I. Call to Order

II. Pledge of Allegiance

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

IV. Public Comment

V. Policy Considerations
   A. Proposed Subject Policies for Approval to Continue Moving Forward Through the Policy Review Committee
      i. Section IX. Sexual Misconduct (ACTION ITEM 1)
      ii. Section I.B.1.05. Biennial Review (ACTION ITEM 2)
      iii. Section V.F. Student Discipline for Academic Misconduct (ACTION ITEM 3)
      iv. Section V.I. Academic Freedom and Responsibilities (ACTION ITEM 4)
   B. Proposed Subject Policies for Approval to Post for Public Notice and Comment
      i. N/A
   C. Proposed Subject Policies for Approval to Refer to the Full Board of Trustees
      i. N/A

VI. Suggested Future Agenda Items

VII. Adjournment
I, Stephen C. Head, Chancellor of the Lone Star College System, do hereby certify that a notice of this meeting was posted on Monday the 17th day of May, 2021 on the Lone Star College website as required by 551.001 et. seq., Texas Government Code. Special notice of the meeting was provided to the news media as required by as required by the Texas Open Meetings Act.

Members of the public may access the meeting at Event address for attendees: https://lonestar.webex.com/lonestar/onstage/g.php?MTID=e11a8a4b6071d8fe5c7967fa1c4b526b0

Event number: 120 424 1864
Event password: LSC2021

Given under my hand this the 17th day of May, 2021.

LONE STAR COLLEGE SYSTEM

Stephen C. Head
Chancellor
Recommendation: Approval to continue moving forward through the Policy Review Committee the proposed subject policy recommending revisions to Board Policy Section IX Sexual Misconduct according to federal and state law.

Rationale: Recent changes to federal and state law necessitate a comprehensive update to the College’s Sexual Misconduct Policy.

The Department of Education announced novel regulations to Title IX of the Education Amendments of 1972 (“Title IX”) on May 6, 2020. Title IX is the federal law prohibiting discrimination on the basis of sex in education programs and activities that receive federal financial assistance. The regulations became effective August 14, 2020. These new regulations overhaul the prior understanding of Title IX as it relates to addressing sexual misconduct. On March 8, 2021, President Biden signed Executive Order 14021, ordering the Secretary of Education to review the regulations. Depending on the Secretary’s review, additional changes may need to be made to this policy.

The Texas Legislature passed House Bill 1735 and Senate Bill 212 in the 2019 legislative session. These bills were codified in Texas Education Code Chapter 51, Subchapters E-2 and E-3. The bills require several changes to this policy.

Texas Education Code Section 51.282(f) requires the College to review and revise this policy each biennium. This policy was last revised April 5, 2018.

Fiscal Impact: Funds for increased College expenses due to these policy revisions are available in the FY 2021 operating budgets for the Office of the General Counsel and the Office of Governance, Accountability, and Compliance. Funds for subsequent years will be proposed in future operating budgets for those departments.

Staff Resource: Mario K. Castillo 832-813-6606
SECTION IX – SEXUAL MISCONDUCT

IX.A. Sexual Misconduct

IX.A.1. Policy
This policy covers sexual misconduct as prohibited by applicable laws and the College. The College does not tolerate sexual misconduct by its students, employees, or third parties. Nothing in this policy prohibits anyone from filing a report or complaint with any other agency, including law enforcement. The College will assist in filing a report with law enforcement if a complainant requests assistance. The College acknowledges the importance of complainants going to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident. The College shall review and update this policy as required by law.

IX.A.2. Official with Authority
Unless otherwise designated by the Chancellor, the Executive Director, Compliance Education and Training in the Office of Governance, Accountability, and Compliance is responsible for implementing the College’s sexual misconduct policy including serving as the Title IX Coordinator. Students may speak with the Title IX Coordinator confidentially concerning sexual misconduct. For simplicity, the College official with authority will be referred to as the Title IX Coordinator even for reports that are not considered Title IX sexual harassment.

