an item under consideration.

The Board may enter closed session at any time during the meeting, as permitted under the Texas Open Meetings Act.

**I.E.1.29 Faculty Representation**

The presidents of the colleges' faculty senates may designate from among themselves an official representative of the faculty to attend meetings of the Board. The purpose of the representation is to provide the Board with the faculty perspective in the discussion of matters coming before the Board, pertaining to the welfare of the faculty.

Recognition of this function does not supersede the role of the Chancellor as chief spokesperson to the Board on behalf of faculty, staff and students. Consequently, it is expected that concerns brought to the attention of the Board by the faculty representative will have been previously presented to the Chancellor.

The faculty representative is expected to attend all regular meetings of the Board and will be called upon by the Board chair during the meeting for comments, as appropriate.

**I.E.1.30 Place of Meeting**

Unless otherwise provided, Board meetings shall be held in the Board Room in the District Services and Training Center, 5000 Research Forest Drive, The Woodlands, Texas 77381.

**I.E.1.31 Day and Time of Regular Meeting**

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Regular meetings of the board shall be held on the first Thursday of each month at 6:00 pm, with the exception of January, when no regular meeting is scheduled, and July, when a budget workshop shall be scheduled, and as may be adjusted by majority vote of a quorum of Trustees at a duly called and posted public meeting.

**I.E.1.32 Time of Meeting – Special or Emergency Meetings**

The time for special or emergency meetings of the Board shall be as stipulated in the notice for the meeting.

**I.E.1.33 Agenda**

The agenda shall be prepared under the direction of the Chancellor, with the advice and consent of the Chair of the Board. Any Board member may place an item on the agenda.

**I.E.1.34 Notice to Members**

Members of the Board shall be given notice and agendas of regular and special meetings at least one week prior to the scheduled time of the meeting, and at least two hours prior to the time of an emergency meeting.

**I.E.1.35 Closed Meetings**

- a. Closed Session - Notice of all meetings shall provide for the possibility of a closed session during an open meeting, as provided by law.
- b. Exceptions for Closed Meetings - The Board may conduct a closed meeting for the purposes described in the following provisions:
  - i. Attorney Consultation - The Board may conduct a private consultation with its attorney when it seeks the attorney's advice about pending or contemplated litigation, or a settlement offer, or on a matter in which the duty of the attorney to the Board under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the requirement for open meetings.
  - ii. Real Property - The Board may conduct a closed meeting to deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the Board's position in negotiations with a third person.
  - iii. Prospective Gift - The Board may conduct a closed meeting to deliberate a negotiated contract or a prospective gift donation to the System, if deliberation

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in an open meeting would have a detrimental effect on the Board's position in negotiations with a third person.

- iv. Personnel Matters - The Board is not required to conduct an open meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, or to hear a complaint or charge against an officer or employee. However, an open meeting may be required if the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

For purposes of the closed meeting exception for personnel matters, an independent contractor, such as an engineering, architectural or consultant firm is not an employee.

- v. Employee Complaints - The Board is not required to conduct an open meeting to deliberate in a case in which a complaint or charge is brought against a System employee by another employee, and the complaint or charge directly results in the need for a hearing. However, the board may not conduct a closed meeting for this purpose if the employee against whom the complaint or charge is brought makes a written request for an open hearing.
- vi. Security Devices - The Board is not required to conduct an open meeting to deliberate the deployment, or specific occasions for implementation of security personnel or devices.
- vii. Assessment Instruments - The Board shall conduct a closed meeting to discuss or adopt individual assessment instruments or assessment instrument items.
- viii. Economic Development Negotiations - The Board is not required to conduct an open meeting: (1) to discuss financial information that the Board has received from a prospect that the Board seeks to have locate, stay or expand in or near the System, and with which the Board is conducting economic development negotiations; or (2) deliberate the offer of a financial or other incentive to such business prospect.
- ix. Other Reasons Allowed or Required by Law - The Board may meet in closed session as allowed or required under other applicable law.

### **I.E.1.36 Procedures for Closed Meetings**

If a closed meeting is allowed, the Board shall not conduct the closed meeting unless a quorum of the Board first convenes in an open meeting for which proper notice has been given, and the Board Chair has publicly announced that a closed meeting will be held, and has identified the section or sections of the Texas Open Meetings Act, or

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other applicable law under which the closed meeting is held. The Board shall reconvene the open meeting after a closed meeting prior to adjourning the meeting.

**I.E.1.37 Vote or Final Action**

A final action, decision or vote on a matter deliberated in a closed meeting shall be made only in an open meeting for which proper notice has been given.

**I.E.1.38 Certified Agenda or Tape Recording**

The Board shall either keep a certified agenda or make a tape recording of the proceedings of each closed meeting, except for private consultation with the System's attorney. 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 meeting, indicating the date and time.

The Board Chair shall certify that a certified agenda is a true and correct record of the proceedings. If a tape recording is made, it must include announcements by the Board chair at the beginning and end of the meeting, indicating the date and time.

Closed meetings may not be recorded by an individual Board member against the wishes of the majority of the Board.

**I.E.1.39 Preservation**

The Board shall preserve the certified agenda or tape recording of a closed meeting for at least two years after the date of the meeting. If a legal action involving the meeting is brought within that period, the Board shall preserve the certified agenda or tape recording while the action is pending.

**I.E.1.40 Public Access to Closed Session Record**

A certified agenda or tape recording of a closed meeting is available for public inspection and copying only under a court order issued as a result of litigation, involving an alleged violation of the Texas Open Meetings Act.

**I.E.1.41 Prohibitions**

No Board member shall knowingly call or aid in calling or organizing a closed meeting that is not permitted under the Texas Open Meetings Act, close or aid in closing a regular meeting to the public except as permitted under the Texas Open Meetings Act, or participate in a closed meeting that is not permitted under the Texas Open Meetings Act.

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No Board member shall participate in a closed meeting knowing that neither a certified agenda nor a tape recording of the closed meeting is being made.

**I.E.1.42 Scope of Participation**

Citizen participation will be permitted immediately prior to the Consideration of the Consent Agenda for those individuals who have registered and requested to speak. At all other times during Board meetings, the audience shall not enter into discussion or debate on matters being considered by the Board. No presentation before the Board shall exceed five (5) minutes. The maximum time for all citizen participation shall not exceed 30 minutes. Delegations of more than three (3) persons in speaking about a given agenda item shall appoint one person to present their views before the Board.

**I.E.1.43 Citizen Participation**

Board meetings are held to transact the business of the System. Citizens shall be allowed to address the Board by registering and requesting the right to speak by (i) [registering online](#) twenty-four (24) hours before the board meeting, or (ii) registering in person by printing the completed [online form](#) no later than 5 minutes before the Board Meeting is called to order.

**I.E.1.44 Disruption**

The following actions shall not be permitted at a Board Meeting: personal attacks regarding a named person or of 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 conduct that is disruptive. Additionally, pursuant to Chapter 42 of the Texas Penal Code, it is a Class B misdemeanor criminal offense for a person, with intent to prevent or disrupt a lawful meeting, to substantially obstruct or interfere with the meeting by physical action or verbal utterance.

**I.E.1.45 Firearms at System Meeting**

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

**I.E.1.46 Complaints and Concerns**

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All complaints and concerns that can be addressed and/or resolved through proper administrative channels shall be directed as follows:

1. Employee complaints - "Grievance" Section, Chapter IV - Human Resources
2. Termination of employment - "Employee Rights and Privileges" Section, Chapter IV - Human Resources
3. Student complaints - "Student Welfare and Rights" Section, Chapter VI - Students
4. Student discipline and penalties - "Student Responsibilities" Section, Chapter VI - Students
5. Student Organizations - "Student Welfare and Rights" Section, Chapter VI - Students
6. Employee complaints - "Unlawful Discrimination and Prohibited Harassment" Section, Chapter IV - Human Resources

Complaints or concerns that do not fall within Nos. 1 - 6 of this Section I.E.I.46 must be submitted in writing at [citizenparticipation@lonestar.edu](mailto:citizenparticipation@lonestar.edu) with a copy to the [Office\\_of\\_General\\_Counsel@LoneStar.edu](mailto:Office_of_General_Counsel@LoneStar.edu) which shall be handled as follows:

1. Complaints or concerns that do not fall within Nos. 1 - 6 listed above shall be submitted to the Board by the Board Liaison so that each complaint may be considered in accordance with Texas law.
2. The Board is not required to respond to the complaints but only to consider them.
3. Board Members may not discuss the complaints in public or otherwise, except as provided by the exceptions to the Texas Open Meetings Act and in closed session.
4. Procedures may be developed in implementing the requirements of this policy section.

**I.E.1.47 Board's Response**

Texas Government Code 551.042 prohibits the Board from responding to any subjects raised that are not on the agenda, except by making one or more of the following responses:

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1. stating a known fact relevant to the subject; and/or
2. reciting a specific relevant policy manual section.

Furthermore, any deliberation or decision about the non-agenda subject shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

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

## **I.F. POLICY AND BYLAW DEVELOPMENT**

### **I.F.1. Policy and Bylaw Development**

#### **I.F.1.01 General**

The Board shall adopt such rules, regulations and bylaws as it deems advisable.

#### **I.F.1.02 Policy Development**

The System shall be governed in accordance with written policies adopted by a majority of the Board. Policies and policy amendments may be initiated by the Chancellor, a College President, a Board member, faculty, employees or community citizens, but generally shall be recommended for the Board's consideration by the Chancellor.

#### **I.F.1.03 Policy Adoption**

The Board shall have the sole right to adopt policies. The Chancellor may issue regulations purely for a procedural nature to carry out Board policies. However, no ancillary documents shall be binding on the System without prior authorization and approval by the Board.

#### **I.F.1.04 Policy Repeal**

Through the adoption of these policies, all previously adopted policies are repealed and of no force or effect if in conflict with these policies. Any amendment of, or addition to, these policies shall repeal any policies in conflict with it.

#### **I.F.1.05 Policy Amendment**

Proposed policies or amendments introduced and recommended to the Board at one meeting shall not be adopted until a subsequent meeting. Temporary action may be

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taken, however, to allow for special circumstances that demand an immediate response.

**I.F.1.06 Administration in Policy Absence**

When action is urgently required in an area not covered by Board policy, the Chancellor shall have the power to act. The Chancellor shall inform the Board promptly of such action, which shall be subject to review by the Board, at its discretion.

**I.F.1.07 Official Policy Manual**

The Board shall designate one copy of the policy manual as the official policy manual of the System. The official version of the policy manual shall be an electronic copy on the System's Office of the General Counsel website. The Office of the General Counsel shall be responsible for accuracy and currency of the policy manual.

**I.F.1.08 Harmony with Law**

No policy or regulation, nor any portion thereof, shall be operative if it is found to be in conflict with applicable state or federal law.

*LSCS Policy Manual Section adopted by the Board of Trustees on February 5, 2015  
LSCS Policy Manual Section I.F.1.07 Official Policy Manual updated by the Board of Trustees on June 2, 2016*

**I.G. CHANCELLOR**

**I.G.1. Chancellor Position**

**I.G.1.01 Chancellor Serves at Pleasure of Board**

The Chancellor of the System is appointed by the Board, and serves at the pleasure of the Board.

The Board shall appoint the Chancellor of the System for a term of not more than five (5) years.

**I.G.1.02 Notice of Finalists before Board Action**

The name of an applicant for Chancellor is excepted from public disclosure, provided that the Board must give public notice of the name or names of the finalists being

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considered for Chancellor at least 21 days before the date of the meeting at which a final action or vote is to be taken on the employment of the person.

**I.G.1.03 Duties and Authority of Chancellor**

As chief executive officer of the System, the Chancellor, is responsible for the implementation and execution of all policies, rules, procedures, orders and resolutions adopted by the Board.

The Chancellor has authority and responsibility for the operations of the various components of the System, and initiates recommendations to the Board for action on all matters relating to System operations and personnel.

The Chancellor shall recommend to the Board the faculty and other personnel to be employed.

The Chancellor, or designee, shall collect and compile all necessary data and information for inclusion in reports for the Board, the Texas Legislature, the Texas Higher Education Coordinating Board, the Legislative Budget Board, the Governor's Office of Budget and Planning and other governmental agencies as designated by state and federal law or as requested by such entities.

**I.G.1.04 – Emergency Authority in Absence of Normal Board Action**

The Chancellor shall have limited emergency authority, to take action when emergency action is required that is normally within the jurisdiction and authority of the Board, and such action is required before a quorum of the Board is available to meet to take formal action.

Such authority shall be limited to occurrences that require urgent or immediate action where no established policy or procedure is currently in place to resolve the issue; or in the event of the need for immediate legal action and upon the recommendation of the System's General Counsel, such as the filing of a lawsuit or other legal document with an external body to preserve the System's rights; or when the health, safety and welfare of students, employees and the community is involved; or when such action is reasonably necessary to protect substantial personal or real property of the System.

The Chancellor shall inform the Board promptly of such action, which shall be subject to review and ratification by the Board, at its discretion.

**I.G.1.05 Performance Evaluation**

The Chancellor shall be evaluated by the Board annually, or other frequency at the discretion of the Board. This evaluation will be confidential with every member of the

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Board invited to participate. Hence, the Board's evaluation will not take the form of individual Board member assessments; but rather, one overall Board assessment.

**I.G.1.06 Objectives and procedures for Performance Evaluation**

The Board shall strive to accomplish the following objectives in conducting the Chancellor's evaluation:

- a. Clarify to the Chancellor his or her role, as seen by the Board.
- b. Clarify to Board members the Chancellor's role, according to the Board's written criteria, as expressed in the Chancellor's job description, and the System's goals and objectives.
- c. Foster an early understanding among new Board members of the evaluation process and the Chancellor's current performance objectives and priorities.
- d. Develop and sustain a harmonious working relationship between the Board and the Chancellor.
- e. Ensure administrative leadership for excellence in the System.

**The Board in implementing this Policy shall develop appropriate procedures.**

**I.G.1.07 Chancellor Contract**

The contract of the Chancellor shall be in writing, stating the terms and salary, and shall be signed by the Chair of the Board. The Chancellor's contract shall be reviewed annually in conjunction with the development of the System budget, and may be renewed or extended at the same time that the reappointment of System contractual employees is considered.

**I.G.1.08 Property Interest**

A contract of employment with this System creates a property interest in the position only 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.

**I.G.1.09 Non-renewal**

The Board may decide by vote or inaction not to offer the Chancellor further employment with the System beyond the term of the contract for any reason or no reason.

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**I.G.1.010 Resignation**

The Chancellor may resign at any time mutually agreeable with the Board.

**I.G.1.11 Dismissal**

The Chancellor may be dismissed for good cause before the completion of the term fixed in the contract.

Before the Chancellor is dismissed, the Board shall give reasonable notice in writing of the proposed action and grounds, set out in sufficient detail to fairly enable him or her to show any error that may exist.

**I.G.1.12 Hearing**

If, upon written notification, the Chancellor desires to be heard and contest the proposed action of the Board, the Chancellor shall give the board written notice to that effect. The hearing shall be set on a date that affords the Chancellor reasonable time to prepare an adequate defense.

**I.G.1.13 Hearing May be Open or Closed**

The Board may conduct the hearing in open session or closed session unless the Chancellor requests a public hearing, in which case the hearing shall be open to the public.

**I.G.1.14 Hearing Procedures**

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 of innocence or extenuating circumstances.

Prior to dismissal, the Board shall determine the existence of the good cause for termination. Such determination shall be based on the evidence presented in the hearing.

**I.G.1.15 Suspension with Pay Pending Dismissal Hearing**

The Board may take action to suspend the Chancellor, with pay, pending outcome of the dismissal hearing.

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**I.G.1.16 Board Decision Final**

After deliberation, the Board shall render its decision to proceed with dismissal of the Chancellor, or to reverse the proposed dismissal action. The Board's decision shall be communicated to the Chancellor, in writing, within fourteen (14) days of the hearing. The Board's decision on dismissal of the Chancellor shall be final.

*LSCS Policy Manual Section adopted by the Board of Trustees on May 6, 2010*

**I.H. FACULTY SENATE**

**I.H.1. Faculty Senate**

**I.H.1.01 – The Board of Trustees, the Chancellor and Faculty Senate**

The Board of Trustees and the Chancellor recognize that the development and operation of highest quality educational programs, for benefit of students and the community, is a common responsibility, and that relationships must be established and maintained that are based upon this common aim.

As one means of establishing such relationships, the Board and the Chancellor recognize the importance of shared governance and the role of the colleges' Faculty Senates, both to their home college and the System as a whole. Faculty Senate Presidents attend all regular meetings of the Board and have a standing place on the agenda to make reports and announcements. The Faculty Senate Presidents will designate one Faculty Senate President Spokesperson on a rotating basis to make reports and announcements.

The Faculty Senate Presidents will also meet regularly with the Chancellor to discuss issues of importance to faculty.

*LSCS Policy Manual Section adopted by the Board of Trustees on May 5, 2011*

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**SECTION II – COMMUNITY and GOVERNMENTAL RELATIONS**

**II.A. PUBLIC INFORMATION PROGRAM**

**II.A.1 Public Information Act**

**II.A.1.01 – Public Information**

Lone Star College System (The System) supports the public's right to information about the System. To the end that every citizen will be informed of the wealth of opportunities available through its colleges, the Chancellor will designate a System-wide point of official information dissemination.

Public Information:

"Public Information" means information that is collected, assembled, or maintained under a law or ordinance, or in connection with the transaction of official business by the Board or for the Board and to which the Board has right of access.

Public information is available to the public during the System's normal business hours.

The following categories of information are public information unless they are expressly confidential under the law:

- a. A completed report, audit, evaluation, or investigation made of, for, or by the Board.
- b. The name, sex, ethnicity, salary, title, and dates of employment of each employee and Board member of the System.
- c. Information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds.
- d. The name of each Board member and the final record of voting on all proceedings of the Board.
- e. All working papers, research material, and information used to estimate the need or expenditure of public funds or taxes by the Board, on completion of the estimate.
- f. A description of the System's organization and where, from whom, and how the public may obtain information, submit information or requests, and obtain decisions.

