SECTION I – GOVERNANCE

I.A. THE COLLEGE’S LEGAL STATUS

I.A.1.01. College Legal Name and Status
Lone Star College’s legal name is “Lone Star College System District”—abbreviated in this document to “College”.

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

I.A.1.02. Definitions

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

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

I.A.1.03. College Service Area and Taxing Boundaries
The College’s Service Area includes the territory within (i) Aldine, Cleveland, Conroe, Cypress-Fairbanks, Humble, Klein, New Caney, Magnolia, Montgomery, Splendora, Spring, Tarkington, Tomball, Waller, and Willis independent school districts in Harris, Montgomery, and/or San Jacinto Counties; and (ii) Huntsville and New Waverly independent school districts in Walker County.

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

I.A.1.04. College Boundaries and New Campuses or College Districts
The College may annex territory or create a new campus or college district in accordance with state law.
I.B. THE COLLEGE’S FOUNDATIONAL PRINCIPLES

I.B.1.01. Purpose
The College is a publicly supported, two-year, comprehensive community college offering post-
secondary educational opportunities in Harris, Montgomery, San Jacinto, and Walker Counties.

I.B.1.02. Vision Statement
Lone Star College is recognized globally as the premier community college for student success,
innovation, and partnerships.

I.B.1.03. Mission Statement
Lone Star College provides comprehensive educational opportunities and programs to enrich lives.

I.B.1.04. Value Statements

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

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

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

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

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

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

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

(h) Ethics and Integrity means it is essential that College Trustees, students, and employees
adhere to the highest standards of honesty and fair dealing in all College matters.
(i) **Evaluation and Accountability** means it is essential the College employs data-supported decision-making and regularly assesses the impact and outcomes of its efforts for continuous improvement.

(j) **Human Resources** means the College’s most important resources are the individual faculty and staff members, who are entitled to a supportive collegial work environment which rewards excellence and innovation, creates opportunities for professional development, fosters meaningful involvement in shared governance, and provides excellent compensation.

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

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

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

### I.B.1.05. Biennial Review

Every two years, the College’s Board of Trustees 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 accreditation and legal purposes. Decisions are made as close as possible to the point where they are carried out. College employees have the responsibility and authority necessary to fulfill their duties as contained in their job descriptions or contracts. Colleges and system offices establish goals and objectives consistent with, and supportive of, College-wide values and goals, as well as action plans to accomplish those goals and objectives. Colleges are responsible for establishing and cultivating positive community relations within their service areas. Resources are allocated to achieve optimal quality levels for all College programs.

I.B.1.08. Institutional Effectiveness Plan
The College provides quality education throughout its programs and services. The College’s Board of Trustees ensures institutional effectiveness by measuring goal attainment under the College’s Value Statements.

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

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

The College understands and agrees that the Commission on Colleges may, at its discretion, make known to any agency or member of the public the nature of any action, positive or negative, regarding status with the Commission. The College agrees to disclose to the Commission on Colleges any and all such information as this Commission may require to carry out its evaluating and accrediting function.
I.B.1.09. Program Offerings
The College provides: (1) technical programs up to two years in length leading to associate degrees or certificates; (2) vocational programs leading directly to employment in skilled and semi-skilled occupations; (3) freshman and sophomore courses in arts and sciences; (4) continuing adult education programs for occupational or cultural upgrading; (5) compensatory education programs designed to fulfill the commitment of an admissions policy allowing disadvantaged students to enroll; (6) a continuing program of counseling and guidance designed to assist students in achieving their individual educational goals; (7) workforce development programs designed to meet local and statewide needs; (8) adult literacy and other basic skills programs for adults; (9) educational programs empowering individuals to work wherever opportunities arise; and (10) such other programs as may be prescribed by the Texas Higher Education Coordinating Board in the best interest of Texas post-secondary education.

I.C. THE COLLEGE’S ADMINISTRATIVE ORGANIZATION

I.C.1. Administrative Structure

I.C.1.01. Policy
The College’s Board of Trustees adopts policies to direct the College to accomplish its mission. The Chancellor is the College’s Chief Executive Officer. The Chancellor implements policies adopted by the Board and is the only employee reporting directly to the Board.