IX.A.3. Definitions
This section provides a non-exhaustive list of defined terms used in this policy and its associated Chancellor’s Procedures, including but not limited to prohibited behavior.

(a) Clery Act/VAWA Sex Offenses. Clery Act/VAWA Sex Offenses include the following four offenses:

1. 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 complainant. The existence of such a relationship shall be determined based on the complainant’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

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2 Id.
3 Id. § 51.282(a)(1)(E)(i); 19 Tex. Admin. Code § 3.4(a).
5 Title IX Regulations, Preamble, at 50–51.
9 This phrase is used by the Title IX regulations to refer to the four Clery Act/VAWA Sex Offenses that are also included in the definition of Title IX Sexual Harassment. Title IX Regulations, Preamble, at 41–43.
2. **Domestic Violence.** Domestic violence is committed by: a current or former spouse or intimate partner of the complainant; a person with whom the complainant shares a child in common; a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner; a person similarly situated to a complainant’s spouse under Texas domestic or family violence laws; or any other person against an adult or youth complainant who is protected from the person’s acts under Texas domestic or family violence laws.

3. **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.

4. **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.

(b) **Complainant.** Complainant means a person who is alleged to be the victim of sexual misconduct irrespective of who reported the sexual misconduct and whether a formal complaint has been filed.

(c) **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.\(^{16}\)

(d) Quid Pro Quo Harassment. Quid pro quo harassment means: (1) in the employment context, when submission to or rejection of unwelcome sexual conduct by a College employee is used as a basis for employment decisions affecting that employee;\(^ {17}\) or (2) in the education context, when a College employee conditions the provision of a College aid, benefit, or service on a student’s participation in unwelcome sexual conduct.\(^ {18}\)

(e) Respondent. Respondent means an individual who has been reported to be the alleged perpetrator of conduct that could constitute sexual misconduct.\(^ {19}\)

(f) Sexual Misconduct. Sexual misconduct, as used in this policy, means unwelcome behavior of a sexual nature that includes: (1) sexual harassment; (2) Title IX sexual harassment; and (3) conduct that a reasonable person would consider inappropriate or unprofessional in the College’s educational and or working environment.

(g) Sexual Harassment. Sexual harassment, as used in this policy, means unwelcome sexual conduct that does not meet the definition or requirements under Title IX sexual harassment and: (1) in the employment context, unreasonably interferes with a person’s work performance or creates an intimidating, hostile, or offensive work environment; (2) in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes

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\(^ {16}\) Consent must be defined in “a statement of policy.” 20 U.S.C. § 1092(f)(8)(B)(i)(I)(cc). The statement of policy, unlike the requirements under state law, does not need to be approved by the institution’s governing board. The Title IX regulations do not require a particular definition of consent. 34 C.F.R. § 106.30 (“The Assistant Secretary will not require recipients to adopt a particular definition of consent with respect to sexual assault, as referenced in this section.”).

\(^ {17}\) 29 C.F.R. § 1604.11 (“[Q]uid pro quo harassment’ occurs when submission to or rejection of unwelcome sexual conduct by individual is used as basis for employment decisions affecting that individual.”) (citation omitted).

\(^ {18}\) 34 C.F.R. § 106.30 (“Sexual harassment means . . . (1) an employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct.”).

\(^ {19}\) Id. § 106.30 (A “respondent” is defined “as an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.”); see also 34 C.F.R. § 106.45(b)(3)(ii) (The respondent must be enrolled at the College at the time of the conduct).
with a student’s ability to participate in or benefit from the College’s educational programs or activities; (3) is quid pro quo harassment; or (4) is a Clery Act/VAWA sex offense.\(^{20}\)

(h) **Supportive Measures.** Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College’s education program or activity without unreasonably burdening the complainant or respondent, including measures designed to protect the safety of all parties or the College’s educational environment, or deter sexual harassment.\(^{21}\)

(i) **Title IX Sexual Harassment.** Title IX sexual harassment means: (1) a Clery Act/VAWA sex offense; (2) unwelcome conduct that a reasonable person would determine is so sufficiently severe, pervasive, and objectively offensive as to deny equal access to the College’s education program or activity; or (3) quid pro quo harassment in the education context.\(^{22}\) The alleged behavior must occur in a College educational program or activity and within the United States.\(^{23}\)

**IX.A.4. Sexual Misconduct Procedures**

Sexual misconduct reports, complaints, and investigations are governed by the policy outlined below. Chancellor’s Procedures and forms shall supplement this policy.