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- g. A statement of the general course and method by which the System's functions are channeled and determined, including the nature and requirements of all formal and informal procedures.
- h. A rule of procedure, description of forms available or the places where forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations.
- i. A substantive rule of general applicability adopted by the Board and statement of general policy or interpretation of general applicability formulated and adopted by the Board.
- j. Any amendment, revision or repeal of the information described in items f, g, h, i.
- k. Final opinions and orders issued in adjudication of cases.
- l. A policy statement or interpretation adopted by the Board.
- m. Administrative manuals and instructions to staff that affect a member of the public.
- n. Information regarded as open to the public under the System policies.
- o. Information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege.
- p. Information that is also contained in a public court record.
- q. A settlement agreement to which the Board is a party.
- r. Certain System investment information as specified by Government Code 552.0225.

**II.A.1.02 Employee/Officer Personal Information**

Each System employee and Board member and each former employee and former Board member shall choose whether to allow public access to System-held information relating to the person's home address, home telephone number, or Social Security number, or that reveals whether the person has family members. Employees and Board members shall state their choice to the System's main personnel officer not later than the 14th day after employment begins, election or appointment to the Board occurs, or service with the System ends.

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If an employee or officer fails to state his or her choice within 14 days, the information is available to the public. However, a Board member or employee may make a written request at any time to the personnel officer to open or close access to the System held information described above.

**II.A.1.03 Peace Officer/Security Officers**

**II.A.1.04 Information Excepted from Disclosure**

In addition to the information in Section A.1.02 above, categories of information that are not required to be disclosed to the public include:

- a. Information considered to be confidential by law, either constitutional, statutory, or by judicial decision;
- b. 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;
- c. Information relating to litigation of a civil or criminal nature or settlement negotiations, to which the System is, or may be, a party or to which a Board member or employee of the System, 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;
- d. Information that, if released, would give advantage to competitors or bidders;
- e. 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;
- f. Drafts and working papers involved in the preparation of proposed policies;
- g. Information the System's attorney is prohibited from disclosing because of a duty to the System under the Texas Rules of Evidence or the Texas Disciplinary Rules of Professional Conduct or information that a court order has prohibited from disclosure;
- h. Private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy;

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- i. Interagency or intra-agency memoranda or letters that would not be available by law to a party in litigation with the System;
- j. Student records, except to System personnel, the student, his or her parents, or guardian (If the student is a minor), or spouse. The System is not required to release student records, except in conformity with FERPA;
- k. Test items developed by the System;
- l. The certified agenda or tape recording of closed session, unless a court order makes it available for public inspection and copying;
- m. Records of a school library or library system 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.
- n. An oral interview that is obtained for historical purposes by an agreement of confidentiality between the interviewee and the System. The interview becomes public information when the conditions of the agreement of confidentiality have been met;
- o. Rare books, original manuscripts, personal papers, unpublished letters, and audio and video tapes held by the System for the purpose of historical research;
- p. 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;
- q. Information in a commercial book or publication purchased or acquired by the System for research purposes, if the book or publication is commercially available to the public. The System is not required to make copies of commercially available information, but the System shall allow the inspection

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of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of the System; and

- r. 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.
- s. The Social Security number of a living person. The System may redact the Social Security number of a living person from any information the System discloses to the public without the necessity of requesting a decision from the attorney general.
- t. Certain System investment information, as specified by Government Code 552.143, is not public information and is excepted from disclosure.
- u. A credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for the System.
- v. An e-mail address of a member of the public that is provided for the purpose of communicating electronically with the College System 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 System by a person who has a contractual relationship with the System or by the contractor's agent;
- ii. Provided to the System by a vendor who seeks to contract with the System or by the vendor's agent;
- iii. Contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to the System in the course of negotiating the terms of a contract or potential contract; or
- iv. Provided to the System on a letterhead, coversheet, printed document, or other document made available to the public. The System may also disclose an e-mail address for any reason to another governmental body or to a federal agency.

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- w. 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:
  - a. Information that deals with detection, investigation, or prosecution of crime; and
  - b. An internal record or notation that is maintained for internal use in matters relating to law enforcement or prosecution.
- x. A trade secret obtained from a person and privileged or confidential by statute or judicial decision.
- y. 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.
- z. A photograph that depicts a peace officer, the release of which would endanger the life or physical safety of the officer, unless:
  - a. The officer is under indictment or charged with an offense by information;
  - b. The officer is a party I in a fire or police civil service hearing or a case in arbitration; or
  - c. The photograph is introduced as evidence in a judicial proceeding
- aa. 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.
- bb. An informer's name or information that would substantially reveal the identity of an informer, unless:

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- a. The informer or the informer's spouse consents to disclosure of the informer's name
- b. The informer planned, initiated, or participated in the possible violation.
- cc. 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 System, if that information relates to:
  - i. A trade secret of the business prospect; or
  - ii. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.
- dd. 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.

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:

- a. By the Board or
  - b. By another person, if the financial or other incentive may directly or indirectly result in the expenditure of public funds by the System or a reduction in revenue received by the System from any source.
- ee. Information that relates to computer network security or to the design, operation, or defense of a computer network. The following information is confidential:
    - a. A computer network vulnerability report and
    - b. Any other assessment of the extent to which data processing operations, a computer, or a computer program, network, system, or software of the System or of a contractor of the System is vulnerable to unauthorized access or harm, including an assessment of the extent to which the System's or contractor's electronically stored information is vulnerable to alteration, damage, or erasure.

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- ff. A military veteran's Department of Defense Form DD-124 or other military discharge record that first comes into the possession of the System in or after September 1, 2003. The record is confidential for the 75 years following the date it comes into the possession of the System in accordance with government Code 552.140. A System that obtains information from the record shall limit the use and disclosure of the information to the purpose for which the information was obtained.
  
- gg. 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 System or to any other person with the intent that the money or property be transferred to the System.

**II.A.1.05 Voluntary Disclosure**

The Board or the designated officer for public information voluntarily may make part or all of its records available to the public, unless the disclosure is expressly prohibited by law or the records are confidential by law.

System-held information relating to the home address, home telephone number, or social security number of peace officers or security officers commissioned by the Board of Private Investigators and Private Security Agencies, or any information that reveals whether the person has family members, is confidential and may not be disclosed if the person chooses to restrict public access to the information and notifies the System on a form provided by the System, accompanied by evidence of the individual's status.

**II.A.1.06 Officer of Public Information**

The Public Records Coordinator of the Office of General Counsel shall be the System's public information officer. Each College President shall be an agent of the officer for public records for the purposes of complying with the Texas Public Information Act and the System's policy on public information. The public information officer shall:

- a. Make public information available for public inspection and copying.
  
- b. Carefully protect public information from deterioration, alteration, mutilation, loss, or unlawful removal; and
  
- c. Repair, renovate or rebind public information when necessary to maintain it properly.

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- d. Prominently display a sign on the form prescribed by the attorney general that contains basic information about the rights of a requestor, the responsibilities of the Board, and the procedures for inspecting or obtaining a copy of public information under Government Code Chapter 552. The officer shall display the sign at one or more places in the administrative offices of the System where it is plainly visible to:
  - i. Members of the public who request public information in person and
  - ii. Employees of the System whose duties include receiving or responding to public information requests.

**II.A.1.07 Access to Public Information**

The System may promulgate reasonable rules of procedure by which public records may be inspected efficiently, safely, and without delay and in accordance with the Americans with Disabilities Act.

An officer for public records shall promptly produce public information for inspection, duplication, or both, in System or College offices on application by any person. If the requested information is unavailable at the time because it is in storage or active use, the officer shall certify this fact in writing to the requestor and set a date and hour within a reasonable time when the record will be available for inspection or duplication. An original of a public record shall not be removed from System or College offices by a requestor.

The officer for public records shall not make an inquiry of any person who applies for inspection or copying of public records except to establish proper identification and to clarify the information being requested. All reasonable comfort and facility shall be extended to the requestor.

The officer for public records or the officer's agent shall treat all requests for information uniformly without regard to the position or occupation of the person making the request, the person on whose behalf the request is made, or the status of the individual as a member of the media.

**II.A.1.08 – Examination**

A person requesting public information shall complete the examination of the information not later than the tenth business day after the date the officer for public records makes it available. The officer shall extend the initial examination period by an additional ten days if, within the initial period, the person requesting the information files with the officer a written request for additional time. The officer shall permit a

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second additional ten-day examination period if, within the first additional period, the person requesting the information files with the officer a second written request for time. If the requestor does not complete the examination within ten days after the information is made available and does not file a timely request for additional time, the request is considered withdrawn.

The time during which a person may examine information may be interrupted by the officer if the information is needed for use by the System. The period of interruption is not considered to be a part of the time during which the person may examine the information.

**II.A.1.09 Providing Suitable Copy**

The officer of public information shall provide a suitable copy of public information within a reasonable time after the date on which the copy is requested.

**II.A.1.10 Specific Medium**

If public information exists in an electronic or magnetic medium, the requestor may request a copy either on paper or in an electronic medium, such as on diskette or on magnetic tape. The officer for public information shall provide a copy in the requested medium if the System has the technological ability to produce the information in the requested medium and is not required to purchase any software or hardware to accommodate the request, and providing that the copy will not violate any copyright agreement between the System and a third party.

If the officer is unable to comply with a request to produce a copy of information in a requested medium for any of these reasons, the System shall provide either a paper copy or a copy in another medium that is acceptable to the requestor. The officer is not required to copy information onto a diskette or other material provided by the requestor but may use System supplies.

**II.A.1.11 Requests Requiring Programming or Manipulation**

If the officer determines that responding to a request for information will require programming or manipulation of data and that compliance with the request is not feasible, or will result in substantial interference with operations, or the information could be made available in the requested form only at a cost that covers the programming and manipulation of data, it shall provide to the requestor a written statement that includes all of the following information:

- a. A statement that the information is not available in the requested form.

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- b. A description of the form in which the information is available.
- c. A description of any contract or services that would be required to provide the information in the requested form.
- d. A statement of the estimated cost of providing the information in the requested form, as determined in accordance with the rule established by the Texas Attorney General.
- e. A statement of the anticipated time required to provide the information in the requested form.

**II.A.1.12 Response Time When Programming or Manipulation Required**

The officer shall provide the written statement to the requestor within 20 business days after the date the officer receives the request. The officer has an additional ten (10) days to provide the statement if the officer gives written notice to the requestor within 20 days after receiving the request that additional time is needed.

**II.A.1.13 Further Action**

After providing the written statement described above, the officer has no further obligation to provide the information in the requested form or in the form in which it is available, unless within 30 days the requestor writes to the officer stating that the requestor wants the information in the requested form according to the time and cost parameters set out in the officer's statement or that the requestor wants the information in the form in which it is available. If the requestor does not make a timely request within the 30 days as stated herein, the request for information is considered withdrawn.

**II.A.1.14 Processing Requests**

The officer of public information shall establish policies that assure the expeditious and accurate processing of requests for information that require programming or manipulation of data. The System shall maintain a readily accessible file containing all written statements issued concerning requests for information that require programming or manipulation of data.

The System may not inquire as to the purpose of the request. The System may seek clarification in writing from a requestor if a request is unclear. If a large amount of information has been requested, the System may discuss with the requestor how the scope of the request may be narrowed. If the information requested relates to a motor vehicle record, the System may require the requestor to provide identifying

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information sufficient to determine whether the requestor may have access to such information under the Transportation Code.

If by the 61st day after the date the System sends a written request for clarification or for information about motor vehicle records as provided above, or if by the 61st day after there is a discussion about narrowing the request, the System does not receive a written response from the requestor, the underlying request for public information is considered withdrawn by the requestor. A written request for clarification or for information about motor vehicle records as provided above, or a discussion about narrowing the request must include a statement as to the consequences of the failure by the requestor to timely respond to the request for clarification.

If the requestor's request for public information included the requestor's physical or mailing address, the request may not be considered withdrawn unless the System sends a written request for clarification or additional information or puts the request to narrow the request in writing and sends it to that address by certified mail.

The above "61st day" condition applies only to public information requests made on or after September 1, 2007.

#### **II.A.1.15 Repetitious or Redundant Requests**

If the public information officer determines that a requestor has made a request for information for which the System has previously furnished or made copies available to the requestor on payment of applicable charges, the officer shall respond to the request for information for which copies have been already furnished or made available, except that:

1. The System is not prohibited from furnishing the information or making the information available to the requestor again in accordance with the request; and
2. The System is not required to comply with the procedures described below in relation to information that the System simply furnishes or makes available to the requestor again in accordance with the request.

Information for which the System has not previously furnished copies or made copies available to the requestor on payment of applicable charges, information that was redacted from information provided earlier, or that did not exist at the time of an earlier request, shall be treated in the same manner as any other request.

The officer shall, free of charge, certify to the requestor that copies of all or part of the requested information were previously furnished or made available to the requestor on payment if applicable charges. The certification must include:

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1. A description of the information for which copies have been previously furnished or made available to the requestor.
2. The date that the System received the requestor's original request for that information.
3. The date that the System previously furnished copies of or made available copies of the information to the requestor.
4. A certification that no subsequent additions, deletions, or corrections have been made to that information; and
5. The name, title, and signature of the public information officer or the officer's agent making the certification.

**II.A.1.16 Attorney General Decisions**

If the System receives a written request for information, including a request by e-mail or fax if sent to the public information officer, it considers to be within one of the exceptions to required disclosure, but for which there has been no previous determination that it falls within one of the exceptions, the System, within the tenth business day after receiving the written request, shall ask for a decision from the attorney general about whether the information is within one of the exceptions. If a decision is not so requested, the information is presumed to be public information.

When the System requests a decision, it shall, within a reasonable time but not later than the 15th business day after the date of receiving the request, submit to the attorney general all of the following:

- a. Written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld.
- b. A copy of the written request for information.
- c. A signed statement as to the date on which the written request for information was received by the System or evidence sufficient to establish that date.
- d. A copy of the specific information requested, or representative samples of the information, if a voluminous amount of information was requested. These copies must be labeled to indicate which exceptions apply to which parts of the copy.

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**II.A.1.17 Additional Information**

If the officer fails to supply to the attorney general all of the information that is necessary to render a decision, the attorney general shall give the officer and the requestor written notice of that fact. Upon receipt of such notice, the officer shall submit the necessary additional information to the attorney general not later than the seventh calendar day after the date the notice is received. If the officer does not comply with the attorney general's request for additional information, the information is presumed to be public, unless there is a compelling reason to withhold the information.

**II.A.1.18 Special Interests**

In a case in which information is requested and a person's privacy or property rights may be involved, including a case under Gov. Code Secs. 552.101 (confidential by law), 552.104 (competitive bidding information), and 552.114 (student records); the System may decline to release the information for the purpose of requesting a decision from the attorney general. The System may, but is not required to, submit its reasons as to why the information should be withheld or released.

**II.A.1.19 Cost of Copies**

The officer for public records or the designated agent may require a deposit or bond for payment of anticipated costs for the preparation of public information if the charge for creating the copy would exceed \$100 and if the officer has provided the requestor with the required written itemized statement detailing the charge estimate.

The public information officer's agent may require a deposit or bond for payment of unpaid amounts the requestor owes the System in relation to previous public information requests before preparing a copy of public information in response to a new request if those unpaid amounts exceed \$100. The officer for public information or the officer's agent may not seek payment of those unpaid amounts through any other means.

For the purposes of charging for providing copies of public information or for requesting an attorney general's opinion, if the System requires a deposit or bond from the requestor, a request for a copy of public information is considered to have been received by the System on the date it receives the deposit or bond for payment of anticipated costs or unpaid amounts. A requestor who fails to make such a deposit or post such a bond before the tenth business day after the date the deposit or bond is required is considered to have withdrawn the request.

The System shall not charge an excessive amount for non-certified photographic reproductions of public records comprised of pages that are legal size or smaller. The

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System shall use the guidelines for the actual cost of standard size reproduction that are determined and published by the Attorney General in assessing charges for copies of public information.

The cost of obtaining a standard or legal size reproduction shall be an amount that reasonably includes all costs related to reproducing the record, including costs of materials, labor, and overhead, when the request is for more than 50 pages of readily available information.

Public records shall be furnished without charge or at a reduced charge if the Board determines that waiver or reduction of the fee is in the public interest because furnishing the information primarily benefits the general public or if the cost of processing the collection of a charge will exceed the amount of the charge.

#### **II.A.1.20 Exemptions**

The System may request that it be exempt from part or all of the rules adopted by the Texas Attorney General (AG) for determining charges providing copies of public information. The request must be made in writing to the AG and must state the reason for the exemption. If the AG determines that good cause exists, the AG shall grant the exemption by giving written notice of the determination within 90 days of the request. When it receives notification, the System may amend its charges for providing copies of public information according to the terms of the Attorney General's determination.

The charge for providing a copy of public information shall be an amount that reasonably includes all costs related to reproducing the public information, including costs of materials, labor, and overhead.

If a request is for 50 or fewer pages of paper records, the charge for providing the copy of the public information may not include costs of materials, labor, or overhead, but shall be limited to the per page charge for photocopying, unless the pages to be photocopied are located in more than one building or a remote storage facility.

If the charge for providing a copy of public information exceeds \$40, the officer or officer's agent will provide the requestor with a written statement as to the amount of time that will be required to produce and provide the copy. The statement must be signed by the officer or the officer's agent, and the officer or the officer's name must be typed or legibly printed below the signature.

A charge may not be imposed for providing the written statement to the requestor. The System shall also charge for the cost of materials, labor, and overhead when the request is for any number of copies of information that is not readily available.

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**II.A.1.21 Destruction of Records**

A System record may be intentionally destroyed under any of the following conditions:

- a. 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.
- b. The record appears on a list of obsolete records approved by the State Library and Archives Commission.
- c. 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.
- d. A System court issues an expunction order for the destruction or obliteration of the records, pursuant to state law.
- e. 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. Local Gov. Code Sec. 202.001.
- f. When photographic duplicates of public records have been made according to Local Government Code Chapters 201-205, the Board may order the original public records to be destroyed or otherwise disposed of. However, original public records shall not be destroyed or otherwise disposed of 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.1.22 Exceptions to Destruction Policy**

The Board minute books shall not be disposed of or destroyed.

A System record, the subject matter of which is known by the records custodian to be the subject of litigation, shall not be destroyed until the litigation is settled.

A System record that is subject to a request under the Public Information Act or other law or court order shall not be destroyed until the request is resolved.

**II.A.1.23 Preservation of Records**

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The Board shall 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 of other disposition of local government records or public information.