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

I.C.1.02. Definitions

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

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

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

(d) **Participatory Governance** means the process whereby faculty and staff have the opportunity and the responsibility to provide input, ask questions, and pose possible outcomes during the information-gathering phase of decision making.
I.C.1.03. Policies and Procedures
The Chancellor is the final authority on Procedure, but the ultimate authority in the College’s governance structure is the Board, and final decisions on governance matters always rest with the Board. When Policy and Procedure conflict, Policy always controls. When any College or office document conflicts with the Chancellor’s Procedures, the Chancellor’s Procedures always control.

I.C.1.04. Construing Policy and Procedure
The standards in the Code Construction Act, Chapter 311, Government Code, apply when construing Board Policy or the Chancellor’s Procedures. The Board has the final authority to interpret Board policy.

I.C.1.05. Participatory Governance
Participatory Governance applies to Policies and Procedures considered, formulated, and presented for adoption and support. This helps the Board and College to adequately consider issues from all viewpoints. Participatory Governance requires College officers, faculty, and staff to develop an environment of transparency, mutual trust, and mutual respect. The Faculty Senate Presidents shall meet with the Chancellor to discuss issues important to faculty before each regularly scheduled Board meeting from September to May.

I.D. BOARD POWERS, DUTIES, AND RESPONSIBILITIES

I.D.1. Board of Trustees

I.D.1.01. Policy
All authority over the College not vested by Texas law in the Texas Higher Education Coordinating Board or in the Texas Education Agency shall be reserved and retained locally by the College or its Board as provided by applicable law. The Board and each Trustee perform their responsibilities and duties to the best of their collective and individual abilities.

I.D.1.02. Definitions

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

I.D.1.03. Official Board Action
The Board acts only in official meetings that comply with the Texas Open Meetings Act. Each Board decision binds the entire Board, and Trustees support the Board’s majority decisions even when they voted against the decision.
The Board acts as a unit; therefore, Trustees exercise authority only as a group and only in Board meetings properly announced, convened, and conducted by at least a quorum of the Board. Nevertheless, each Trustee has legal fiduciary responsibilities in managing College funds. The Board has final authority to adopt and interpret policies governing the College and, within limits imposed by other legal authorities, has full control over the College.

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

I.D.1.04. General Powers and Duties
The Board, composed of lay Trustees, exercises a traditional, time-honored role—the keystone of the College’s governance structure. The Board (a) preserves institutional independence and manages College affairs through its chosen administrators and employees; (b) enhances the College’s public image; (c) interprets the community to the College and interprets the College to the community; (d) nurtures the College to achieve its full potential within its role and mission; and (e) insists on clarity in the College’s focus and mission.

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

I.D.1.05. Specifically Defined Powers and Duties
Under Texas law, the Board has the following specific powers and duties (among others):

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

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

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

(d) The Board adopts an annual budget with an itemized current operating budget before September 1st of every year.
(e) The Board conducts an annual audit under the approved financial reporting system.

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

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

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

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

(j) The Board appoints or employs agents, employees, and officials as it deems necessary or advisable to carry out any Board power, duty, or function. The Board employs administrative officers after the Chancellor recommends them to the Board. The Board also employs faculty members and other College employees.

(k) The Board passes resolutions or orders by an affirmative, majority vote of all Trustees present in a quorum.

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

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

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

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

(p) The Board sets admissions standards consistent with the College’s role and mission while considering nationwide standards and the Texas Higher Education Coordinating Board.
I.D.1.06. Taxing Authority
The Board relies on county appraisal districts to appraise taxable property within the College’s taxing district, and the Board relies on county tax assessor-collectors to assess and collect ad valorem taxes the Board imposes on taxable property within the College’s taxing district. Tax assessor-collectors receive agreed compensation capped at actual costs incurred. Tax assessor-collectors and staff assessing and collecting ad valorem taxes for the College must comply with the Property Taxation Professional Certification Act.

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

I.D.1.07. Individual Trustee Authority
Individual Trustees have no authority over the College, its property, or its employees. Each Trustee, in his or her official capacity as a public officer entrusted with governing and overseeing the College’s management, has an inherent right of access to College records without specific Board authorization, under Board policies for orderly access.