(a) **Reporting Sexual Misconduct.**\(^{24}\) Sexual misconduct reports should be made to the Title IX Coordinator.

1. **Generally.** Any person who believes sexual misconduct occurred may promptly report the incident to the Title IX Coordinator.\(^{25}\)

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\(^{20}\) Tex. Educ. Code § 51.281(4) (defining “Sexual harassment” to mean “unwelcome, sex-based verbal or physical conduct that: (A) in the employment context, unreasonably interferes with a person’s work performance or creates an intimidating, hostile, or offensive work environment; or (B) in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student’s ability to participate in or benefit from educational programs or activities at a postsecondary educational institution.”); see also 19 Tex. Admin. Code § 3.3(e) (same).

\(^{21}\) 34 C.F.R. § 106.30.

\(^{22}\) Title IX Regulations, Preamble, at 31–32.

\(^{23}\) 34 C.F.R. §§ 106.30, 106.44(a) (“A recipient with actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States, must be promptly in a manner that is not deliberately indifferent . . . ‘education program or activity’ includes location, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.”).

\(^{24}\) The policy must generally include the protocol for reporting and responding to reports of sexual harassment, sexual assault, dating violence, and stalking. Tex. Educ. Code § 51.282(a)(1)(C).

\(^{25}\) 34 C.F.R. § 106.8(a).
2. Employees. A College employee who, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes Title IX sexual harassment or sexual harassment and is alleged to have been committed by or against a person who was a College student or employee at the time of the incident shall promptly report the incident to the Title IX Coordinator unless the employee meets a statutory exception.

(b) College Response to Sexual Misconduct Report. Complainants have the right to receive a prompt and equitable resolution of the report. The Title IX Coordinator will review the report and contact the complainant.

1. Supportive Measures. The College may take supportive measures to protect the complainant, respondent, and the College’s community members depending on the nature of the case and the evidence provided.

2. Removal. The College may remove a respondent from an educational program or activity on an emergency basis if the College determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. The College may remove an employee-respondent or third party from College premises at any time. The College shall comply with any legal requirements in a removal proceeding.

3. Informal Resolution. The College may facilitate an informal resolution process by providing proper notice and obtaining the parties’ voluntary, written consent at any time after a complaint is filed but prior to reaching a determination regarding responsibility. Informal resolution may not be used to resolve sexual misconduct allegations where an employee is a respondent.

(c) Notices. The College will provide written notices to the parties and their advisors once identified.

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26 Tex. Educ. Code § 51.251(4) (An “employee” does not include a student enrolled at the College).
27 19 Tex. Admin. Code § 3.3(b) (Course and scope of employment means an employee performing duties in the furtherance of the institution’s interest).
28 See 34 C.F.R. § 51.252(a); see also Tex. Educ. Code § 51.252(b); 19 Tex. Admin. Code § 3.5 (Texas law provides exceptions to a duty to report); 19 Tex. Admin. Code § 3.8 (Compulsory termination).
30 34 C.F.R. § 106.44(a).
31 Supportive Measures may be instituted regardless of whether a complaint was filed. 34 C.F.R. § 106.30.
33 34 C.F.R. § 106.44(c).
35 34 C.F.R. § 106.45(b)(9)(i)–(ii).
36 Id. § 106.45(b)(9)(iii).
37 34 C.F.R. § 106.45(b)(1)(v) (delays), (b)(2)(i) (notice of allegations), (b)(5)(v) (hearing times, investigation interviews, other meetings), (b)(8) (written decision), (b)(9) (informal resolution).
(d) Complaint and Investigation. The Title IX Coordinator or designee will investigate in accordance with applicable law if the complainant files, or the Title IX Coordinator signs, a formal complaint. The College may consolidate complaints in appropriate circumstances.