The Board shall preserve the certified agenda or tape recording of a closed session of a Board meeting for at least two years after the date of the meeting. If an action involving the meeting is brought within that period, the certified agenda or tape recording shall be preserved while the action is pending.

**II.A.1.24 Filing Suit to Withhold Information**

The Board or the officer for public information may file suit seeking to withhold information, but the requestor may not be named as a party to that action. The Board or officer for public information must demonstrate to the court that the Board or officer made a timely good faith effort to inform the requestor, by certified mail or other method of written notice that requires the return of a receipt of:

- a. The existence of the suit, including the subject matter, the cause number, and the court in which the suit is filed.
- b. The requestor's right to intervene in the suit or to choose not to participate.
- c. The fact that the suit is against the attorney general.
- d. The address and phone number of the office of the attorney general.

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

**II.A.2. Public's Right to Know**

**II.A.2.01 Application for Documents**

Persons desiring to review information maintained by the System, and classified as Public Information, shall submit their request, in writing, on forms provided by the System or in any other written manner that complies with the Texas Public Information Act. The application shall properly identify the information, to be inspected. The requestors name and address must be set forth on the application. A picture identification card, such as a driver's license, may be required to verify identity.

Applications shall be handled in the order in which they are received.

**II.A.2.02 Documents Unavailable**

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In the event the requested documents are in active use, or in storage and, therefore, unavailable at the time the request is submitted, the Public Records Coordinator of the Office of General Counsel or designee shall set forth this fact in writing to the requestor, and set a date and hour when the requested material will be available for inspection.

**II.A.2.03 Creation of New Information**

The System is not required to prepare or create new information requested by a member of the public. The Public Information Act does not require the System to prepare or generate information in the specific form that may be requested by the public.

**II.A.2.04 Designated Inspection Area**

Persons inspecting information may do so only in a designated inspection area, and a System employee shall be available for assistance.

**II.A.2.05 Copy Limit**

The Public Records Coordinator of the Office of General Counsel or designee may reasonably limit the number of pages that can be copied and supplied during a person's visit, the reasonable capacity of the available personnel and machines. Copies that cannot be provided during the person's visit will be made and mailed to the requestor in the order in which the request was received.

**II.A.2.06 Inspection Hours**

Documents may be inspected during regular System business hours.

**II.A.2.07 Request for Information at Public Meeting**

Persons requesting information, in a written form, at a public meeting (Board meeting, hearing or the like) shall be directed to follow the procedures outlined in this policy.

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

**II.A.3. Students' Right to Know**

**II.A.3.01 Graduation Rates**

Each College shall produce and make readily available, through appropriate publications and mailings, and electronic media to all current students, and to any

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prospective student upon request, the completion or graduation rates of certificate- or degree-seeking, full-time students entering the System. The information shall be updated at least biennially.

**II.A.3.02 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.3.03 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.4. Preservation of Electronic Records for Litigation Matters**

**II.A.4.01 Requirements**

"Discovery" is the process by which relevant information is exchanged between parties in a lawsuit. It is conducted via production of documents and the taking of depositions.

Federal and state courts have long recognized that electronic data is subject to the same discovery rules as other evidence relevant to a lawsuit. The issue has received substantial national attention recently, however, because of a series of court rulings resulting in the imposition of huge sanctions for failure to preserve electronic data and because of amendments to the Federal Rules of Civil Procedure scheduled to take effect formally on December 1, 2006. Upon notice that a lawsuit has been commenced against LSCS or one of its employees, or reasonable anticipation that a lawsuit may be brought, LSCS and all employees are now under a legal duty to preserve all evidence, whether hard copy or electronic, that might become relevant to the lawsuit.

The new federal rules requires the suspension of routine or intentional purging, overwriting, re-using, deleting, or any other destruction of electronic information relevant to a dispute, including electronic information wherever it is stored.

This electronic information must be preserved so that it can be retrieved - if necessary - at a later time. The information must be preserved in its original electronic form, so

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that all information contained within it, whether visible or not, is also available for inspection.

**II.A.4.02 Preservation of Electronic Records**

When the Lone Star College System (the "System") "reasonably anticipates" litigation, through the receipt of notification or other information identifying the possibility of a lawsuit or upon the actual service of a summons and complaint ("notification"), the System must take actions to preserve all electronically stored information that may be relevant to the claim.

As soon as practicable after notification, the System's General Counsel ("GC") will notify the Chief Information Officer, and if applicable, the respective College President and College Office of Technology Services ("OTS") Directors, as well as the individual(s) who may have firsthand knowledge and electronic records for the potential or actual claim.

The Chief Information Officer and the System's Information Technology Department will work with the local College OTS Director to begin the central and local holds and preservation of electronic records, as appropriate.

As soon as practicable, the GC, the Chief Information Officer, and local College OTS Director will meet to discuss case and develop an initial course of action.

The GC will meet with local representatives (involving Human Resources as appropriate) to discuss immediate needs, identify data unique to the case and to reiterate the need to preserve "paper" data as well.

The GC will send specific information handling instructions as may be appropriate in a particular lawsuit to all affected individuals to ensure future data are appropriately preserved and easily retrievable.

**II.A.4.03 Discovery Requests for Electronic Records**

Upon receipt of a discovery request for information and data pertaining to a lawsuit subject to the Federal Rules of Civil Procedure electronic discovery rules, the System must take action to develop and produce a response to this request.

The GC will work closely with the Chief Technology Officer to develop an appropriate response. The response may be to supply the requested information, attempt to obtain a modification of the request as to a different set of data or search terms, or to decline to provide some or all of the requested data based upon expense, or current retention policy for destruction, or any other basis they see fit.

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

## **II.B. PUBLIC COMPLAINTS AND HEARINGS**

### **II.B.1. Public Complaints**

The System understands that it is reasonable and expected that persons from time to time will have complaints.

The System shall make every effort to respond in a timely manner to complaints from the community.

#### **II.B.1.01 – Exceptions**

Complaints for which other resolution procedures are provided shall be directed through those channels.

#### **II.B.1.02 Procedure**

Complaints and hearings that are exceptions to all other resolution procedures provided by the System will be heard by the Board based on a consistent process. This process will include the following steps:

- a. Complaints shall be initially discussed with the appropriate administrator.
- b. If the issue has not been resolved, the person shall refer the complaint to the next higher administrative level.
- c. A person has the right to appeal to the Board after exhausting all administrative levels, including the College President, Vice Chancellor or their designee.
- d. Appeals to the Board shall be submitted to the Chancellor or designee in writing and shall include:
  1. An outline of the problem and circumstances related thereto.
  2. A proposal or recommendation offered as a possible solution.
  3. A review of prior discussions with administrators and of their decisions.

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- e. If the outcome of the conference with the Chancellor or designee is not to the person's satisfaction, the person may submit a written request to place the matter on the Board agenda.
- f. The Chancellor or designee shall inform the person of the date, time, and place of meeting.
- g. The Board Chair shall establish a reasonable time limit for complaint presentations.

The Board's consideration shall be based on the complaint record developed at the administrative reviews, and no new evidence shall be received by the Board.

- h. Each side shall be entitled to make oral arguments based on the complaint record, within the time restrictions established by the Board.
- i. The Board shall listen to the person's complaint and take whatever action it deems appropriate.

### **II.B.1.03 Closed Sessions**

If the complaint involves a matter that may properly be heard in closed session, the Chancellor shall make any necessary arrangements. In cases involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of an employee or to hear complaints or charges involving an employee, the employee shall be notified and given the option of having the meeting held in public.

If a group requests to be heard on a matter that may properly be discussed in closed session, the Board may exclude other group members while hearing each individual.

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

## **II.C. Relationships with Community Organizations**

### **II.C.1. Relationships with Community Organizations**

#### **II.C.1.01 Policy**

The System provides adequate opportunities for ongoing relationships with community organizations through joint projects, activities, and sponsorships.

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a. Contests and Awarding of Prizes

Contests and activities which are sponsored by outside community-based organizations and which may involve participation by students or employees or granting of awards or prizes to students or employees may be permitted within the System or at the colleges with prior approval by the Chancellor or the College President or their designee.

b. Campaigns or Activities for Raising Money

Campaigns or activities for raising money will be allowed by permission of the Chancellor or College President or their designees.

c. Charitable Raffles

A non-profit organization that is a "qualified non-profit organization" for purposes of The Charitable Raffle Enabling Act may conduct raffles to benefit the System or College. Such an organization:

- i. Does not distribute any of its income to its members, officers, or governing body, other than as reasonable compensation for services.
- ii. Has existed for the three preceding years and during those years has had a governing body or officers elected by a vote of its members or by a vote of delegates elected by its members or has been affiliated with a state or national organization organized to perform the same purposes.
- iii. Does not devote a substantial part of its activities to attempting to influence legislation and does not participate or intervene in any political campaign on behalf of any candidate for public office, including by publishing or distributing statements or making campaign contributions.
- iv. Qualifies for and has obtained an exemption from federal income tax from the Internal Revenue Service under Section 501(c) of the Internal Revenue Code of 1986.
- v. Does not have or recognize any local chapter, affiliate, unit, or subsidiary organization in this state.

A raffle is 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.

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**II.D. STUDENT AND COMMUNITY USE OF SYSTEM FACILITIES**

**II.D.1. Student and Community Use of System Facilities**

**II.D.1.01 Fees for Use**

The Board shall be authorized to fix and collect rentals, rates, charges or fees from students, including student union fees, and others for the occupancy, use and/or availability of all or any of its property, buildings, structures, activities, operations, or facilities, of any nature, in such amounts and in such manner as may be determined by the Board.

**II.D.1.02 Facilities as Polling Places**

The System 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 the buildings for the same day and simultaneous use is impractical, the System shall determine which authority may use the building.

**II.D.1.03 Political Party Conventions**

The System shall not assess a charge for the use of a college building for a precinct, county or senatorial district convention, except for reimbursement for the actual charges resulting from use of the building for the convention. The System shall provide an itemized statement of expenses to the reimbursing authority.

**II.D.1.04 Use of Facilities and Services**

The System was created to help meet the educational, cultural, and recreational needs of the North Harris and Montgomery County communities.

The System is expected to provide its students, employees, and community representatives with services appropriate to the performance of its mission as established by its founding charter or as directed by the Texas Higher Education Coordinating Board and in accordance with Texas law.

Consistent with the values and mission of the System, the facilities and grounds of the System will be available for the occasional use by employee, student and community groups, provided that:

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- a. Such use does not interfere with the instructional mission of the System and the service provided by the System is an integral part of providing support activities that enhance performance of its public service mission;
- b. The services satisfy educationally related needs such as System staff time, computer usage, campus newspapers, printing, bookstores, cafeterias, fitness centers or other similar services.
- c. Is approved in writing beforehand by the appropriate College President, Location Executive Officer (“LEO”), or their designee; and
  - i. If System resources are used, charges for System staff time, use of the facilities, equipment and property will be determined by the System and charged on a reasonable cost basis and those costs and expenses are reimbursed back to the System;
  - ii. System staff time, facilities, equipment or property are not used to produce or distribute literature endorsing or supporting a candidate or promotes a particular position at any election issue, directly or indirectly; and
  - iii. Use or rental of System Facilities by campus communities shall require a Facilities Use Agreement approved by the System’s General Counsel.
- d. the educational and community service objectives of the System will be advanced; and
- e. the proposed use is approved by a timely and complete application to the appropriate campus official.

**II.D.1.05 Prohibited Use of System Facilities**

The following activities are prohibited in System facilities, except in accordance with these procedures:

- a. Holding partisan political meetings or fundraising, except for party conventions held in conjunction with primary elections or meetings or activities of recognized student clubs formed to support or participate in partisan activities;
- b. Activities which may be injurious to the buildings, grounds or equipment of the System or that pose a risk of injury to persons;
- c. Conduct which violates the criminal laws of Texas or the United States; and

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- d. Regularly scheduled meetings of external groups that may interfere with the System's educational uses of facilities.
- e. Conducting business or commercial activities, including the sale of products or services; however, the following shall not be considered to be a commercial activity prohibited by this policy:
  - i. a post-performance or post-reading sale of a performer's or reader's music, dance recording, video or book; or
  - ii. the sale of art, baked goods, crafts or similar items that are produced by students or by LSCS employees and are donated to a student or college approved fundraiser which returns less than 50% of the sales proceeds to the creator.
  - iii. the sale of items by a non-profit community organization with proceeds benefiting the System.
  - iv. the sale of products or services that has been specifically appealed by the Board of Trustees and memorialized in a written contract reviewed by System's legal counsel.
  - v. it fulfills the System's public service mission,
  - vi. it is incidental to the performance of the System's educational activities (e.g., concerts, theater performances or similar activities),
  - vii. it consists of recreational, cultural, and athletic events; public service radio and TV broadcasting; events or functions which have as their principal purpose the improvement of relations between the System and the public,
  - viii. it is an authorized fundraising activity; and
  - vix. is approved in writing beforehand by the appropriate College President, Location Executive Officer ("LEO"), or their designee.

**II.D.1.06 Serving Alcohol in System Facilities**

No group or individual will be permitted to serve or bring alcoholic beverages in or upon System facilities except as allowed by this Section. Alcoholic beverages may be served at a specific System event, including but not limited to an opening of a play or an art show, with (1) the approval of the LEO, (2) the submission of an appropriate plan for the sale or serving of alcoholic beverages, (3) proof of appropriate liability

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insurance coverage or (4) other requirements, if any, requested by the General Counsel in protecting the System. Notwithstanding the above, alcoholic beverages may be served for events and activities held at the LSC-University Park Conference/Dining Center or at other LSC-University Park reception areas as designated and authorized by the Chancellor. Procedures may be put in place implementing this policy.

*LSCS Policy Manual Section revised & approved by the Board of Trustees on March 4, 2010*

**II.D.1.07- Facility Use Fees**

All other requests to use System facilities, including those to use a gymnasium, athletic facility, theater, computer and other education-related facility, and fine art spaces, will be assessed a reservation fee for each, that is sufficient to cover all costs associated with the proposed use, including:

- a. police, custodial, maintenance, and other support of LSCS employees;
- b. preparation, set up, and service of any foods or beverages to be served or sold;
- c. set up and use of System equipment, including computers and audio-visual aids;
- d. utilities and operational overhead; and,
- e. other costs that are necessitated by the proposed use.

Payment is required when the reservation is made unless arrangements for delayed payment are made by an authorized administrator. These reservation fees will be refunded if the System is unable to meet the reservation.

The System shall annually update the fee schedule to be used for all facilities in the System.

A request to reserve System facilities by a commercial entity for the promotion or conduct of commercial purposes will be denied unless the LEO determines that the public welfare is significantly served by such use because of the educational or cultural value of the event.

The System shall not assess a charge for the use of a college building for a precinct, county, or senatorial district convention, except for reimbursement of the actual charges resulting from use of the building for the convention. The System will also provide an itemized statement of expenses to the reimbursing authority.

**II.D.1.08 Facilities Use Agreement**

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At the time any reservation for building use by outside organization is made, the designated administrator will provide to and obtain a signature from an authorized contact person on a facilities use agreement that includes the following provisions:

- a. the facilities use agreement is not a lease or a rental, but is a commitment to permit the use of the facilities for a specific date;
- b. the event may be canceled or relocated at any time to accommodate a college or System activity;
- c. the organization must hold the Board, administrators, and staff harmless against any damages or claims which might result from such use and, if insurance is required, the organization will provide a certificate of insurance prior to the event;
- d. the college or System will establish security requirements appropriate for the event and the organization is responsible to reimburse the full costs of those expenses;
- e. the organization may not assign or delegate the facilities use agreement or reservation without the prior written approval of the same official who approved the initial reservation;
- f. the organization has obtained all required approval for any music or other works protected by the U.S. Copyright Act that will be displayed, performed, or sold at the event and assume all legal obligations to defend and hold the System harmless from any allegations of copyright violations resulting from their performance or subsequent sale on System property; and,
- g. catering by an external company will be permitted if the campus is unable to meet the catering needs for the event or if approved by the appropriate administrator.

**II.D.1.09 Use of College or System Space for Speech Activity**

The System recognizes and supports the rights of free speech and free exchange of ideas. This policy does not relate to the Academic Freedom and Responsibilities policy protecting faculty speech in the classroom. That policy may be found in section V-F.1.01 of the LSCS Policy Manual.

The System will protect the rights of freedom of speech, petition, and peaceful assembly as set forth in the U.S. Constitution. The System retains its right to regulate reasonable time, place, and manner restrictions concerning acts of expression and dissent. Any acts that are disruptive to the normal operations of the System or college sites including but not limited to classes and college business, or invades the rights of

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others will not be permitted. Faculty, staff, and students engaging in a disruptive activity may be subject to disciplinary action.

Individuals, businesses and organizations external to the campus may not enter the campus for the purpose of advocacy, distribution of information or exercise their right to free speech except through the policies established by the System and these guidelines

**II.D.1.10 Definitions:**

For the purposes of this policy, the following definitions will apply:

"College Community" means all students, faculty and staff of all locations of the Lone Star College System.

"Person" means any member of the public or the College community.

"Public" means any individual or group not included in the definition of the "College Community".

"Commercial Speech" is defined as speech (such as advertising) that proposes a commercial transaction.

"Non-commercial Speech Materials" include items such as brochures, petitions, publications or other printed or verbal information that is not defined as commercial speech.

"Free Speech Areas" the designated areas of the campus where persons may request use for the purpose of engaging in constitutionally protected speech and expression.

"Traditional Public Forum Locations" are locations on the college campus that include all non-covered pedestrian entryways from parking lots and internal roads to building entries.

**II.D.1.11- Respect and Conduct for Free Expression and Speech Activities**

All persons in attendance at an event sponsored by the System or college members of the College Community or members of the Public (who have been permitted to engage in speech activities on campus) will conduct themselves with respect for the forum and the learning environment at all times.

Persons will have an opportunity to express their contrary viewpoints as appropriate for the forum, such as through a question and answer period, through the distribution

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of literature stating a dissenting or differing viewpoint, and through peaceable assembly.

Expression of a contrary or dissenting viewpoint may not be undertaken in a manner that disrupts the event or attempts to create a climate of fear or intimidation. Acts that are disruptive to the normal operations of the System including but not limited to classes, the library, or business operations of the college, or invade the rights of others will not be permitted. Disruption to the normal operations of the college, interference with an activity or event, threats, implied threats, physical intimidation, or any form of violent behavior will result in any of the following actions by the System or college: use of its disciplinary processes for students and employees, action by campus police officers or involvement of appropriate external law enforcement authorities.