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

I.D.1.08. Leadership Responsibilities
The Board sets a positive tone for the entire College. The Board strives to create a positive, future-oriented climate of integrity, innovation, and excellence and works to build positive relationships with stakeholders. The Board understands and adheres to its roles and responsibilities under Board policies and applicable laws. Trustees treat one another with respect and work as a team to accomplish the Board’s work. Trustees prepare for Board meetings, avoid real or apparent conflicts of interest, and vote on behalf of the entire community. The Board accommodates different opinions when debating issues and bases decisions on all available situational facts. The Board considers its actions’ political ramifications and stands up for what it believes is right for students and the community.
I.D.1.09. Represent the Common Good
The Board represents a balance between the College and the public. The Board balances and integrates the community’s interests and needs into policies benefitting the common good and the College’s future. Trustees learn as much as they can about communities they serve by being aware of community issues and by studying demographic, economic, and social trends. Because the Board protects the public interest and represents the community’s voice, Trustees understand what benefits the College confers on the community, know about community and regional needs and expectations, purposefully involve community discussion on issues that impact the community, and maintain good relationships with other community leaders. The Board encourages active cooperation with citizens, organizations, and the media and assists the Chancellor to develop appropriate educational partnerships with community agencies, businesses, and local government.

I.D.1.10. Set Policy Direction
The Board adopts policies to direct and guide the College’s Chancellor and other officers. Board policies define and uphold a vision and mission reflecting student and community expectations. Trustees think strategically, concentrate on priority items, and focus on the community’s future learning needs. Trustees engage in creative, thoughtful discussions as they plan for the future and envision what they want for the College and community. Policies set standards for quality, ethics, and prudence in College operations.

Except where prohibited by law, the Board’s policy-making process is public and transparent. The Board, through the Chancellor, seeks input from faculty, staff, students, and the public in developing new policies or amendments to existing policies. The Chancellor, a college president, a Trustee, faculty, employees, or citizens may initiate policy amendments, but the Chancellor typically recommends policy amendments to the Board.


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

I.D.1.11. Employ, Evaluate, and Support the Chancellor
The Board appoints the College’s Chancellor for a term of not more than three years. The Chancellor has an employment contract with the College through the Board. Names of applicants for Chancellor are not public information, but the Board must publicly disclose the finalists’ names at least 21 days before selecting a Chancellor.
The Chancellor is the College’s Chief Executive Officer. The Chancellor implements the Board’s policies and directives. The Chancellor oversees College operations. The Chancellor is the spokesperson for the College’s administration with the Board. The Chancellor recommends faculty and personnel employment contracts to the Board. The Chancellor or a designee compiles reports for the Board, the Texas Legislature, the Texas Higher Education Coordinating Board, the Legislative Budget Board, and the Governor’s Office of Budget and Planning.

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

The Chancellor has limited emergency authority to act even when that action would normally be within the Board’s authority. The Chancellor’s emergency authority is limited to (1) urgent or immediate occurrences not covered by existing policies; (2) situations in which the College must initiate or defend legal action to preserve the College’s legal rights; (3) actions to protect the health, safety, or welfare of students, employees, or community members from immediate peril; or (4) to protect the College’s property or financial interests. The Chancellor promptly informs the Board of any actions taken under this subsection. The Board reviews and approves these actions at its discretion.

The Board annually evaluates the Chancellor. This evaluation is conducted during a closed session with every Trustee invited to participate. The Board’s evaluation is an overall Board assessment, not a collection of individual Trustees’ assessments. The Board clarifies the Chancellor’s role to the Chancellor during the evaluation. The Chair also clarifies to Trustees the Chancellor’s role according to the College’s written criteria, the Chancellor’s job description, and the College’s current goals and objectives. The evaluation aims to develop and sustain harmony between the Board and the Chancellor.

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

1. **Property Interest.** An employment contract executed with the College creates a property interest in the position only for the period of time stated in the contract. An employment contract creates no property interest of any kind beyond the period of time stated in the contract.
2. **Non-renewal.** The Board may decide by vote or by its inaction to refuse the Chancellor further employment with the College beyond the term of the current employment contract for any reason or no reason at all.