1. Title IX Formal Complaints. The College will investigate and handle complaints in accordance with Title IX if the allegations meet the Title IX sexual harassment definition.

2. Other Sexual Misconduct Complaints. The College will investigate and handle complaints that do not meet the Title IX formal complaint criteria in accordance with state law and or the College’s policies and procedures.

(e) Investigation Report and Response. The College will complete an investigation report after concluding the investigation and provide the report to the parties. The parties will have the opportunity to respond in writing to the investigation report.

(f) Advisor. Parties have the right to consult with an advisor of their choosing. The advisor may be any person, including an attorney, who is not a party or witness involved in the investigation. A party may be accompanied by his or her advisor to any meeting or proceeding related to a complaint under this policy. The advisor may not obstruct any sexual misconduct proceeding but may advise his or her client as needed. Only the advisor may ask cross-examination questions if a hearing is held. The parties are not permitted to cross-examine each other. If a party does not have an advisor for a hearing, then the College will provide a third-party attorney advisor to the party for the limited purpose of cross-examination.

(g) Dismissal. The College may dismiss the complaint or any allegations under it, if at any time

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38 Id. § 106.30.
39 Id. § 106.45(b)(4).
40 Id. § 106.45(b)(3)(i); see 19 Tex. Admin. Code § 3.9 (College discretion to continue investigation if complainant requests the College not to investigate).
41 Title IX Regulations, Preamble, at 928 (“If the recipient believes that a party violated the recipient’s code of conduct . . . the recipient may investigate the matter under its own code of conduct, but the department does not require such action.”); see Tex. Admin. Code § 3.9 (College discretion to continue investigation if complainant requests the College not to investigate).
42 34 C.F.R. § 106.45(b)(5)(vii).
43 Id. § 106.45(b)(5).
44 Id. § 106.45(b)(5)(iv).
45 Id. § 106.45(b)(5)(iv), (b)(6)(i) (distinguishing between advisors and parties).
46 Id. § 106.45(b)(5)(iv).
47 Id. (“[T]he recipient may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties”).
48 Id. § 106.45(b)(6)(i).
49 Id.
50 Id. § 106.45(b)(5)(iv) (requiring College to provide parties with opportunity to be accompanied by advisor), (6)(i) (addressing advisors at live hearings).
time during the investigation or hearing the College determines that: (1) there is no actionable sexual misconduct;\(^{51}\) (2) a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the complaint or any allegations under it;\(^{52}\) (3) the respondent is no longer employed by the College;\(^{53}\) (4) specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the complaint or allegations under it;\(^{54}\) or (5) any other reason permitted by applicable law. The College shall send written notice of the dismissal simultaneously to the parties.\(^{55}\)

(h) Sexual Misconduct Proceedings. The College shall determine the appropriate proceeding, according to the sexual misconduct and legal requirements, once it receives or should have received the parties’ written response to the investigation report.\(^{56}\)

1. Evidentiary Standard. A preponderance of the evidence standard must be used in any proceeding under this section.\(^{57}\)

2. Hearing. The College will arrange for a live hearing to be conducted by a decision-maker for (1) all Title IX sexual harassment formal complaints;\(^{58}\) (2) any other sexual misconduct complaints when the complainant alleges that the respondent committed a physical sexual act without the complainant's consent, including situations where a person is incapable of giving consent; and (3) Clery Act/VAWA sex offenses not covered by Title IX.