**II.D.1.12 No Obstructions**

Events must not obstruct vehicular, bicycle, pedestrian or other traffic, or otherwise interfere with ingress or egress to the College, or to any System buildings or facilities, or to System activities or events.

*LSCS Policy Manual Section revised & approved by the Board of Trustees on December 4, 2008*

**II.D.2. Minors on System Property**

**II.D.2.01 Minors on System Property**

Lone Star College System is a community college system that embraces our communities and welcomes residents of all ages. However, in order to provide for the safety of all children, the following guidelines have been instituted to govern the presence of children on campus. All children age sixteen (16) years or younger must be supervised at all times by a parent, legal guardian or authorized responsible adult while at any System campus, center or facility. If admitted as a credit student, see special admission requirements (Board Policy Section VI.A.1.04) for student age sixteen (16) years or younger.

LSCS is a diverse community that provides equal opportunity in its academic programs in balancing the safety and wellbeing of all students. Notwithstanding, LSCS shall not discriminate on the basis of age as LSCS is firmly committed to adhere to the letter and spirit of the Age Discrimination Act of 1975, its implementing regulations, the Student-Right-to-Know Act, the Campus Security Act and Clery Act, and the Family Educational Rights and Privacy Act (FERPA).

Procedures may be developed in implementing the requirements of this Policy Section.

**II.D.2.02 Children of System Employees, Students and Visitors**

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All children age sixteen (16) years or younger must have a parent, legal guardian, or authorized responsible adult available at the System campus, center, or facility at all times to monitor the student's activities outside of a class, college program, or event and to be immediately available in case of an emergency. Failure to have a parent, legal guardian or authorized responsible adult on campus will cause the child to be removed from the class college program, or event.

A parent, legal guardian, or authorized responsible adult must accompany children age sixteen (16) years or younger at any System campus, center, or facility at all times unless the child is participating in a class, college program or event. All children age sixteen (16) years or younger not participating in a class, college 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 a System official. All System/College-sanctioned events and programs must be supervised by a System employee or a responsible adult.

System employees may not supervise children at their worksite unless their job assignments relate to a formal program designed for children and with Parental and/or Guardian written permission.

This policy section does not apply to credit students. See Board Policy Section VI.A.1.04.

**II.D.2.03 Additional Guidelines for Children of System Employees**

Employees may not bring children under age sixteen (16) years or younger to their worksite, except for a brief visit, unless the System/College has specifically designated a time or place for employee children to be present.

Should children age sixteen (16) years or younger accompany an adult to a work area or College site for a brief visit, they must remain under the continuous supervision of the adult responsible.

Children age sixteen (16) years or under should not be left unattended or with other employees. Their presence should in no way obstruct or diffuse work or duties in the area.

A supervisor has the right to ask the adult responsible and their child to leave the work area.

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Children shall not be brought to the worksite if they are ill. Other arrangements must be made to accommodate an ill child.

**II.D.2.04 Additional Guidelines for Children of System Students**

Children of students may not enter the classroom, even for brief visits, without the express permission of the instructor, acquired in advance of the class session or specific time. Instructors are not obligated to grant permission.

Under no circumstances are children to be admitted to activity or lab areas where dangerous substances or equipment are stored or in use unless the children are enrolled or participating in a special program. See Board Policy Section VI.A.1.04.

Children may not accompany parents or other guardians/adults on field trips unless they are enrolled in the class.

**II.D.2.05 Harris County Public Libraries**

Those Colleges with a Harris County Public Library operating on campus will comply with HCPL regulations regarding children in the library, unless those regulations deviate from and/or are inconsistent with Lone Star College System Policy.

In addition, children in library facilities must follow the System's regulations regarding access to computers by minors. Children under the age of 18 will not be allowed access to unfiltered computers without the direct supervision of a parent or guardian.

**II.D.2.06 Conduct of Minors**

Children who visit System facilities and events are subject to all relevant System policies and education codes.

Unaccompanied children will be reported to campus security and an officer will attempt to locate the parent/guardian to ask them to leave.

If minor children engage in any type of misconduct while on the campus, the parent, legal guardian or authorized responsible adult must leave the campus with the children.

The System does not staff its campuses with nurses, infirmaries, or other medical care facilities. A parent or a designated representative must bring and dispense medications, provide minor medical, or respond to a call indicating the child is ill.

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A minor who behaves in a manner on campus that violates the criminal laws of the state of Texas will be dealt with in accordance with the appropriate criminal procedures for minor children.

*LSCS Policy Manual Section adopted by the Board of Trustees on May 1, 2014*

**II.E. CONDUCT ON SYSTEM PREMISES**

**II.E.1. Prohibited Conduct**

**II.E.1.01 Trespass and Damages**

No person shall trespass on to the grounds of the System or damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses or flowers on the grounds of the System.

**II.E.1.02. Disruption of Lawful Assembly**

No person or group of persons acting in concert may willfully engage in disruptive activity, or disrupt a lawful assembly on the campus or property of the System.

Disruptive activity means:

- a. Obstructing or restraining the passage of persons in an exit, entrance or hallway of any building without the authorization of the administration of the school.
- b. Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research or other authorized activity.
- c. Preventing or attempting to prevent by force or violence or the threat of force or violence any lawful assembly authorized by the college or the System so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.
- d. Disrupting by force or violence or the threat of force or violence of a lawful assembly in progress.
- e. Obstructing or restraining the passage of any person at an exit or entrance to said campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from the property or campus without the authorization of the college or System.

**II.E.1.03. Entering or Remaining on Campus After Withdrawal of Consent**

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Any person who has been notified by a police officer or authorized administrator that the consent to remain on the campus or facility has been withdrawn, and who willfully and knowingly enters or remains upon the campus or facility during the period for which consent has been withdrawn, will be charged with 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 President, authorized officer or authorized employee for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

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

## **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 of 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.

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**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**

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*

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**II.G. USE OF SYSTEM COMPUTERS**

**II.G.1. Use of System Computers**

**II.G.1.01 Policy**

The System 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 to the rights of the faculty and students to access, debate, disagree and discuss all educational 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.

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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.

**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.

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- 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.
- 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.

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**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*

**II.H. RELATIONSHIPS WITH GOVERNMENTAL AGENCIES AND AUTHORITIES**

**II.H.1. Interlocal Cooperation Contracts**

**II.H.1.01 Purpose**

In order to increase the efficiency and effectiveness of System operations and government, the Board may contract, to the extent it deems feasible, with other junior college districts, school districts, local governments, state agencies, universities and federal governmental agencies to study the feasibility of the performance of a governmental function or service by interlocal contract, or to provide a governmental function or service that each party to the contract is authorized to perform individually.

**II.H.1.02 Payment**

An interlocal contract must be authorized by the Board and the governing body of each contracting party. The contract shall state the purpose, terms, rights and duties of the contracting parties, and shall specify that each party paying for the performance of governmental functions or services shall make those payments from current revenues available to the paying party.

The payment must be in an amount that fairly compensates the performing party for the services or functions performed under the contract, and the contract may be renewed annually.

**II.H.1.03 Cooperation with Federal, State and Local Governmental Authorities**

In order to fulfill its mission, the System shall join with appropriate local and county government authorities and local agencies to deliver contracted services and to implement joint projects, initiatives, and activities.

The System may engage in direct contracts, grants, and partnerships with state governmental authorities and agencies to fulfill its mission and provide joint benefit to the citizens.

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The System shall seek and implement direct contracts, grants, and agreements with federal governmental authorities and agencies to fulfill its mission and provide benefit to students and citizens.

**II.H.1.04 Assurances**

The System shall provide the required assurances necessary for direct contracting, grant receipts, and agreements. Policies that guide these assurances are found throughout the other sections of this policy manual.

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

**II.I. RELATIONSHIPS WITH OTHER ENTITIES**

**II.I.1. Relationships with Schools**

**II.I.1.01 College Courses in School System Facilities**

By resolution, the Board may enter into a contract with the trustees of an independent school district contiguous to, but not a part of, the System, or an independent school district designated by the State legislature in the System service area to hold college courses in the school district's facilities.

**II.I.1.02 Reports of Academic Achievement**

Under guidelines established by the Coordinating Board and the State Board of Education, the College shall report student performance during the first year enrolled after graduation from high school to the high school or junior college last attended. This report shall include, but not be 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.

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

**II.I.2. Relationships with Colleges and Universities**

**II.I.2.01 Policy**

The System believes that direct relations with other colleges and universities are necessary for successful delivery of its instructional programs and services to students and citizens.

**II.I.2.02 – Partnerships**

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The System shall develop and implement direct partnerships, contracts, and joint projects with other colleges and universities for the purposes of transfer of coursework, The University Center and campus based programs, joint delivery of university courses, small business development services, technology transfer, and continuing professional development.

**II.I.2.03 – International Affiliations**

The System may establish affiliations with international institutions of higher education to allow international students to participate in LSCS courses, distance education, online classes, and dual credit, in accordance with the terms and conditions set forth in an applicable affiliation agreement.

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

**II.I.3. Relationships with Accreditation Agencies**

**II.I.3.01 Relationships with Educational Accreditation Agencies**

The System shall maintain accreditation with the Southern Association of Colleges and Schools. Accreditation with other educational and licensing agencies may be pursued.

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

**II.J. ACCESS TO PROGRAMS, SERVICES AND ACTIVITIES**

**II.J.1. Individuals with Disabilities**

**II.J.1.01 System Policy**

No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the System, or be subjected to discrimination by the System.

Nor shall the System exclude or otherwise deny the benefits of the services, programs, or the opportunity to participate in activities to an individual because of the known disability of an individual with whom the individual is known to have a relationship or association.

**II.J.1.02 Definition**

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A "qualified individual with a disability" is an individual with a disability who, with or without reasonable modifications to rules, policies or practices, the removal of architectural, communication or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the System.

**II.J.1.03 Reasonable Accommodations**

The System shall make reasonable modifications in policies, practices or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the System can demonstrate that making the modifications would require a public entity to take any action that would threaten or destroy the significance of historic property, undue financial and administrative burdens, or fundamentally alter the nature of the service program, or activity.

**II.J.1.04 Communications**

The System shall take appropriate steps to ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others.

**II.J.1.05 Auxiliary Aids and Services**

To this end, the System shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program or activity conducted by the System. In determining what type of auxiliary aid or service is necessary, the System shall give primary consideration to the requests of the individual with disabilities.

**II.J.1.06 Definition**

"Auxiliary aids and services" include:

- a. qualified interpreters, note takers, transcription services, written materials, assistive listening devices and systems, telephone handset amplifiers, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods for making aurally delivered materials available to individuals with hearing impairments;
- b. qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered material available to individuals with visual impairments;

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- c. acquisition or modification of equipment or devices; and
- d. other similar services and actions.

**II.J.1.07 Limits of System Action**

The System is not required to take any action where the System can demonstrate that taking such action would result in a fundamental alteration in the nature of a service, program, or activity; would result in undue financial and administrative burdens; or would require a public entity to take any action that would threaten or destroy the significance of historic property.

Any decision that compliance with its responsibility to provide effective communication for individuals with disabilities would fundamentally alter the service, program or activity or unduly burden the System shall be made by the Board after considering all resources available for use in funding and operating the program, service or activity. The decision shall be accompanied by a written statement of the reasons for reaching that conclusion.

**II.J.1.08 Notice**

The System shall make available to applicants, participants, beneficiaries and other interested persons information regarding the provisions of Title II of the Americans with Disabilities Act (ADA) and its applicability to the services, programs or activities of the System. The information shall be made available in such manner as the Board, Chancellor, and College Presidents find necessary to apprise such persons of the protections against discrimination assured them by the ADA.

**II.J.1.09 Compliance Coordinator**

The System shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II of the ADA, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under the ADA.

The System shall make available to all interested individuals the name, office address and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA.

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**II.K. MEDIA RELATIONS AND COMMUNICATIONS**

**II.K.1. Media Relations and Communications**

**II.K.1.01 Media Relations Representatives**

The responsibility to maintain working relationships with news media, to initiate news releases and other proactive communication with media, respond to inquiries, coordinate crisis communications and track news coverage resides with the Chancellor's and President's designated media relations representatives.

**II.K.1.02 Approval Requirement**

News releases naming an affiliation with the System or any of its colleges, but issued by other entities, including student organizations, must be approved in advance of distribution by the System or College designated media relations representative.

**II.K.1.03 Communication Plan**

The designated media relations representatives shall prepare a communication plan covering processes and procedures for media relations and internal and external communications.

In addition, the district shall adopt an emergency communication plan that includes, but is not limited to, the designation of the crisis communication team, its notification processes, guidelines and procedures for communicating to all stakeholders with the goals of minimizing speculation, inaccurate reporting, and negative publicity.

**II.K.1.04 Communication with Media by System Personnel**

Any media inquiries regarding administrative or policy matters shall be referred to the designated media relations representative. Faculty and other subject matter experts are expected to follow established protocol for interacting with reporters.

Individual employees who are not spokespersons or subject matter experts have a right to voice individual opinions to the public, but they should identify their comments as such, confine personal communication initiatives to their personal time and avoid linking the System's identity to their personal advocacy of political or charitable causes.

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**II.L. ADVERTISING AND BRANDING**

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**II.L.1. Approval of Advertising**

**II.L.1.01 Authorized Persons - Advertising**

From time to time, advertising will be used as communication to promote the products or services or convey important messages of the System through media that includes but is not limited to: print, broadcast, Web, mail, and outdoor display.

The Chancellor or college President or their designees must approve System or college advertising. Advertising to recruit faculty and staff will be conducted through Human Resources. The inclusion of vendor-supplied advertising opportunities may be a consideration in purchasing practices.

The System's relationships with advertising agencies and other related providers are to be managed by and accessed through the Vice Chancellor for External Affairs or designee.

**II.L.1.02 Authority - Identity and Branding Elements**

The names, logos, trademarks, and other identifying marks of the System, its Foundation, Board of Trustees, colleges and centers shall be protected and cannot be used without the express approval of the Vice Chancellor for External Affairs or designee.

The System and/or college logos may be used by any System office for System publications or activities. The logotypes may not be altered or presented except as outlined in the official System style book.

**II.L.1.03 Authority - Creation of Branding Elements**

The creation of branding elements such as taglines and logotypes is the responsibility of the Vice Chancellor for External Affairs or designee. Entities within the System wishing to create branding elements for departments, programs or events must adhere to the process outlined in the System style book.

**II.L.1.04 System Providing Advertising Media or Venues**

System 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, reserving the right to refuse any advertisement that reflects discrimination, or does not meet standards observed by the System.

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Outside businesses and organizations must obtain written permission to distribute advertising on System premises. Proposals to post links on any System website that connect to businesses and/or organizations must be approved by the Vice Chancellor for External Affairs or designated representatives.

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

**II.M. RESTRICTION ON POLITICAL ACTIVITY**

**II.M.1. Employee Participation in Political Activity**

**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.1.01 General Fiscal Philosophy**

The Texas Higher Education Coordinating Board (“Coordinating Board”) is the state agency responsible for the approval and funding of college transfer courses offered in the community colleges of Texas.

The System is further supported by local district taxes, tuition, fees, investment and interest income, contributions, grants, and revenue from auxiliary activities.

The budget and fiscal operations of the System shall be conducted within the requirements of the Appropriations Act, other federal and state laws, the policies, rules and regulations of the Board of Trustees, and the administrative guidance of the Chancellor.

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

**III.A.2. Resource Development**

**III.A.2.01 Role and Purpose**

The purpose of the Office of Resource Development and Administration is to facilitate, coordinate, and assist System campuses to seek and secure external funds from federal, state, and local agencies.

**III.A.2.02 Authorization: External Funding**

Applications and requests for funding from external sources will be made under the following provisions:

- a. Will provide support for educational program needs that cannot be met through operational funds;
- b. Will be in accordance with the System and Colleges’ mission, vision, goals and priorities; and

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- c. Will be submitted with the approval of the College President or appropriate Vice Chancellor.

**III.A.2.03 Grant Application**

All grant proposals submitted shall be in compliance with System policies and procedures, based on identified needs of the colleges, and in alignment and support of the System's institutional goals and strategic plan.

All System-wide and federal applications will designate the Office of Resource Development and Administration with its address as the point of contact for grant documents, negotiations, and correspondence, and a College contact for project operations.

Non-governmental applications made by an individual College will designate a College contact for project operations and negotiations on all grant documents and correspondence.

**III.A.2.04 Authorized Signatures**

Upon review and approval of the General Counsel, the Chancellor, or in his/her absence, the Vice Chancellor for Administration and Finance/Chief Financial Officer ("CFO") shall sign all grant applications, supporting documentation and contracts on behalf of the Board of Trustees.

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

**III.A.3. Gifts**

**III.A.3.01 – Philanthropic Gift**

The Lone Star College Foundation (the "Foundation") exclusively supports the philanthropic income and investments of the System. The Foundation serves as a Texas nonprofit corporation and is exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

The Foundation is a fiscal and organizational independent entity from the System and receives governance through its own Board of Directors. The Foundation Board is made up of business, corporate and community leaders, who reside and/or conduct professional endeavors within the boundaries of the System.

The criteria for philanthropic gifts must be vested in the LSCS Foundation and requires that the donor:

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- a. Constitutes a public or private funding source,
- b. Provides the intent to make a charitable contribution,
- c. Invests the gift irrevocably, and
- d. Does not receive any goods or services in exchange for the gift

**III.A.3.02 – Gifts from Private Sources**

All bequests or property for the benefit of the System shall be accepted by the Lone Star College Foundation (the “Foundation”) on behalf of the System. When not specified by the grantor, funds or other property donated, or the income from such funds for property, may be expended in any manner authorized by statute.

The Chancellor, or designee, shall make quarterly reports to the Board of the acceptance of gifts and donations including donor, value, form and restrictions.

The authority to accept gifts on behalf of the System shall be vested solely with the Foundation.

The Foundation shall not accept gifts that discriminate against any person on the basis of gender, race, color, religion, national origin, or disability.

Monetary donations received from private sources will be processed through the Foundation and follow the Foundation policies and procedures.