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

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

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

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

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

**I.D.1.12. Monitor Performance**

The Board holds the Chancellor responsible for the College’s mission, educational programs’ effectiveness, student success, the College’s community influence, the College’s accreditation process, state and federal accountability requirements and reports, and implementing all Board policies. The Board adopts the College’s broad goals as policy, then monitors progress made toward those goals through periodic reports or other methods. The Board also monitors adherence to policies for programs, personnel, and fiscal and asset management. The Board receives periodic reports from college officers and reviews reports by or for external agencies, such as reports for accreditation, audit, and state and federal accountability. All monitoring processes culminate in the Board evaluating the Chancellor as the College’s leader. The Board defines evaluation criteria well before reports are required so the Chancellor and staff clearly understand what is expected.
The Board seeks to understand the College’s educational programs and services and closely monitors the College’s fiscal condition. The Board establishes parameters for the College’s budget planning, including long-range fiscal planning, and the Board understands the budget document and reconciles budget priorities with the College’s mission, values, and goals. Board policies guide facilities maintenance and appearance protocols, safety and security protocols, and asset investment and management. The Board insists that fiscal management practices meet audit standards.

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

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

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

I.E. BOARD ORGANIZATION

I.E.1.01. Policy
The Board is organized under Texas law to most effectively exercise its power and authority to accomplish its responsibilities and duties.
I.E.1.02. Definitions

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

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

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

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

I.E.1.03. Board Officers Elections
The Board elects its officers by majority vote at its first regular Board Meeting following the regular election of Trustees in even-numbered years. The Board may elect officers at any time to fill a vacancy. The Chair shall hold open-floor nominations – only those coming from then-present Trustees – for officer elections. Each office, and its candidates, must be separately and independently considered. The Board elects a Board Chair, Board Vice-Chair, Board Secretary, Assistant Board Secretary, and other officers at its discretion.

I.E.1.04. Appoint Board Committees
The Board may create committees to aid the Board.

The Board gives committees clear, appropriate responsibilities. Committees serve a purely advisory function and do not act for the Board; rather, they submit recommendations for action to the Board.

Although the Open Meetings Act does not legally apply to Committee meetings when fewer than five Trustees attend, all Board committee meetings (ad hoc or standing) will be conducted in accordance with the Open Meetings Act. Specifically, the meetings will be posted in accordance with the Open Meetings Act, minutes will be taken and maintained, and a portion of the Committee meetings will be set aside for public comment. Board members who are not members of the committee may attend the meeting and provide input during the public comment portion of the committee meeting. The chair of each Board committee will ensure that the minutes of each committee meeting will be shared with each Board member.
(a) **Ad Hoc Committee.** The Board or Board Chair may create ad hoc committees to handle special assignments. The Board Chair appoints members to such committees. Prior to appointing members to such committees, the Board Chair shall solicit input from current Board members regarding their interest/availability to serve on the committees. The Board or Board Chair dissolves ad hoc committees that have completed their assignments.

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

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

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

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**LSCS Policy Manual Section adopted by the Board of Trustees on October 8, 2020**

### I.F. BOARD MEETINGS

**I.F.1.01. Policy**

The Board exercises its power and authority to accomplish its responsibilities and duties through Board Meetings. Board Meetings allow the Board to transparently deliberate, take official action, and communicate with the College and community. Board Meetings strictly comply with the Texas Open Meetings Act.
I.F.1.02. Definitions

(a) **Agenda** means a list of subjects to be considered and possibly acted on at a Board Meeting.

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

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

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

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

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

I.F.1.03. Notice
The Board notifies the public of the date, hour, place, and subject(s) of each Board Meeting. The Chancellor or designee posts written notice of each Board Meeting on a bulletin board in The Woodlands Leadership Building and on the College’s public website at least 72 hours before the Board Meeting is scheduled to begin. Each notice includes an Agenda for the Board Meeting. The Chancellor prepares the Agenda for each Board Meeting with the Board Chair’s advice and consent. Any Trustee may place an item on the Agenda.

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

Notice of Emergency Board Meetings or Agenda items is provided as required by the Texas Open Meetings Act.
The College gives Trustees notice and Agendas of regular and special Board Meetings at least one week in advance, or at least two hours before an Emergency Board Meeting.