3. Decision. If a hearing occurs, the decision-maker will render a decision following the hearing.\(^{59}\) If no hearing occurs, the decision-maker will render a decision after considering the evidence. The College may make determinations regarding responsibility and sanctions separately.\(^{60}\)

4. Appeal. Either party may appeal the decision to the Chancellor based on procedural deficiency, newly discovered evidence, or that the outcome was affected by bias or a conflict of interest if the basis for the appeal is related to the decision.\(^{61}\) The Chancellor’s decision will be final.

\(^{51}\) 34 C.F.R. § 106.45(b)(3)(i).
\(^{52}\) Id. § 106.45(b)(3)(ii).
\(^{53}\) Tex. Educ. Code § 51.287(a)(1) (limiting the College’s ability to dismiss when the respondent is a former student); 34 C.F.R. § 106.45(b)(3)(ii).
\(^{54}\) 34 C.F.R. § 106.45(b)(3)(ii).
\(^{55}\) Id. § 106.45(b)(3)(iii).
\(^{56}\) Id. § 106.45(b)(5)(vii).
\(^{57}\) Id. § 106.45(b)(1)(vii) (the College may select preponderance of the evidence or clear and convincing).
\(^{58}\) 34 C.F.R. § 106.45(b)(6)(i).
\(^{59}\) Id. § 106.45(b)(7)(i) (“The decision-maker . . . must issue a written determination regarding responsibility.”).
\(^{60}\) Office for Civil Rights, The Department’s Title IX Rule Provides Flexibility to Schools with Respect to Decision-makers, Office for Civil Rights Blog (Sept. 3, 2020), https://www2.ed.gov/about/offices/list/ocr/blog/20200903.html.
\(^{61}\) 34 C.F.R. § 106.45(b)(l)(i)-(x).
(i) **Potential Sanctions and Remedies.**\(^{62}\) The College shall determine the appropriate sanctions and or remedies if the investigation or hearing reveals sexual misconduct.\(^{63}\) The sanction and or remedy may vary depending on the respondent’s status.\(^{64}\)

1. **Students:** The College will take appropriate action, including any and all disciplinary actions set forth in the Board Policy section addressing student discipline for non-academic misconduct.\(^{65}\)

2. **Employees:** The College will take appropriate action, up to and including immediate employment termination or issuing a notice of forthcoming termination for contract employees.\(^{66}\)

3. **Third Parties:** The College will take appropriate action, including immediate severance and termination of any contractual or business relationships.\(^{67}\)

(j) **Retaliation Prohibited.**\(^{68}\) The College does not tolerate retaliation against anyone who reports sexual misconduct or cooperates in a sexual misconduct investigation to the extent authorized by law.\(^{69}\) No College community member may retaliate against a person because of that person’s sexual misconduct complaint, exercise of his or her right to file a sexual misconduct complaint, use of any of the related processes the College provides, cooperation with an investigation, or testimony or other evidence offered by that person connected to a complaint.\(^{70}\)

(k) **Other Proceedings.** The College may engage in additional proceedings, including parallel proceedings, relating to a sexual misconduct report or information discovered during an investigation.\(^{71}\) The College will not discipline good-faith student complainants or student witnesses of sexual misconduct for Board Policy violations disclosed during the proceedings.\(^{72}\)

(l) **Privacy.** The College supports the parties’ privacy interest in sexual misconduct cases.

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\(^{63}\) 34 C.F.R. § 106.45(b)(1)(vi) (“Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the recipient may implement following any determination of responsibility”).

\(^{64}\) Id.

\(^{65}\) Id.

\(^{66}\) Id.

\(^{67}\) Id.

\(^{68}\) Tex. Educ. Code § 51.282(a)(1)(D) (The policy approved by the governing board must include “interim measures to protect victims . . . “including protection from retaliation.”); 19 Tex. Admin. Code § 3.18 (prohibiting retaliation against employees who in good faith report or cooperate with the sexual misconduct investigations and other procedures).