*LSCS Policy Manual Section adopted by the Board of Trustees on March 3, 2011*

**III.A.4. Indirect Costs**

**III.A.4.01 – Definition**

Indirect costs represent the expenses of doing business that are not readily identified with a particular grant, contract, project function or activity, but are necessary for the general obligation of the organization and the conduct of activities it performs. Examples of indirect costs are:

- a. Maintenance of shared facilities;

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- b. Depreciation of shared buildings and equipment;
- c. Campus-wide or system-wide accounting services;
- d. Human Resources;
- e. Financial and accounting services;
- f. Campus-wide or system-wide library and computing services; and
- g. Utilities of shared facilities

**III.A.4.02 Indirect Cost Rate**

The System shall renew and maintain a federal indirect cost rate.

**III.A.4.03 Charging Indirect Costs on Grants and Contracts**

LSCS Personnel are encouraged to seek the maximum allowed indirect costs for all grants and contracts.

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

**III.B. BUDGETING, ACCOUNTING, AND REPORTING**

**III.B.1. Annual Operating Budget**

**III.B.1.01 Annual Budget**

The System shall construct, adopt and administer its annual budget in accordance with all requirements of law. The budget shall be in conformance with the requirements of the Coordinating Board, and meet the standards of the Commission on Colleges of the Southern Association of Colleges and Schools.

**III.B.1.02 Budget Planning**

In order to ensure that the System's budget effectively reflects its goals, programs and activities, and so as to ensure sufficient resources to implement and support them, budget planning shall be an integral part of the System's overall program.

**III.B.1.03 Budget Schedule**

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The Chancellor or designee shall supervise the development of the budget calendar and the specific plan for budget preparation that ensures the appropriate input from all locations and levels of operation within the System.

**III.B.1.04 Budget Adoption**

An annual budget for the operation of the System shall be approved prior to the beginning of each fiscal year.

The adopted budget shall provide the authority to expend funds for the purposes indicated and in accordance with state law, Board policy and the System's approved purchasing policies and procedures. The expenditure of funds shall be under the direction of the Chancellor or designee who shall ensure that funds are expended in accordance with the adopted budget.

**III.B.1.05 Budget Amendment**

The adopted budget may be amended by the Board of Trustees at any time during the fiscal year in accordance with the System's procedures for budget amendments.

**III.B.1.06 Budget Availability**

After the proposed budget is presented to the Board and prior to its adoption, a copy of the proposed budget shall be available for inspection at the System's administrative offices during regular business hours.

**III.B.1.07 Public Hearing**

The annual public hearing on the proposed budget shall be conducted in accordance with law, and as follows:

- a. Prior to the beginning of 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 System shall be required to respond to questions from speakers at the hearing.

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

**III.B.2. Financial Reports and Statement**

**III.B.2.01 Finance Reports and Statements**

Periodic financial and budget reports shall be submitted to the Board outlining the progress of the budget and reporting on the status of all System funds and System accounts. These financial and budget progress reports shall indicate all receipts and their sources for the period, expenditures and their classification for the period, and the various fund balances at the beginning and the end of the period.

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

**III.B.3. Payroll Procedures**

**III.B.3.01 Payroll Procedures**

Paydays will be established by the Chief Financial Officer. If the payday falls on a weekend, holiday, or other non-business day, payday shall be the business day prior.

Generally, full time employees will be paid on a semi-monthly basis. As an alternative, faculty employees contracted for 9 months may request a schedule of 18 equal payments. This request must be submitted in writing within two weeks of beginning work, or of the new contract period.

The System has a mandatory direct deposit program. All employees must receive their pay by direct deposit to a bank account of their choice or a Direct Pay Card.

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

**III.B.4. Salary Deductions and Reductions**

**III.B.4.01 Salary Deductions and Reductions**

Routine payroll deductions from the salaries earned by System employees shall be made where required by law, or authorized in writing by the employee through the System Human Resources Department. A list of optional salary deductions can be obtained from the System Human Resources Department.

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**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**

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

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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.

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).

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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 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.

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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 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

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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.

**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.

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**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.

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.

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**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
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;

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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;
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.

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**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 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;

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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**

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.

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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;
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.

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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**

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);

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- 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**

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;

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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 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;

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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.

**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**

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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 5, 2015*

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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 AND ACQUISITIONS**

**III.D.1. Purchasing Overview**

**III.D.1.01 Legal Responsibility of System for Debts**

The Board shall assume responsibility for debts incurred in the name of the System so long as those debts are for purchases made in accordance with adopted Board policy, and current administrative procedures regarding contracting and purchasing. The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control. The Board shall not be responsible for any other unauthorized purchase or debt. All vendors are charged with the responsibility to discover an individual or an organization's authority before any purchase, contract or

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debt is incurred. Persons making unauthorized purchases shall assume full responsibility for all such debts.

**III.D.1.02 Forms of Purchase**

The System utilizes four forms of purchasing: check requests, approved credit card transactions (including Procurement Cards), petty cash disbursements, and purchase orders.

- a. Check Requests should be used to request payment for goods and services where a purchase order is not warranted. Specific procedures concerning the use of check requests are to be developed by the Associate Vice Chancellor for Business Support Services and approved by the Executive Council.
- b. System credit cards may be used to purchase travel-related services, including registration for approved conferences, and other small dollar purchases as approved by the Chancellor or Executive Council.
- c. The Petty Cash Fund is set up to fund “out of pocket” expenditures by the employees of the System. Petty cash fund use must be approved in advance by the supervisor and no petty cash expenditure may exceed \$75.00. Each petty cash expenditure shall be documented with a receipt appropriate to the purchase.
- d. All other purchases shall be made by purchase order. All purchase orders shall be under the control of the System Purchasing Department. Creditors of the System shall be notified that purchase commitments made without a properly drawn purchase order and not authorized by the System Purchasing Director, or other designee of the Chancellor, will not be honored for payment.

**III.D.1.03 Responsibilities of LSCS Employees**

All System employees engaged in the purchasing processes are to conduct themselves fairly, objectively, and will observe the confidentiality of the decision-making and award processes so as to serve the best interests of the System.

**III.D.1.04 Conflict of Interest**

Purchases are not authorized from an employee or members of an employee’s family, nor are purchases authorized from a company in which an employee or his or her family member owns a five percent (5%) or greater interest. For purposes of this policy, a family member (natural, foster, adopted or step), means a spouse, child, in-law, sister, brother, mother, father, grandparent, significant other or life partner.

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A purchase that would otherwise not be permitted because of this conflict of interest policy may be allowed if obtained via a competitive process and:

- a. The goods or services being purchased are not under the direct or indirect authority of the approving employees' department or division, and;
- b. The family member's bid is the lowest price bid that meets all bid specifications.

**III.D.1.05 Vendor Relations**

The Texas Ethics Commission has adopted a conflict of interest questionnaire that requires a vendor to disclose the vendors' business relationships and certain gifts or income provided to local government officers and/or their family members that may cause a potential conflict of interest with the System.

The records administrator of the System shall maintain a list of local government officers of the entity and shall make that list available to the public and any vendor who may be required to file a conflict of interest questionnaire.

These completed questionnaires are subject to the Public Information Act and shall also be made available on the System's website.

**III.D.1.06 Purchase Approval**

Regardless of the transactional form of the purchase, each purchase must be approved in advance by the appropriate budget manager or authorized designee and funds must be available in the appropriate budget.

**III.D.1.07 Purchasing Procedures**

Purchasing procedures are to be developed by the Associate Vice Chancellor for Business Support Services and approved by the Executive Council.

**III.D.2. Contracting**

**III.D.2.01 Definitions:**

- a. Contract

As used in this policy, the term "contract" refers to all written documents, whether entitled contracts, leases, licenses, memoranda of understanding, purchase orders,

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informal letter agreements and other instruments and agreements that seek to obligate the System or any of its colleges, programs or activities to pay money, to purchase insurance, to provide staff or other in-kind services to a third party. The term contract does not include any form of oral agreement.

b. Approval

As used in this Policy, the term "approval" refers to the process of securing necessary approval of the form, contents and business terms of a proposed contract from a member of the Board, the Chancellor, LEO, or authorized designee authorized by this Policy to give approval to the contract.

c. Execution

The execution of an agreement by an authorized System official, and the other party or parties to the contract makes the contract enforceable against the System.

Any contract requiring Board approval pursuant to this Policy, must be approved by the Board of Trustees, and executed by the Board Chair, the Chancellor, or authorized designee. However, any employment contract is to be executed by both the Board Chair and the Chancellor.

d. Renewals or Amendments

As used in this policy, the term "renewal" refers to the practice of extending the term of an already executed contract for an additional length of time. The term "amendment" refers to the practice of revising specific terms of an already executed contract. Amendments to contracts must be approved and executed at the same level of authority as the underlying contract.

e. LEO

As used in this policy, Location Executive Officer ("LEO") refers to System Vice Chancellors and Presidents.

**III.D.2.02 Board Approval**

The following types of contracts require the approval of the Board of Trustees:

- a. Employment contracts;
- b. Finance agreements;

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- c. Purchases or sales of real property;
- d. Contracts, excluding legal services, and leases with a term exceeding one year (including options to renew) that have a cumulative expenditure of \$100,000 or more over the contract term;
- f. Contracts involving the sale of intellectual property or technology transfer, including software licenses, owned in whole or in part, by the System.

**III.D.2.03 Educational Agreements**

Board approval is not required for educational agreements. For purposes of this policy, educational agreements refer to agreements between the System and a third party for establishing the terms for the sharing or use of facilities, staff, or other educational resources. Educational agreements will be reported to the Board by the Chancellor at least annually.

**III.D.2.04 Delegation of Authority**

Unless delegated pursuant to another section of this Policy Manual, 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 authorized designee 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.

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 this 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 on 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.

**III.D.3. Purchasing of Professional Services**

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**III.D.3.01 Authority**

Professional Services Agreements, excluding legal services, with a value of \$100,000 or more over the contract term, shall be approved by the Board of Trustees. Professional Services Agreements with a value of less than \$100,000 over the contract term must be approved by the Chancellor, LEO, or authorized designee.

**III.D.3.02 Definition**

Professional services include, but are not limited to: accounting, technology, financial, auditing, architecture, landscape architecture, land surveying, medical, optometry, professional engineering, legal, real estate appraising, or professional nursing.

**III.D.3.03 Scope of Service**

Professional service providers are independent contractors retained to provide services to the System when regular employees, within the scope of their employment, cannot provide such services.

Procurement of professional services must be conducted in accordance with the Texas Government Code for Professional Services, to the extent applicable. This requires that contracts for the procurement of 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:

- a. Within the budget for the services;
- b. A fair and reasonable price;
- c. Do not exceed any maximums provided by state law; and
- d. Consistent with, and not higher than, the recommended practices and fees published by the applicable professional associations.

**III.D.3.04 Term of Service**

The Board may engage a professional services provider for a maximum period of five years. However, the Board will retain the right to terminate the engagement at any time upon due notice, such notice never requiring more than thirty (30) days prior notice.

A professional service provider currently under contract is eligible to respond to a request for proposal/qualifications for a subsequent term.

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**III.D.4. Purchasing of Goods and Services**

**III.D.4.01 Purchasing Authority**

The System shall comply with Texas Education Code Section 44.031 in establishing open and fair purchasing and bidding practices that provide the best value to the System.

Board approval is required for purchases or contracts of \$100,000 or more over the contract term including options to renew. Authority for purchases and contracts for the procurement of goods or services below \$100,000 can only be delegated by the Chancellor. Delegated authority to procurement personnel may be removed if unacceptable behavior or job performance is observed.

The authority to approve purchase orders, check requests, and employee expense and petty cash reimbursements is given to directors, managers and other employees as delegated by the Chancellor and LEOs.

**III.D.4.02 Policy Applicability**

This policy applies to the purchase of tangible personal property or services except as follows:

- a. Purchases of real property; or
- b. Purchases of professional services (see “Purchasing Professional Services” subsection, above);

**III.D.4.03 Purchasing Objectives**

When purchasing equipment, supplies, materials, services, hardware, and software, the two factors which drive the purchasing process, and the decisions to be made, are:

- a. Obtaining the best overall value for the System; and
- b. Fairness. Procurement activities shall be conducted in an open and fair manner with equal opportunity provided to all qualified suppliers. The System will provide equal contracting opportunities as provided by federal, state and local laws and regulations to historically underutilized businesses.

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The purchase of equipment, supplies, materials and services shall be based upon a competitive process, except as otherwise provided in this Policy. Purchases may not be subdivided to avoid the competitive requirements of this Policy.

**III.D.4.04 Administrative Requirements**

Unless otherwise covered by the sections above or required by law to meet other requirements, purchases of goods or services made on behalf of the System shall meet the following administrative requirements outlined below.

a. Purchases Valued at \$50,000 or More

All purchases of \$50,000 or more for goods or services shall be coordinated through the System Purchasing Department. These purchases shall follow a formal competitive process that includes:

- i. Pre-qualification and selection of suppliers;
- ii. Standards and specifications;
- iii. Requests for bids/proposals;
- iv. Submission of bids/proposals, and public openings; and
- v. Award of purchase orders and contracts.

b. Library Goods and Services

The purchase, acquisition, or license of library goods and services shall not apply to the requirements set forth by D.4.04 (a) above.

“Library goods and services” means:

- i. Serial and journal subscriptions, including electronic databases, digital content, and information products;
- ii. Other library materials and resources, including books, e-books, and media not available under a statewide contract and papers;
- iii. Library services, including periodical jobber and binding services not available under a statewide contract;
- iv. Library equipment and supplies; and

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- v. Library or resource-sharing programs operated by the Texas State Library and Archives Commission.

Purchase, license or otherwise acquisition of library goods and services are acquired in any manner including but not limited to:

- i. Statewide purchasing contracts
  - ii. Library or resource-sharing programs
  - iii. Available from one source
  - iv. Any other manner as authorized by Texas law with respect to a Public Senior College or University as defined under Texas Education Code §61.003.
- c. Administrative Approval

Purchases valued at \$50,000 or more and less than \$100,000 require approval by the Vice Chancellor of Administration and Finance or designee.

- d. Board Approval

All purchases of \$100,000 or more for goods or services require Board approval, except as otherwise stated in this policy.

- e. Emergency and Sole Source Purchases

At times, it may not be in the System's best interest to engage in a formal competitive process. Purchases necessary to respond to emergencies (situations that jeopardize public or employee safety, or that could result in significant financial or operational loss), and sole source purchases which are purchases where only one supplier can provide the product or service (e.g. the product or service is protected by patent, copyright or trademark; or due to schedule conflicts, etc., only one supplier can provide the product or service when it is required) do not require a formal competitive process. Sole source purchases must be justified in writing and approved in advance by the System Director of Purchasing. Emergency purchases must be justified in writing and approved in advance by the Chancellor for purchases \$100,000 or more, by the Vice Chancellor of Administration and Finance or designee for purchases under \$100,000. Emergency and Sole Source purchases of \$100,000 or more must be approved or ratified by the Board of Trustees.

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f. Inter-local Purchase Agreements

The System may enter into an inter-local purchase agreement with another local government or with the state or a state agency to purchase goods or services. Inter-local purchase agreements that are \$100,000 or more, whether payable in a one-time payment or in installments, over the contract term, shall be approved by the Board of Trustees. Purchases may be made through the agreement without a competitive bid process after a market analysis determines that the best value for the System is through the agreement. Documentation of the best value decision must accompany purchases for \$50,000 or more.

**III.D.4.05 Departure from Policy**

There may be instances that justify a departure from the normal competitive process. Departures from this policy shall be approved, in advance, by the Chancellor or authorized designee.

**III.D.4.06 Contract Award Criteria**

In awarding a contract, the System must consider:

- 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 System's needs,
- e. The vendor's past relationship with the System,
- f. The impact on the ability of the System to comply with laws relating to historically underutilized businesses,
- g. The total long-term cost to the System to acquire the goods or services, and
- h. Any other relevant factor specifically listed in the request for bids or proposals.

**III.D.4.07 Long-Term Contracts**

The use of long-term contracts is encouraged to maximize the efficiency of the procurement process or to optimize long-term pricing. Long-term contracts shall not

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exceed five years. A contract that exceeds the end of the System's fiscal year must include a provision that permits termination at the end of the fiscal year if funding is unavailable.

**III.D.4.08 Bidding Requirements**

All bidding practices shall be in conformance with state law. The System will establish practices to identify when bids shall be required and when other practices of obtaining needed goods and services shall be utilized.

Bid openings shall be public and those submitting bids are invited to attend. The Board or authorized designee has authority to reject any and all bids.

All bids shall be conducted through the System Purchasing Department unless specific authorization is granted through Board approval.

The System may hold pre-bid conferences and may, upon proper notice, make the attendance at such a conference mandatory. The System will not open or consider any bid submitted by any vendor who did not attend a mandatory pre-bid conference.

**III.D.4.09 Surety Bonds**

The System may, at the discretion of the Chief Financial Officer, require bid surety, payment bonds and performance bonds.

Bid surety bonds shall be returned to all bidders except the successful bidder at the time the award is made. The surety bond of the successful bidder shall be retained until the merchandise has been delivered and inspected for quality and other requirements of the bid.

**III.D.4.10 Personal Purchases**

System employees shall not be permitted to purchase supplies or equipment for personal use through the System.

**III.D.4.11 Further Guidance**

Guidelines and procedures for compliance with this Policy shall be developed and implemented by the Chancellor or authorized designee.

**III.D.5. Petty Cash Purchases**

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**III.D.5.01 Petty Cash Purchases**

Petty Cash Funds are intended to handle small, "out of pocket" expenditures by the employees of the System. Each Petty Cash Fund must have a custodian of record who is responsible and accountable for managing the fund. Petty cash audits are to be performed by an administrative business officer or designee, other than the fund's custodian, as part of routine oversight of business procedures.

There is a limitation of \$75 for any one transaction. Purchases may not be subdivided to fall under this \$75 limit.

*LSCS Policy Manual Section adopted by the Board of Trustees on September 3, 2009*

**III.E. FACILITIES**

**III.E.1. Naming of Facilities**

**III.E.1.01 Policy for Naming of Facilities**

The Board may name a facility, center, or academic program to recognize a donor for his or her generosity to the System or a college, or to recognize distinguished leadership or service. The Chancellor is authorized to develop procedures for the proposal and recommendation of names for facilities.

Only a major gift to the System or a college for construction or renovation of facilities qualifies for naming a facility. Major gifts include:

- i. A gift equal to the total costs of the project.
- ii. The major gift among numerous contributions for a project (the major gift would exceed 50% of the other contributions).
- iii. A Board-approved pre-determined gift level for naming opportunities in a campaign.

In exceptional circumstances, the Board may recognize an individual based upon distinguished leadership and/or service to the System over an extended period of time, by the naming of a facility, center or academic program after that person.

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

**III.E.2. Facilities Maintenance**

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**III.E.2.01 Repairs and Replacements of Facilities**

An internally designated reserve fund in the Current Funds Group, known as the Buildings, Grounds and Equipment: Repair and Replacement Fund (“R&R Fund”), is set aside for the repair or replacement of major capital items. The fund will accumulate reserves annually from non-mandatory transfers and investment revenues at an annual rate equal to two percent (2%) of two-thirds of the total asset valuation, excluding inventory and sites.

The definition of Capital Improvements will be: any item that if not repaired will adversely affect the value of the Capital Asset. The threshold for any R&R project will be \$5,000.

The R&R Fund will be used for the repair or replacement of existing capital assets. R&R funds may also be used for the cost of the portion of a project attributable to changes in governing codes or the American with Disabilities Act.

The System Facilities Planning and Construction Department will coordinate with the Colleges in developing proposed R&R fund projects and budgets. The Board of Trustees shall approve all projects proposed for the R&R Fund.

If deviations from the approved R&R Fund project list are deemed necessary, Plant Directors or approved representatives shall develop the request for a deviation. The request shall include the new proposed project, justification, anticipated budget, and the project(s) that will be replaced. The request shall be sent to the System Director of Facilities for review. If recommended to proceed, the request shall be sent to the Vice Chancellor for Business Affairs/CFO for final approval and notice to proceed. Net increases or decreases to the original budget must be approved by the Board of Trustees.

**III.E.2.02 Buildings and Grounds Maintenance**

Every System building shall be well-maintained, kept in a sanitary condition, and shall conform to established standards of good public health, engineering practices, codes, and regulations. Refer to Health and Safety code 341.065 for details.

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

**III.E.3. Use of Facilities**

**III.E.3.01 Facilities Renovation**

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The System Facilities Planning and Construction Department shall be notified of any renovation, significant maintenance and repairs, or replacements that deviate from the original or current design for all buildings, grounds or equipment. They shall also be notified of any replacement of building fixtures, or alteration of access or accommodations of the buildings and grounds, which are used by the public, and may be required to meet ADA standards. All, projects requiring building code reviews, permitting and professional services shall be coordinated with System Facilities Planning and Construction.

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

### **III.F. FIXED ASSETS**

#### **III.F.1. Fixed Asset Objectives**

##### **III.F.1.01 Fixed Asset Management System**

The System shall design and maintain a fixed asset management system to meet the following objectives:

- i. Comply with generally accepted accounting principles as promulgated by the Governmental Accounting Standards Board;
- ii. Comply with federal and state grant regulations;
- iii. Maintain appropriate stewardship of the location and value of fixed assets;
- iv. Maintain preventive maintenance records and warranty information;
- v. Maintain records for risk management concerns;
- vi. Plan for asset replacement or enhancement in the capital budgeting process;
- vii. Avoid unnecessary purchases by identifying assets that can be shared or utilized by other departments; and
- viii. Coordinate the disposal of fixed assets which are obsolete, depleted, or no longer meet the needs and requirements of the System.

##### **III.F.1.02 Authorized Fixed Asset Officer**

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The Vice Chancellor for Business Affairs/Chief Financial Officer, or designee, shall serve as the fixed asset coordinator for the System. He/she shall be responsible for designing and maintaining the fixed asset management system, establishing a capitalization policy and performing a periodic inventory of fixed assets.

**III.F.2. Use of System-Owned Property (Other Than Facilities)**

**III.F.2.01 Use of System-owned Property Other Than Facilities**

System-owned equipment may be released to an employee occasionally to be used away from the primary work area. Procedures and guidelines shall be developed and implemented by the Vice Chancellor for Business Affairs/Chief Financial Officer, or his/her designee, and must be followed to ensure that use of System equipment is authorized.

- i. Equipment shall be used for designated and authorized System purposes only;
- ii. Equipment may not be removed from the premises on a permanent basis, but may be used for specific designated project purposes;
- iii. Individuals shall be responsible for the safe and proper care of any equipment, taking the same level of professional care as expected on the job site; and
- iv. Supervisors' permission must be obtained for each separate removal of equipment from the job site, and the approving supervisor shall be responsible for maintaining and verifying that any off-site equipment has been inventoried, and is being properly used.

**III.F.3. Retirement, Sale, or Disposal of Property**

**III.F.3.01 Retirement, Sale, or Disposal of Property**

The System may dispose of surplus property by sale or trade-in providing that such goods are disposed in accordance with applicable federal, state and local laws

**III.F.4. Maintenance of Vehicles**

**III.F.4.01 Maintenance of Vehicles**

Each System location shall maintain records evidencing the annual inspection of its vehicle fleet according to the standards as set forth by the uniform act regulating traffic on the highways. These records shall be maintained at each location, as well as with the risk management department of the System.

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

**III.G. AUXILIARY ENTERPRISES**

**III.G.1.01 Provision of Services**

The System is expected to provide its students and community with services appropriate to the performance of its mission as established by its founding charter or as directed by the Coordinating Board.

**III.G.1.02 Sale of Services**

The System may provide services to its campus communities provided that:

1. The services satisfy educationally related needs such as campus newspapers, bookstores, cafeterias, fitness centers or other similar services.
2. The service is an integral part of providing support activities that enhance performance of the System's public service mission.

The System shall not provide services or goods to persons other than members of the campus community unless:

- a. It fulfills the System's public service mission, or
- b. It is incidental to the performance of the System's educational activities (e.g., concerts, theater performances or similar activities), or
- c. It consists of recreational, cultural, and athletic events; public service radio and TV broadcasting; events or functions which have as their principal purpose the improvement of relations between the System and the public.
- d. It is an authorized fundraising activity.

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

**III.H. AUDITING**

**III.H.1. External Audits**

**III.H.1.01 Independent Auditor**

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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
- viii. Legal services

**III.H.1.03 Term of Service**

The Board shall periodically competitively procure independent audit services.

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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**

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.

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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;
- iii. Misappropriation of funds, securities, supplies, or other assets;
- iv. Impropriety in handling or reporting money or financial transactions;

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- 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.

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.

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**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.5.01 Emeritus Designation**

Upon the Chancellor's recommendation, the Board of Trustees may confer the title of emeritus upon retiring faculty or administrators in recognition of significant contributions to the System through long and distinguished service in administration, teaching, and/or service. Award of the emeritus title does not confer any employment status or rights. Privileges shall include presentation of an appropriate commemorative, a listing in the annual catalog for the life of the honoree, an invitation to the annual May commencement with special seating privileges and introduction and recognition during the commencement program, an invitation to System activities and special events; and use of LSCS Learning Resource Center materials.

The Chancellor shall develop procedures for the nomination and recommendation of qualified individuals for the Board to consider the award of emeritus status.

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

**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

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compensation plan adopted by the Board after recommendation by the Chancellor. No 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*

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**IV.C.2. Overtime Compensation**

**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.

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

#### **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.

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

**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.8.01 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.8.02 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 a change in a subordinate's employment contract status. It can also

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occur when the Chancellor recommends a change in a direct-report's employment contract status. Change in contract status can take one of three forms:

1. The return to an annual contract in the subsequent academic year in the case of a faculty member or administrator on a multiple-year contract.
  2. The continuation of an annual contract in the subsequent academic year in the case of a faculty member or administrator on an annual contract but who has, since execution of that annual contract, become eligible for a multiple-year contract.
  3. The non-renewal of either an annual or multiple-year contract in the subsequent academic year.
- (b) **Notice:** Notice of intention to effectuate a change in contract status as defined in the section above shall be given by the Chancellor on or before March 1st preceding the end of the contract term fixed in the current contract—provided the employee was employed before March 1st. The Board may employ the contractual employee in the same capacity for the succeeding academic year if the Chancellor fails to provide the March 1st notice. This process is not valid in the event that the Board of Trustees takes action for a reduction in force.

#### **IV.F.8.03 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.

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**(b) All Other Contractual Employees.**

From the date of receipt of the Notice the affected employee will have up to 20 working days to appeal a contractual change of status recommendation to the Office of the Chancellor.

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

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

The Chancellor will notify the affected employee no later than 15 working days following receipt of the appeal of the Notice. The employee may directly appeal to the Board if the employee alleges a violation of the Lone Star College Board Policy Manual as defined in Section IV.F.10.06. 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 December 4, 2015*

**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*

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**IV.F.10. Employee Grievance and Review Process**

**IV.F.10.01 Policy**

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

**IV.F.10.02 Definitions**

- (a) **Grievant.** Grievant means the employee who initiates the procedures set forth in this policy.
- (b) **Working Days.** Working days means the College's business days. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."

**IV.F.10.03 Who May Bring A Grievance**

Individual employees may submit grievances on behalf of themselves or multiple affected employees as an associational grievance.

**IV.F.10.04 Serial Grievances**

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

**IV.F.10.05 Exclusions**

The following concerns are not subject to this grievance policy and are addressed in other policies:

- (a) Termination of contractual employees. See Policy IV.F.10.13.
- (b) Change in contract status. See Policy IV.F.8.03.
- (c) Employee performance evaluations—before exhaustion of the procedure set out in Policy IV.F.7.09. Applicable time limits set forth in this grievance policy begin to run on the date that Policy IV.F.7.09 is exhausted.
- (d) Allegations of discrimination, harassment, and retaliation, except for allegations of retaliation for filing or participating in a non-discrimination or harassment grievance. That procedure is in Section IV.F. of this policy manual. An employee disciplined following an investigation may use this policy to challenge the disciplinary action.

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- (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 Alleged Policy Violations**

An employee may appeal the Chancellor's decision to the Board of Trustees if the employee alleges a procedural irregularity in the decision that violates this policy manual. The policy section applicable to the challenged decision must directly reference this section for the decision to be appealable to the Board.

If a grievance does not involve an allegation of a violation of Board policy or an allegation of a violation of the grievance process, the grievant may present the grievance at the Citizen Participation portion of a Board meeting in accordance with Board Policy I.E.1.43.

**IV.F.10.07 Right to Representation**

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

**IV.F.10.08 Informal Resolution**

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

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

An employee who has a concern that has not been resolved through participation in the informal resolution process may file a formal grievance. Campus employees must file their grievance with their supervisory campus vice president. System Office employees must file their grievance with their respective associate vice chancellor or chief area officer. For assistance in determining to whom a formal grievance must be presented, a copy of the

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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.

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

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decision shall set forth the basis of the decision and any additional information or documents obtained after the appeal conference.

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

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

**IV.F.10.11 Second Level Appeal**

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

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

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

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

If the grievance is still unresolved and it involves an allegation of violation of a Board policy, as defined earlier in Policy IV.F.10.6, including a violation of the grievance policy, 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

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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 will consider the grievance, in accordance with the Open Meetings Act, at the next regularly scheduled Board meeting that is scheduled to occur at least 15 working days after the appeal to the Board is received in the System Office.

The Board 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, 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.

*LSCS Policy Manual Section adopted by the Board of Trustees on November 5, 2015  
LSCS Policy Manual Section IV.F.10.10 First Level Appeal updated by the Board of Trustees on February 4, 2016*

#### **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 terminated during a contract term is entitled to a pre-termination notice and pre-termination appeal under this policy.

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

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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 paid 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 paid administrative leave during the pendency of any appeal. If no appeal is filed, the Notice of Recommended Termination will automatically become a Notice of Termination on the 16th day following receipt of the Notice of Recommended Termination. The Board of Trustees delegates to the Chancellor the authority to terminate an employee's employment in such a situation.

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

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

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

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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 one-page 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 at least 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—except where the employee alleges a procedural irregularity that violates the Lone Star College System Board Policy Manual and is therefore appealable to the Board of Trustees under Section IV.F.10.06. The Board of Trustees delegates to the Chancellor the authority to terminate an employee's employment where no allegation of procedural irregularity is made.
  
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,

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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.

**IV.F.10.14 Timeliness**

The time limits, as provided in this policy, are created in order to ensure that issues are raised and addressed promptly. Timelines for the filing of and response to an appeal 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 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 December 3, 2015*

**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.

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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:

- 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**

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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.

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:

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- 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.

**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.

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**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.

**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:

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- 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.

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.

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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*

**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

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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.

**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**

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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. EXPANDED COLLEGES OR CENTERS**

The Board may establish and operate additional campuses, centers, or extension facilities within the System's service area provided that each facility, and each course or program offered in such locations, is subject to the prior and continuing approval of the Texas Higher Education Coordinating Board ("Coordinating Board") and appropriate accreditation agencies.

**V.B. CURRICULUM – INSTRUCTIONAL PROGRAM AND COURSES**

**V.B.1. Curriculum Design**

The Chancellor shall establish procedures for the development, approval and revision of courses and programs of instruction offered by the System to assure their quality, responsiveness to community needs and compliance with appropriate accrediting, articulation, and regulatory standards.

**V.B.1.01 Policy**

The Board shall finance, provide and supervise educational programs consistent with the System's purpose for students of all ages.

**V.B.1.02 Annual List of Courses**

The Board annually shall submit to the Texas Higher Education Coordinating Board (Coordinating Board) a comprehensive list of the core curriculum as well as any proposed changes to the course and program inventory for each college. The list shall include a description of the content, scope, and prerequisites of all those courses that will be offered by the System during the following academic year.

All changes in course and program offerings shall be submitted on dates designated by the Coordinating Board.

**V.B.1.03 Minimum Length of Courses**

The minimum length for organized courses offered by the System shall be as follows:

- a. All shortened courses shall consist of the same number of class contact hours as similar courses offered in a regular session or summer session. Courses shall also have the same objectives, requirements, and quality of instruction as regular length courses.

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- b. Students may not carry more courses at a time than the total credit of one semester credit hour per week of instruction.
- c. A three credit-hour course shall consist of no fewer than nine days of classes offered over no less than three (3) weeks.
- d. All the above requirements for three-credit-hour courses shall apply proportionately to courses for one, two, four, or other credit hour values.
- e. The Commissioner of Higher Education is authorized to permit exceptions to this section for research purposes, to determine the efficacy of teaching a specific course in a shortened format.

**V.B.1.04 Academic Calendar**

Upon recommendation by the Chancellor, the Board of Trustees shall annually adopt an official calendar for the college district in accordance with the policies of the Texas Higher Education Coordinating Board.

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

**V.B.2. Academic Courses**

**V.B.2.01 Core Curriculum Defined**

"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.

**V.B.2.02 Adoption of Core Curriculum**

The System shall adopt a core curriculum of 42 semester credit hours, including specific courses comprising the curriculum. The core curriculum shall be consistent with the common course numbering system approved by the THECB and with the statements, recommendations, and rules issued by the THECB. The System's core curriculum shall be designed to satisfy the exemplary educational objectives specified for the component areas adopted by the THECB.

**V.B.2.03 Evaluation of Core Curricula**

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The System shall review and evaluate its core curriculum and applicable field of study curricula at intervals specified by the Coordinating Board, and shall report the results of the review to the Coordinating Board. The evaluation criteria are specified by the Coordinating Board. The System must submit a Core Curricula Evaluation Report according to the timelines and criteria established by the Coordinating Board.

**V.B.2.04 Field of Study Curriculum defined**

“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.B.2.05 Evaluation of Field of Study Curricula**

The System shall review and evaluate its procedures for complying with field of study curricula at intervals specified by the Coordinating Board and shall report the results of that review to the Coordinating Board. These reports shall be submitted following the same timetable as the regular reports of core curriculum evaluations.

*LSCS Policy Manual Section adopted by the Board of Trustees on May 1, 2014*

**V.B.3. Technical and Workforce Courses**

**V.B.3.01 Workforce Educational Program**

The Board shall be authorized and empowered to finance, provide and supervise career and technical courses for students in the System.

**V.B.3.02 Definitions**

"Workforce education" means technical courses and programs for which semester credit hours or for which continuing education units are awarded. Workforce education courses and programs prepare students for immediate employment after completion of an associates of applied sciences (AAS) or certificate or job upgrade within specific occupational categories.

"Certificate program" is defined as a workforce education programs, credit or non-credit, 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 AAS degree programs.

"A workforce course, credit or non-credit," is defined as a course offered with an occupationally specific objective and supported by state funding. A workforce

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continuing education course differs from a community service course, which is offered for recreational or avocation purposes and is not supported by state funding.

**V.B.3.03 General Provisions**

The System may classify workforce courses as earning semester/quarter credit hours or continuing education units (CEUs) based on THECB rules. Contact hours reported for workforce education courses which result in either credit hours or CEUs shall be eligible for formula funding. A course or program that meets or exceeds 360 hours in length must be approved as a workforce certificate program by THECB staff, following policy. A course or program that meets or exceeds 780 hours in length must result in the award of appropriate semester/quarter credit hours and be applicable to a certificate or an applied associate degree (AAS) program.

**V.B.3.04 Approval of Programs**

In accordance with the Guidelines for Instructional Programs in Workforce Education (GIPWE) as approved by the Coordinating Board, if the System wishes to offer a new certificate or applied associate degree program it must meet the following requirements:

- a. Completed application forms and a statement of assurances must be approved by the Board and the Chancellor, and then forwarded to the Coordinating Board's Community and Technical Colleges Division.
- b. The statement of assurances must certify that the Coordinating Board's criteria for new programs have been met.

**V.B.3.05 Review Process**

Once the program requirements have been met, the Coordinating Board staff may schedule the program for formal program review. This review process shall be conducted by representatives from the System, the Coordinating Board staff, and other appropriate agencies and institutions of higher education. Lone Star College will also conduct an internal program review for each workforce program on a four-year cycle and present results to the Chancellor and Board.

**V.B.3.06 Procedures to Revise Program**

If the System wishes to revise an existing certificate or applied associate degree program, it must complete the procedures as outlined in the Coordinating Board-approved Guidelines for Instructional Programs in Workforce Education (GIPWE), as follows:

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- a. All programs must be under the direction of an administrator having appropriate authority to ensure that quality is maintained, 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").
- b. Faculty and staff must be approved by the post-secondary institution. Each individual must meet the minimum qualifications established by the Coordinating Board and the Southern Association of Colleges and Schools Commission on Colleges (SACS).