\(^{69}\) See 34 C.F.R. § 106.71(a); see also Tex. Educ. Code § 51.257(a); 19 Tex. Admin. Code § 3.18(a); see also Tex. Educ. Code § 51.257(b); 19 Tex. Admin. Code § 3.18(b) (Sets out the exceptions to the retaliation prohibition).

\(^{70}\) See 34 C.F.R. § 106.71(a); see also Tex. Educ. Code § 51.254; 19 Tex. Admin. Code § 3.5(e)–(f).

\(^{71}\) 34 C.F.R. § 106.45(b)(3)(i).

IX.B. Convicted Sex Offender Registration

IX.B.1. Policy
Texas Code of Criminal Procedure Article 62.153 mandates that 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, must 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 IX adopted by the Board of Trustees on ________

73 See 34 C.F.R. 106.71(a); see also Tex. Educ. Code §§ 51.256, .291(a), (c); 19 Tex. Admin. Code § 3.17.
Recommendation: Approval to continue moving forward through the Policy Review Committee the proposed subject policy recommending that Board Policy Section I.B.1.05. be amended to require biennial review.

Rationale: The College is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). SACSCOC accrediting standard 4.2.a. states that “[t]he governing board ensures the regular review of the institution’s mission.” To comply with that SACSCOC accrediting standard, Vice Chancellor Dwight Smith requests amending Board Policy Section I.B.1.05. to state that the College “shall” review the College’s foundational principle statements biennially.

Fiscal Impact: None.

Staff Resource: Dwight Smith 832-813-6603
excellence and innovation, creates opportunities for professional development, fosters meaningful involvement in shared governance, and provides excellent compensation.

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

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

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

**I.B.1.05. Biennial Review**

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

**I.B.1.06. Multicultural Education**

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

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

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

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

**I.B.1.07. Operational Philosophy**

The College and its colleges seek to serve students’ best interests. The College’s system offices are established to help colleges provide student and community services and programs. Matters of curriculum, financial planning, capital investments, and binding financial agreements—including contractual appointments—are coordinated College-wide. Colleges operate within Board Policy and the Chancellor’s Procedures to meet the College’s mission and goals. Presidents participate fully in establishing College-wide priorities. Presidents are line officers responsible and accountable to the Chancellor for performance of their duties. The College is a single entity for
Recommendation: Approval to continue moving forward through the Policy Review Committee the proposed subject policy recommending that the Associate Vice Chancellor of Academic Affairs be designated as the Chief Academic Officer for the College’s bachelor programs in Board Policy Section V.F Student Discipline for Academic Misconduct.

Rationale: The College recently established three bachelor programs. Vice Chancellor Dwight Smith requested changes to Board Policy Section V.F Student Discipline for Academic Misconduct. These requested changes would clarify disciplinary processes for academic misconduct in the bachelor programs.

Fiscal Impact: None.

Staff Resource: Dwight Smith 832-813-6603
V.F. STUDENT DISCIPLINE FOR ACADEMIC MISCONDUCT


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

V.F.1.2. Definitions
(a) **Academic Integrity Review Committee** means a panel appointed from each college to review suspensions and expulsions imposed by other colleges.
(b) **Appeal** means to request in writing that the Chancellor review a decision of suspension or expulsion, stating why it should be modified or reversed.
(c) **Chief Academic Officer** means, for this section, 1) a college Vice-President to whom the college President gives primary responsibility for student discipline for academic misconduct or 2) the Associate Vice Chancellor of Academic Affairs to whom the Vice Chancellor of Academic Success gives primary responsibility for student discipline for academic misconduct in LSC bachelor’s programs.
(d) **Due process** means a student’s procedural and substantive constitutional protections.
(e) **Effective notice** means written notice served in person, emailed to a person’s College email address, or mailed to a person’s address.
(f) **Expulsion** means permanent exclusion from any or all College classes and activities.
(g) **Academic Misconduct** means violating acts prohibited by Section V.1.E.3.
(h) **Period of disruption** means any period in which it reasonably appears that there is a threat of destruction to institutional property, injury to human life on the college or facility, or a threat of willful disruption of the orderly operation of the college or facility.
(i) **Sanction** means a penalty against a student, including oral or written warning, probation, suspension, expulsion, or other proper penalty.
(j) **Suspension** means temporary exclusion from any or all College classes and activities.
V.F.1.3. Reporting Academic Misconduct
Professors retain primary responsibility for matters relating to academic integrity within their courses. Professors should clearly state in a written report how the student’s actions violated the College’s academic integrity policy (those found in this Manual), how a grade was affected (assuming it was), and any academic actions taken. Changing grades (individual grades or overall course grades) requires written notice to the appropriate Chief Academic Officer.