*LSCS Policy Manual Section adopted by the Board of Trustees on May 7, 2015.*

**V.B.3.07 Substantive Change**

Employees with responsibility for initiating, reviewing, approving, or allocating resources to make changes in any of the institution's programs or activities, whether academic or non-academic, 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 Executive Council 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. All substantive changes must come before the Executive Council for final action.

**V.B.4. Miscellaneous Program Guidelines**

**V.B.4.01 State Funding**

No funds appropriated to the System 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 Coordinating Board.

**V.B.4.02 Continuing Education Courses**

Contact hours reported for workforce education courses, which result in continuing education units (CEUs) shall be eligible for formula funding. Workforce continuing education courses with fewer than seven (7) contact hours of instruction will not receive state funding unless the specific type and length of instruction are required by local, state, or national licensing certifying, regulatory, or accrediting agencies.

**V.B.4.03 Military and Naval Training**

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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.

**V.B.4.04 Medically Related Courses; Counseling & Social Work Courses**

The curricula of medical, dental, nursing, allied health, counseling and social work degree or certificate programs shall:

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

**V.B.4.05 Evaluation**

The Chancellor shall implement procedures to ensure that the courses, programs, and services provided by the colleges are subject to effective evaluation so as to assure their quality.

**V.B.4.06 Human Subjects Research**

The System will provide an Institutional Review Board (IRB) and process to protect students and others participating in human subject's research.

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

**V.B.5. Degrees and Degree Plans**

**V.B.5.01 Compensatory Courses (Including Developmental and Remedial)**

Courses designated as compensatory 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 System.

**V.B.5.02 General Degree Requirements**

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Within five (5) years of initial enrollment in credit courses at the colleges of The System, 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 (5) 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 (5) years. Exception to this requirement may be approved by the Chief Instructional Officer in extenuating circumstances.

**V.B.5.03 Degree Requirements Published**

Requirements for all degree and certificate programs offered by the System shall be reflected in the college catalog, and shall comply with all requirements and regulations of the Coordinating Board, and other required accrediting agencies.

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

**V.B.6. Special Program Requirements: Adult and Continuing Education**

**V.B.6.01 Adult Education**

Basic adult education programs shall be provided by the System in accordance with state statute and regulations and standards formulated by the State Board of Education.

**V.B.6.02 Continuing Education**

The Chancellor shall ensure that the colleges offer a comprehensive program of continuing education opportunities for citizens of the System. The Chancellor shall further ensure that the programs are appropriate to the System's mission, accessible to citizens through the System, and in compliance with the Coordinating Board requirements.

**V.B.6.03 Disadvantaged Students**

The System may develop programs to serve persons from backgrounds of economic or educational deprivation, by submitting to the Coordinating Board, a plan based on the following criteria:

- a. An instructional program that accommodates the different learning rates of students, and compensates for prior economic and educational deprivation.
- b. 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.

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- c. 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 a program of the System, or would, by his or her presence or conduct, create a disruptive atmosphere within the System not consistent with the statutory purposes of the System.
- d. 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.
- e. An annual evaluation report based on scientific methods, and utilizing control groups, wherever possible, to be submitted to the Coordinating Board at the end of each school year, covering each remedial compensatory course or program offered by the System.
- f. Any other criteria consistent with the provisions specified by the Coordinating Board.

The System shall obtain approval of the Coordinating Board as required.

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

**V.B.7. LSC-Online**

**V.B.7.01 Coordinating Board Approval**

The System may offer a LSC-Online course approved by the Coordinating Board with no in-state geographic restrictions if the course is within the approved curriculum of the System. The System's LSC-Online Program will comply with all Coordinating Board conditions and requirements as well as those established by accrediting agencies.

**V.B.7.02 LSC-Online Definitions**

A "LSC-Online course" refers to instruction in which the majority of the instruction occurs when the students and instructor are not in the same physical setting. For Coordinating Board reporting purposes, a class is considered a LSC-Online class if students receive more than one-half of the instruction at a different location than the instructor. The System's LSC-Online program includes online and hybrid instruction

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which are clarified in the credit schedules and on the Lone Star College–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 System, or via instructional telecommunications to any other distance location.

**V.B.7.03 Standards for LSC-Online**

LSC-Online instruction is comparable to on-campus instruction and meets all of the quality standards which the System 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 Coordinating Board 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 System 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.7.04 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 System’s Strategic Plan, according to requirements specified by the Texas Higher Education Coordinating Board and the System.

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**V.B.7.05 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 System shall submit its Institutional Report for LSC-Online, and Off-Campus and On-Campus Extension Instruction to the Coordinating Board for approval. The Report, and any updated Reports, shall conform to Coordinating Board 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 System'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.7.06 Out-of-State or Out-of-Country Courses**

The System will not submit LSC-Online courses delivered outside the state to non-Texas residents for formula funding. The System will report fees received for extension and out-of-state/country courses in accordance with general institutional accounting practices.

**V.B.7.07 Reporting to Commissioner**

The System will report enrollments, courses and graduates associated with extension offerings to the Commissioner as required by the Coordinating Board.

*LSCS Policy Manual Section adopted by the Board of Trustees on May 7, 2015.*

**V.B.8. Dual Credit**

The System 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 CEU credit as well as high school credit while still enrolled in the junior or senior year of high school. Students may enroll in academic and/or workforce education. 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 System catalog for current tuition and fee information.

*LSCS Policy Manual Section adopted by the Board of Trustees on May 7, 2015.*

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**V.B.9. Early College, High School and Middle School**

Coordinating Board Rule 4.154 requires that "any public college or university that participates in the creation of an ECHS/MC shall notify the Coordinating Board in accordance with provisions and schedules determined by the Commissioner."

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

**V.B.10. Instructional Arrangements**

**V.B.10.01 State-funded courses**

State funding shall be provided for lower-division level general academic courses provided by the System if such courses:

1. Are listed in the Academic Course Guide Manual; or
2. Have been reviewed by the Coordinating Board staff and have been approved in accordance with the unique need provision; and
3. Are consistent with the Texas Common Course Numbering System.

**V.B.10.02 Instructional Departments**

The Chancellor shall, upon recommendation by the President, establish the organizational structure of each college.

**V.B.10.03 Class Size**

The System shall establish class size guidelines.

**V.B.10.04 Course Load and Schedules**

Each College within the System 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 Coordinating Board. 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. A student is not entitled to a refund of any tuition or fees for a course that the student drops after a uniform final date for dropping a course.

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For Coordinating Board-approved semester-length courses for which semester credit hours are awarded:

- a. If the college cancels or discontinues a scheduled course, a 100 percent refund is granted.
- b. If a student drops a course, or totally withdraws, prior to the first day of class, a 100 percent refund is granted (EXCEPT for the registration fee).
- c. During the fall or spring semester, if a student drops a course:
  - i. During the first five class days, a 80 percent refund is granted.
  - ii. During the second five class days, a 70 percent refund is granted.
  - iii. During the third five class days, a 50 percent refund is granted.
  - iv. During the fourth five class days, a 25 percent refund is granted.
  - v. After the fourth five class days, no refund is granted.
- d. During the six-week summer semester:
  - i. During the first, second, or third class day, a 80 percent refund is granted.
  - ii. During the fourth, fifth, or sixth class day, a 50 percent refund is granted.
  - iii. After the seventh class day, no refund is granted.

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

## **V.C. ACADEMIC ACHIEVEMENT**

### **V.C.1. Grading and Credit**

#### **V.C.1.01 Published Transfer Policy**

The System shall adopt a policy to enhance the transfer of students based on the recommendations of the permanent advisory committee established by Section 51.3521 of the Education Code.

In its course catalogs, and on its website, the System shall publish guidelines addressing the practices of the System regarding the transfer of course credit. In the guidelines, the System must identify a course by using any common course numbering system adopted by the Coordinating Board.

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**V.C.1.02 Transfer of Core Curriculum Credits**

If a student successfully completes the 42-hour core curriculum at an institution of higher education, that block of courses may be transferred to any other institution of higher education, and must be substituted for the receiving institution's core curriculum. A student shall receive academic credit for each of the courses transferred, and may not be required to take additional core curriculum courses at the receiving institution unless the Coordinating Board has approved a larger core curriculum at the institution.

A student, who transfers from one institution of higher education to another without completing the field of study curriculum of the sending institution, shall receive academic credit from the receiving institution for each of the courses that the student has successfully completed in the core curriculum of the sending institution. Following receipt of credit for these courses, the student may be required to satisfy further course requirements in the field of study curriculum of the receiving institution.

Each student must meet the minimum number of semester credit hours in each component area. However, an institution receiving a student in transfer is not required to accept component core course semester credit hours beyond the maximum specified in a core component area.

**V.C.1.03 Core Courses Noted on Transcript**

Each institution shall note core courses on the transcript of students as recommended by the Texas Association of Registrars and Admissions Officers.

**V.C.1.04 Transfer of Field of Study Curriculum Credits**

If a student successfully completes a field of study curriculum developed by the Coordinating Board, that block of courses may be transferred to a general academic teaching institution, and shall be substituted for that institution's lower division requirements for the degree program for the field of study into which the student transfers. The student shall receive full academic credit toward the degree program for the block of courses transferred.

**V.C.1.05 Lower Division Courses Transferable**

All lower division academic courses shall be fully transferable among public institutions, and must be substituted for the equivalent course at any public college or university in Texas. Except in the cases of courses belonging to a Coordinating Board approved Field of Study Curriculum, the applicability of transferred courses to

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requirements for specific degree programs is determined by the receiving institution. Each institution of higher education shall identify in its undergraduate catalog each lower division course that is substantially equivalent to an academic course listed in the current edition of the "Lower Division Academic Course Guide Manual".

**V.C.1.06 Transfer Rules Codified**

Responsibilities for universities regarding requirements and limitations on transfer of lower division courses, penalties for non-compliance with transfer rules, and resolution of transfer disputes are found in 19 Tex. Administrative Code Sec. 4.25, 4.26, and 4.27.

**V.C.1.07 Transfer Dispute Resolution**

The Coordinating Board, by rule, shall adopt procedures to be followed by:

- a. Institutions of Higher Education in resolving disputes concerning the transfer of lower division course credit; and
- b. The Commissioner of Higher Education or the Commissioner's designee, in making a final determination concerning transfer of the course credit, if the transfer is in dispute.

Each institution of higher education shall publish in its course catalog the procedures adopted by the Coordinating Board.

**V.C.1.08 Institutions to Attempt Resolution with Student**

If an institution of higher education does not accept course credit by a student at another institution of higher education, that institution shall give written notice to the student and the other institution that the transfer credit is denied. The two institutions and the student shall attempt to resolve the transfer of the course credit in accordance with the Coordinating Board 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 institution that denies the transfer of the course credit shall notify the Commissioner of Higher Education of its denial and the reasons for the denial.

**V.C.1.09 Commissioner Makes Final Determination**

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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.C.1.10 Withdrawal for Military Service**

If a student withdraws because the student is called into active military service, the institution, at the student's option, shall:

- a. refund the tuition and fees paid by the student for the semester in which the student withdraws;
- b. grant a student, who is eligible under the institution's guidelines, an incomplete grade in all courses by designating "withdrawn-military" on the student's transcript; or
- c. as determined by the instructor, assign an appropriate final grade or credit to a student who has satisfactorily completed a substantial amount of course work and who has demonstrated sufficient mastery of the course material.

**V.C.1.11 Excused Absence for a Person Called to Military Service**

- a. Upon notice from a student required to participate in active military service, an institution shall excuse a student from attending classes or engaging in other required activities, including examinations.
- b. A student shall not be penalized for an absence which is excused under this subsection and shall be allowed to complete an assignment or take an examination from which the student is excused within a reasonable time after the absence.
- c. Each institution shall adopt a policy under this subsection which includes:
- d. the retention of a student's course work completed during the portion of the course prior to the student being called to active military service;
- e. the course syllabus or other instructional plan, so that the student will be able to complete the course without prejudice and under the same course requirements that were in effect when the student enrolled in the course;
- f. a definition of a reasonable time after the absence for the completion of assignments and examinations;

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- g. procedures for failure of a student to satisfactorily complete the assignment or examination within a reasonable time after the absence; and
- h. an institutional dispute resolution process regarding the policy.
- i. The maximum period for which a student may be excused under this section shall be no more than 25% (twenty-five percent) of the total number of class meetings or the contact hour equivalent (not including the final examination period) for the specific course or courses in which the student is currently enrolled at the beginning of the period of active military service.
- j. Institutions are directed to develop and publish policies and procedures to ensure that students enrolled in LSC-Online, self-paced, correspondence, and other asynchronous courses receive equivalent consideration for the purposes of determining acceptable duration of excused absences and time limits for the completion of course work following an excused absence under this section.

**V.C.1.12 Grading**

The Chancellor shall implement procedures to ensure that the assignment of grades is fair, timely and reflective of student mastery. This shall include the provision of appropriate procedures for student appeal of assigned grades, and student rights to privacy with regard to grades and other academic records.

**V.C.1.13 Credit by Prior Learning Assessment (PLA)**

In addition to credit awarded for courses completed, credit may also be obtained by alternate means as approved by the Council for Education and Student Development (CESD). This may include such methods as: 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; System challenge examinations, portfolio reviews, skill performance examinations, and industry certification and licensure. See the Prior Learning Assessment (PLA) website for a complete listing of alternate methods for obtaining course credit.

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

**V.C.2. Academic Integrity and Academic Dishonesty**

**V.C.2.01 Academic Integrity**

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The System upholds the academic core values of learning: honesty, respect, fairness, and accountability. It promotes the importance of personal and academic honesty. It embraces the belief that all learners - students, faculty, staff and administrators - will produce their own work, and must give appropriate credit to the work of others. No fabrication of sources, cheating or unauthorized collaboration is permitted on any work submitted within the System.

**V.C.2.02 Academic Dishonesty**

Academic dishonesty includes, but is not limited to, plagiarism and cheating.

**V.C.2.03 Consequences of Academic Dishonesty**

Professors retain primary responsibility for matters relating to academic integrity within their classes. Professors should clearly state in a written report how the student's actions violated the academic integrity policy, how a grade was calculated and the actions taken.

Students wishing to appeal a penalty for alleged academic dishonesty in the classroom must use the academic appeal process. See V.C.3 Academic Appeals.

Students wishing to appeal sanctions imposed for an academic integrity violation related to general student conduct must do so through the Student Discipline Appeal Committee (See Section VI.G.1.05, Hearing).

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

**V.C.3. Academic Appeals**

**V.C.3.01 Defined**

An academic appeal is a formal request brought by a student to change a grade, or to challenge a penalty imposed for violation of standards of academic integrity, such as plagiarism or cheating. A request to change a grade or to challenge a penalty must be made within twelve (12) months of the action. A grade may only be changed by the instructor of record (or by a full-time instructor in the absence of the instructor of record) or by the Academic Appeals Committee.

**V.C.3.02 Basis for Academic Appeal**

An academic appeal will be considered if there is evidence that one or more of the following conditions exist:

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- a. error in calculation of grade;
- b. deviation from the syllabus or System policy manual;
- c. academic disparate treatment of a student that is not addressed by EEO processes; or
- d. inappropriate penalty(ies) imposed for an academic integrity violation.

An appeal will not be considered because of general dissatisfaction with a grade, penalty, or outcome of a course, or because of disagreement with the instructor's professional judgment of the quality of the student's work and performance.

**V.C.3.03 Procedure**

Before a student may bring an academic appeal, he or she should first meet with the instructor to request that a change be made. If the student is not satisfied with the outcome or cannot consult with the instructor, he or she shall meet with the appropriate Academic Dean to determine if a resolution can be reached.

If a resolution is not reached and the student desires to pursue the appeal, the student will state specifically the basis of the appeal, in writing, to the Chief Academic Officer.

If the Chief Academic Officer determines that the appeal does not meet the requirements of this policy, he/she shall communicate this fact, in writing, to the student.

If the Chief Academic Officer determines that the appeal is appropriate under this policy, he/she shall convene the Academic Appeals Committee to consider the complaint.

The Chief Academic Officer shall notify the student, in writing, regarding the Academic Appeals Committee meeting date, the student's rights, and next steps in the process.

**V.C.3.04 Academic Appeals Committee**

An Academic Appeals Standing Committee shall be appointed at each College within the System for one year, and shall consist of:

1. Four (4) full-time faculty members appointed by the Chief Academic Officer, one of whom shall be appointed chair of the Committee; and

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2. Two students who shall be nominated by the Chief Students Affairs Officer, and appointed by the Chief Academic Officer.

Members of the Committee shall be replaced or added by the Chief Academic Officer if conflict of interest is apparent, a member is unable to attend a hearing, or specific expertise is required in regard to the circumstances of the appeal.

**V.C.3.05 Hearing Procedure**

The Committee shall be convened by the chair, in a timely manner, and shall conduct its activities in private. The student and the faculty member shall be permitted to present witnesses, and evidence relevant to the appeal.

The Committee shall not be bound by rules of evidence, and shall conduct its hearing in an informal manner. The student or faculty member may have a representative present, but that representative shall not be allowed to participate during the hearing. A two-thirds majority of the full committee shall be required to change the grade, penalty or academic action at issue.

The Committee shall inform the Chief Academic Officer of its decision in writing. The Chief Academic Officer will notify the student and faculty member in writing of the Committee's decision.

**V.C.3.06 Appeal Committee Final**

The decision of the Academic Appeals Committee is final.

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

**V.C.4. Graduation**

**V.C.4.01 Guarantee of Additional Training for Certain Students**

Under certain specified circumstances, the System guarantees graduates of its Associate of Arts, Associate of Science, Associate of Arts in Teaching, Associate of Applied Science and Certificate programs additional education and training, tuition-free, where such students lack appropriate mastery of specified competencies. The System shall publish specific conditions and requirements that must be met in order to take advantage of this guarantee.

**V.C.4.02 Commencement Ceremony**

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An annual commencement exercise shall be held 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.

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

**V.C.5 Guidance Programs and Services**

**V.C.5.01 Students with Disabilities**

The System shall provide personal, academic or vocational counseling guidance, or placement services to its students without discrimination on the basis of disability. The System shall ensure that qualified disabled students are not counseled towards more restrictive career objectives than are non-disabled students with similar interests and ability.

**V.C.5.02 Counseling Program**

The System shall provide a counseling and guidance program, available to all students, for the purpose of aiding in adjustment to college campus living, appropriate placement in the curriculum, general social adjustment, and suitable professional placement. The program shall include the availability of a testing program that uses the best-known and most reliable instruments.

Placement and follow-up services should be provided to students using the System's counseling and guidance program.

**V.C.5.03 Student Development**

The Chancellor shall ensure that the System makes available to all students effective programs of student support services, including academic advising, counseling services, skills assessment and placement, career development, financial aid, student enrollment services, and support services for students with special needs.

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

**V.D.1. INSTRUCTIONAL RESOURCES**

**V.D.1.01 Program Continuity**

The Chancellor shall develop and implement procedures to assure that students experience reasonable continuity of program from site to site throughout the System

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with regard to curriculum, instructional resources, program requirements, and learning outcomes.

**V.D.1.02 Libraries**

The Chancellor is authorized to develop and implement procedures needed to provide quality Learning Resource Centers for the System's colleges and to ensure their accessibility to students and the community.

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 System may join the TexShare Library consortium established and maintained by the Texas State Library and Archives Commission.

**V.D.1.03 Acquisition**

Notwithstanding any other law governing purchasing by the System, the System may acquire library goods and services in any manner authorized by law for the acquisition of library goods and services by a public senior college or university. "Library goods and services" mean:

1. Serial and journal subscriptions;
2. Other library materials, including books;
3. Library services, including binding services; and
4. Library equipment and supplies.

**V.D.1.04 Copyrighted Materials**

Employees of the System shall comply with the provisions of the United States Copyright Law. Subject to certain specific exceptions, as stated below, the owner of a copyright has the exclusive rights to reproduce, distribute, perform or display the copyrighted work, or to authorize such reproduction, distribution, performance or display by others.

**V.D.1.04.1 Fair Use**

An exception to the exclusive rights enjoyed by copyright owners is the doctrine of fair use. The fair use of a copyrighted work for purposes of teaching, scholarship or

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research is not an infringement of copyright. The following factors shall be considered in determining fair use:

- The purpose and character of the use, including whether the use is of a commercial nature or for non-profit educational purposes.
- The nature of the copyrighted work
- The amount and importance of the portion used in relation to the copyrighted work as a whole.
- The effect of the use upon the potential market for or value of the copyrighted work.

**V.D.1.04.2 Performances and Displays**

A further exception shall be performance or display of a work by instructors or students in the course of face-to-face teaching activities in a classroom or other similar place devoted to instruction.

**V.D.1.04.3 Guidelines**

Employees who wish to use copyrighted print material and sheet music should review the guidelines set forth in the "Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions" located at:

<http://www.publishers.org/conference/pubinfo.cfm?PublicationID=3>

and "Guidelines for Educational Uses of Music" located at:

<http://www.lib.jmu.edu/org/mla/Guidelines/Other%20Guidelines/Educational%20Use%20of%20Music.aspx>.

Those guidelines establish a minimum guaranteed fair use, not a maximum. Any determination regarding whether a use that exceeds the guidelines is a fair use shall rest with an appropriate court of law.

**V.D.1.04.4 Prohibitions**

Notwithstanding the fair use guidelines, the following shall be prohibited:

- Copying of print materials and sheet music to create or replace or substitute for anthologies, compilations or collective works. This prohibition against replacement or substitution applies whether copies of various works or excerpts are accumulated or reproduced and used separately.

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- Copying of or from works intended to be "consumable" in the course of study or teaching. These works include workbooks, exercises, standardized tests, test booklets, answer sheets and like consumable materials.
- Copying shall not substitute for the purchase of books, publishers' reprints or periodicals; be directed by higher authority; or be repeated with respect to the same item by the same teacher from term to term.
- No charge shall be made to the student beyond the actual cost of the photocopying.

Additional prohibitions regarding the use of music are:

- Copying for the purpose of performance, except as permitted under the "Guidelines for Educational Use of Music".
- Copying for the purpose of substituting for the purchase of music, except as permitted under the "Guidelines for Educational Use of Music".
- Copying without inclusion of the copyrighted notice that appears on the printed copy.

**V.D.1.04.5 Broadcast Programs**

Broadcast programs, including commercial and public television and radio, shall not be videotaped or tape recorded for reuse without permission, except within the following guidelines:

- A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable re-transmission) and retained by a System college for a period not to exceed the first 45 consecutive calendar days after date of recording. At the end of that retention period, off-air recordings shall be erased or destroyed.
- Off-air recordings may be used once by individual teachers in the course of relevant teaching activities and repeated once only when instructional reinforcement is necessary during the first ten consecutive school days within the 45-calendar-day retention period. "School days" are actual days of instruction, excluding examination periods.
- Off-air recordings shall be made at the request of and used by individual teachers and shall not be regularly recorded in anticipation of requests. No

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broadcast program shall be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program is broadcast.

- A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording. All copies of off-air recordings shall include the copyright notice on the broadcast program as recorded.
- After the first ten consecutive school days, off-air recordings may be used up to the end of the 45-calendar-day retention period only to determine whether or not to include the broadcast program in the teaching curriculum and shall not be used in the System for student exhibition or any other non-evaluative purpose without authorization.

Off-air recordings need not be used in their entirety, but the recorded programs shall not be altered from their original content. Off-air recordings shall not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

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

## **V.E. STUDENT SUCCESS PROGRAMS**

### **V.E.1 Texas Success Initiative (TSI)**

The System shall assess, by a state approved instrument, the academic skills of each entering undergraduate student to determine the student's readiness to enroll in freshman-level academic coursework prior to the enrollment of the student. Prior to the administration of an approved instrument, the System shall provide to the student a pre-assessment activity(ies) that addresses the importance of assessment in students' academic career, assessment processes and components, developmental education options, and institutional and/or community student resources. The assessment results must meet the state approved minimum passing standards to enroll in freshman-level academic coursework. For a student who fails to meet the minimum passing standards, the System will provide a program to advise the student regarding developmental education necessary to ensure the readiness of that student in performing freshman-level academic coursework. The assessment or the results of the assessment may not be used as a condition of admission to a college.

Under exceptional circumstances, the System may permit a student to enroll in freshman-level academic coursework without assessment but shall require the student to be assessed not later than the end of the first semester of enrollment in freshman-

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level academic coursework. Exemptions/exceptions from the requirements of the Texas Success Initiative will follow applicable Texas law and implementing regulations.

The System shall determine 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 student performance on one or more appropriate assessments.

As scheduled, the System shall submit to the THECB.

*LSCS Policy Manual Section adopted by the Board of Trustees on May 1, 2014*

**V.E.2. Student Success Initiative**

**V.E.2.01 Prerequisites**

The System 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.

**V.E.2.02 Programs**

The System will provide programs such as tutoring, mentoring, special courses, etc. to assist students.

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

**V.F. MISCELLANEOUS INSTRUCTION POLICIES**

**V.F.1.01 Academic Freedom and Responsibilities**

Institutions of higher education are conducted for the common good. The following statements rest upon the belief that the common good depends upon a free search for truth and its free expression without intent to do personal harm.

Every faculty member, teaching employee, and employee's family member is also entitled to speak or write as a citizen of the nation, state, and community without fear of institutional censorship or discipline.

The concept of academic freedom must be accompanied by an equally demanding concept of responsibility, shared by the Board, faculty, professional and support staff.

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The fundamental responsibilities of a faculty member as a teacher and scholar include a maintenance of competency in the field of specialization through continued professional development and demonstration of such competence in the teaching/learning environment.

Exercise of professional integrity by a faculty member includes recognition that the public will judge the profession and the institution by the statements both in public and private life.

Therefore, the faculty member should strive to be accurate, to exercise appropriate restraint, to show respect for the opinions of others, and to avoid creating the impression that he or she speaks or acts for the System when speaking or acting as a private person.

A faculty member should be selective in the use of controversial material in the classroom and should introduce such material only as it has clear relationship to the subject field.

Faculty are responsible for teaching the course content based on a common system-wide set of course outcomes.

**V.F.1.02 Neutrality in Religious Matters**

The System is committed to the constitutional principle of the separation of church and state. The System will neither advance nor inhibit religion in accordance with the U.S. Constitution and applicable U.S. Supreme Court case law.

Religious groups shall be permitted to use school facilities under the same rules and regulations applicable to other student groups. The college shall not appoint or require a faculty sponsor for these groups.

**V.F.1.03 Americans with Disabilities**

The System will comply with The Rehabilitation Act of 1973 and the Americans with Disabilities Act, as these laws apply to higher education. Employees will protect and maintain confidentiality when working with students with disabilities.

The Chancellor shall establish procedures to ensure System compliance with the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

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

**V.G. INSTRUCTIONAL CONTRACTS WITH OUTSIDE AGENCIES**

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**V.G.1.01 Contractual Agreements**

The Coordinating Board recognizes that to prepare a literate and trained workforce to be available for economic stability and development requires a true joint partnership between private and public sectors. Accordingly, the Coordinating Board encourages contractual agreements between institutions of higher education, business, industry, and other agencies to forge a common partnership of joint planning, facilities, laboratories, delivery systems, and evaluation efforts. The Coordinating Board policy intends to provide institutional incentives for colleges to work with business, industry, and government in the development of an educated workforce for Texas.

General enrollment or contract training courses that are non-credit and do not result in the award of CEUs are not eligible for any state apportionment funding, but the System is free to market such noncredit or non-CEU training to business, industry, and government at whatever rate can be negotiated with the contracting organization. Exceptions regarding programs serving incarcerated students must be submitted to the Coordinating Board staff for review and approval.

Courses earning CEUs shall be subject to the guidelines published by the Southern Association of Colleges and Schools Commission on Colleges as a condition of eligibility for formula funding.

All student enrollments for semester/quarter hour credit are subject to the provisions of the Texas Success Initiative as applicable.

Courses provided to organizations for credits hours or CEUs must charge out-of-state tuition to nonresident students who are brought from out-of-state for such contract courses.

**V.G.1.02 Non-accredited Organizations**

Contractual agreements for instruction with non-SACS/COC accredited organizations must comply with all current guidelines of the Southern Association of Colleges and Schools Commission on Colleges. Courses and programs offered under contractual agreements must be consistent with the educational purpose, mission, and goals of the institution. Courses and programs offered and requested for state reimbursement must remain under the sole and direct control of the System.

All programs and courses must be approved through the established procedures of the Coordinating Board.

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Courses offered must remain under the sole and direct control of the System which exercises ultimate and continuing responsibility for the performance of the functions reflected in the contract. Instructors of courses must meet qualifications as stipulated by the System. The System must employ at least one full-time faculty member per degree program and specify in the contract the institutional procedures by which the contracted courses or programs meet the standards of regular programs as disclosed fully in the publications of the institution, specifically including the following:

- a. Recruitment and counseling of students;
- b. Admission of students to courses and/or to the System where certificate and associate degree programs are pursued;
- c. Development and evaluation of the curriculum;
- d. Evaluation of student progress;
- e. Record keeping;
- f. Tuition and/or fee charges, receipts and disbursement of funds, and refund policy;
- g. Appointment, supervision, and evaluation of faculty; and
- h. Instruction and learning resources.

The contractual agreement must be executed by designated officers of the System and their counterparts in the contracting organization. The contractual agreement shall establish a definite understanding between the System and the contracting agency to include each of the items required by Title 19 of the Texas Administrative Code §9.124. The agreement shall specify the work to be performed, the period of the agreement, and the conditions under which any renewal or renegotiation must occur.

**V.G.1.03 Public Secondary Schools**

The System may contract to provide instruction for public secondary schools. Provision of instruction for public secondary schools by the System must be in accordance with rules and guidelines established by the State Board of Education. Instruction provided under a contractual agreement may include only coursework necessary for students to complete high school. It does not apply to early admission programs for high school students entering college. Instructors in contract programs with public secondary schools must meet qualifications required by the System as well as the minimum guidelines approved by the State Board of Education. An agreement

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between the System and the public secondary school must be approved by both governing boards. Funding for this type of instruction must flow to the public secondary school as the contracting agency. An agreed cost for instruction must be negotiated between the System and the public secondary school.

**V.G.1.04 Accredited Institutions**

The System may enter into cooperative undertakings or contractual agreements with other Texas public community/junior or technical colleges as permitted by law. The System may enter into cooperative undertakings or contractual agreements with other Texas public institutions of higher education as part of a multi-institution teaching center as outlined under Title 19 of the Texas Administrative Code, Chapter 5, Subchapter L, Sections 5.73 and 5.24578. The College System may enter into cooperative undertakings or contractual agreements with SACS/COC-accredited independent institutions of higher education as part of a multi-institution teaching center as outlined under Title 19 of the Texas Administrative Code, Chapter 5, Subchapter L, Sections 5.73 and 5.24578 or other partnership agreements on a shared-cost basis as permitted by law.

**V.G.1.05 State Funding**

No funds appropriated to the System may be expended for any course which has not been approved by the Commissioner, even if such course is taught under a contractual agreement.

**V.G.1.06 Skills Development Fund**

The skills development fund may be used by public community and technical colleges or the Texas Engineering Extension Service as start-up or emergency funds for the following job-training purposes:

1. Developing customized training programs for businesses and trade unions; and
2. Sponsoring small and medium-sized business networks and consortiums.

**V.G.1.07 Workforce Training**

A student who is at least 16 years old and is enrolled in a Job Corps training program under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801 et seq.) shall be exempt from the compulsory attendance law.

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

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**SECTION VI – STUDENTS**

**VI.A. ADMISSIONS**

**VI.A.1.01 Admissions Policy**

The College is an open-enrollment community college system. It identifies, attracts, enrolls, and retains students reflecting the College’s diverse population. The College does not consider race, color, sex, age, sexual orientation, religion, ethnic or national origin, disability, veteran status, or any other protected status in admissions.

**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.

- (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**

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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.
  - 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.

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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 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.

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**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 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.

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**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."**

**VI.B.2.03 Appealing Denial of a Transcript for Non-Payment**

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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.
    - B. Calendar days 6 through 7 = 25 percent refund.

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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. Student Organizations**

**VI.D.1.01 Policy**

The College provides equal opportunities to all students participating in courses, activities, and programs regardless of race, color, sex, age, sexual orientation, religion, ethnic or national origin, religion, disability, veteran status, or any other protected status. The College cannot deny a student group registration because of the group's views.

**VI.D.1.02 Definitions**

- (a) **Necessary Student Travel Paperwork** includes all required forms specified in the College procedures for student organization travel.
- (b) **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.
- (c) **Student Organization** means a student group that has properly registered with and is recognized by the College.

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- (d) **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.
- (e) **Student Organization Representatives** means the following four officer positions, or similar officer positions: the president, vice president, secretary, and treasurer.
- (f) **Student Travel** means students traveling to reach an activity or event located 25 miles or farther away from the campus or departure center. Student Travel must also include any of the following four conditions and the 25-mile requirement. First, any activity or event the College funds. Second, any travel in a vehicle the College owns, leases, or rents. Third, a registered student organization requires the travel. Fourth, the College's campus, department, class or course, office, study-abroad program, scheduled sports event or competition, or a recognized student organization or its representatives direct the travel.
- (g) **Student Travel Funded by the College** means a College-maintained budget item or fund created and funding expenses associated with the activity or event. The College funds travel even if an outside tour company arranges the College-sponsored trip and travelers pay their own travel-related expenses.
- (h) **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 Student Travel Policies**

Students will complete and submit Necessary Student Travel Paperwork at least five working days before the necessary travel. Commercial airlines, College-owned, -rented, or -leased vehicles, and commercial vehicles are approved transportation modes for Student Travel under this policy.

- (a) **College-provided Transportation.** A driver transporting students in College-owned, -leased, or -rented vehicles must meet the following conditions: (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 may 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.

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**(b) Student-provided Transportation.** The following applies when student-owned vehicles are used for Student Travel: (a) the College's students are not covered by the College's vehicle insurance policies and cannot be College-approved drivers; (b) adult students drive their own private vehicles at their own discretion and at their own peril; (c) adult students riding with another adult student do so on their own and at their own peril; (d) the College's employees cannot arrange for students to drive other students; (e) all student drivers must sign a liability waiver for driving their own vehicle and submit this in accordance with the Necessary Student Travel Paperwork; (f) all student-owned vehicle accidents or collisions must be covered by the student's vehicle insurance policy; (g) the Student Travel conditions must be detailed in the appropriate form submitted with the Necessary Student Travel Paperwork; and (h) the College must provide any student driver with directions to the intended destination.

**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

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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 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**

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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.
- (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**

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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."

**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

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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.

**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.

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**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.

**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

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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 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.

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**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, religion, ethnic or national origin, religion, 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.1. (Sexual Harassment, Assault, Violence, and Discrimination), may submit a civil rights complaint under this section.

**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.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

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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 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.

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**(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 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).

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**(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.

- (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.

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- (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.
- (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**

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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.

*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**

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- (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.
- (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;

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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 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

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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 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;

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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. A responsible employee includes any one or more of the following Campus Security Authorities: (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 must inform the reporting person that the responsible employee has a duty to relay the complaint to the Title IX Coordinator. The responsible employee 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.

**(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**

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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 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.

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**(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 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.

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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:

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**

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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 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

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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](mailto:HR-Compliance@lonestar.edu)  
832-813-6520

College Student Title IX Coordinator

Associate Vice Chancellor of Student Services  
[Student-Compliance@lonestar.edu](mailto:Student-Compliance@lonestar.edu)  
832-813-6841

**(b) External Resources:**

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/>

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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.

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**

- (a) **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.
- (b) **Chief Conduct Officer** means a college Vice-President to whom the college President gives primary responsibility for student discipline for non-academic misconduct.
- (c) **Discipline Committee** means a panel appointed from each college to review suspensions and expulsions imposed by other colleges.
- (d) **Due process** means a student's procedural and substantive constitutional protections.

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- (e) **Effective notice** means written notice served in person, emailed to a person's College email address, or mailed to a person's address.
- (f) **Expulsion** means permanent exclusion from any or all College classes and activities.
- (g) **Non-Academic Misconduct** means violating minimum standards of student conduct required to maintain safety, order, and integrity.
- (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.

**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.

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**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, 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.

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- (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.

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 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.

*LSCS Policy Manual Section VI adopted by the Board of Trustees on March 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*