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

V.F.1.4. Investigation
After receiving a written report alleging academic misconduct, the Chief Academic Officer or a designee may investigate the allegations by meeting with the student’s instructor and the student. If the Chief Academic Officer believes that the instructor’s remedies are sufficient under the College’s policies, the Chief Academic Officer may close the file and leave the matter undisturbed beyond the instructor’s actions. If, however, the Chief Academic Officer believes that a suspension or expulsion is warranted under the circumstances, the Chief Academic Officer will request an Academic Integrity Review Committee hearing.

V.F.1.5. Hearing
The college shall give the student effective notice of the date, time, and place of his or her Academic Integrity Review Committee hearing. Notices shall set forth specific allegations, list all evidence of academic misconduct including all witnesses who may testify against the student, and provide copies of all documents to be used against the student. The college must prove academic misconduct to the Academic Integrity Review Committee by preponderance of the evidence. Accused students shall have the right to confront and question their accusers during the hearing unless a legally recognized exception to this right applies. After the hearing, the Academic Integrity Review Committee will issue a written majority decision either dismissing the matter or finding the student responsible for academic misconduct. A decision finding a student responsible for academic misconduct shall explain the specific academic misconduct and determine whether an expulsion or suspension is warranted. Either party may appeal the Academic Integrity Review Committee’s decision. The Academic Integrity Review Committee cannot change a grade—it can only recommend adopting or rejecting the expulsion or suspension recommendation made by the Chief Academic Officer for the student involved. The recommendation is forwarded directly to the Chancellor. The Chancellor makes the final decision—that decision is not appealable.

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

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

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

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

V.F.1.10. Discipline in Health Occupations Programs
Health Occupations Program Deans shall/may act as Chief Academic Officers for their programs with written authorization from their respective Chief Academic Officer.
Recommendation: Approval to continue moving forward through the Policy Review Committee the proposed subject policy recommending that Board Policy Section V.I Academic Freedom and Responsibilities be revised to establish a process for challenges to course grades for the College’s bachelor programs.

Rationale: The College recently established three bachelor programs. Vice Chancellor Dwight Smith requested changes to Board Policy Section V.I Academic Freedom and Responsibilities. These requested changes would direct challenges to course grades for bachelor programs to the Executive Dean for Bachelor Programs and University Partnerships and designate the Associate Vice Chancellor for Academic Affairs as the individual responsible for determining the appropriateness of the content.

Fiscal Impact: None.

Staff Resource: Dwight Smith 832-813-6603
V.I. ACADEMIC FREEDOM AND RESPONSIBILITIES

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

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

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

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

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

(c) Challenges to Academic Freedom
For bachelor programs, challenges to the content of a course may be brought to the Executive Dean for Bachelor Programs and University Partnerships or other designee. For all other programs, challenges to the content of a course may be brought to an instructional employee’s dean or vice president. The appropriateness of the content will be determined for bachelor programs by the Associate Vice Chancellor for Academic Affairs and for all other programs by the Vice President of Instruction.
Should a faculty member feel his or her academic freedom has been infringed upon by a student, colleague, or supervisor, the faculty member should express concerns to the appropriate Chief Academic Officer.

V.J. INSTRUCTIONAL CONTRACTS WITH OUTSIDE AGENCIES

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