I.F.1.04. Time and Place
The Board determines when and where it holds regular and special Board Meetings. Board Meetings are held in the Board Room of the Training and Development Center at 5000 Research Forest Drive, The Woodlands, Texas, 77381 unless otherwise noticed. Board Meetings are usually held on every month’s first Thursday at 5:00 p.m., except in January when no regular Board Meeting is scheduled. The Board’s practice is to open the meeting and immediately proceed to go into closed session. In no event, however, may the Board Chair reconvene the open session before 6:00 p.m. The Board may decide to meet at a different time, date, or place as long as proper notice is given under the Texas Open Meetings Act.

The Board Chair calls special Board Meetings at his or her discretion or upon the request of three or more Trustees.

LSCS Policy Manual Section adopted by the Board of Trustees on May 4, 2017

I.F.1.05. Board Meeting Procedures
Every Board Meeting is open to the public, except for Closed Sessions as provided by law. The Board does not guarantee a seat for everyone attending a Board Meeting, but some seats may be reserved for the media, staff, and individuals having business before the Board. Except for current Texas peace officers, a person may not carry a firearm openly or concealed at a Board Meeting.

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

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

At any given Board Meeting, the Board may only deliberate and/or act on subjects in that Board Meeting’s Agenda. The Board may not respond to citizens’ questions or comments on subjects not noticed in the Agenda. The Board can only respond by citing existing policies or factual information. For subjects not in the Agenda, deliberation and action is limited to placing the subject on a subsequent Board Meeting’s Agenda.
Deliberation is addressed to the Board Chair and then to the entire Board. Discussion is limited to the business currently under deliberation. The Board Chair halts discussion that does not apply to the business before the Board. The Board Chair also halts discussion if the Board has agreed to limit an item’s discussion and that time limit has expired. The Chair does not otherwise interrupt so long as Trustees wish to deliberate an item.

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

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

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

I.F.1.06. Public Participation
Citizens may address the Board immediately before the Board considers the Consent Agenda if they have registered to speak. Each citizen may speak for up to five minutes, but citizens’ total time is limited to 30 minutes. Groups speaking about a topic must appoint a spokesperson. Citizens may register to address the Board (1) online 24 hours before the Board Meeting; or (2) in person by submitting a completed registration form to the Chancellor’s Chief of Staff no later than 5:55 p.m. on the day of the Board Meeting. The Board may allow an individual to testify at a Board Meeting from a remote location by videoconference call.

Policies exist for virtually every employee or student complaint. The Board encourages employees and students to follow appropriate channels before seeking to address the Board. Nothing in this section prohibits any citizen from using the citizen participation process.
The Board provides interpreters in Board proceedings where a party’s legal rights, duties, or privileges are at issue. Upon advance request, the Board supplies a party who is Deaf or Hearing-Impaired with an interpreter licensed by the Texas Commission for the Deaf and Hard of Hearing.

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

1. Posts on the College’s public website as early as practical before the Board Meeting—at the same time as it posts public notice of the meeting if possible—any written materials the College provides the Board for use during the Board Meeting. This requirement does not apply to materials provided by the College’s General Counsel or other lawyers retained by the Board or the College;

2. Broadcasts the Board Meeting, other than any closed sessions, over the Internet in the manner prescribed by Section 551.128, Government Code; and

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

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

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

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

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

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

4. Individuals desiring to make recordings with special microphone or lighting arrangements must inform the Chancellor’s Office before the Board Meeting. No strobes, flash lighting, or other bright lights are allowed unless the Chancellor and the Board Chair approve before the Board Meeting.
Individuals using video cameras to record Board Meetings should sit or stand behind the general audience. Individuals that set up stationary equipment must wait for a meeting recess or adjournment before removing it. The public may not record any Closed Session.

I.F.1.07. Closed Sessions
All Board Meeting notices provide for a Closed Session as provided by law. The Board may conduct a Closed Session for any lawful purpose under the Texas Open Meetings Act. No Trustee knowingly participates in, calls for, or organizes any Closed Session except as permitted by law.

The Board may not enter into a Closed Session unless a Board quorum first convenes in an open meeting for which proper notice has been given. During the open meeting, the Board Chair must announce a Closed Session and identify the statute allowing the Closed Session. The Board reconvenes the open meeting after a Closed Session before meeting adjournment.

The Board may not vote or take action in Closed Session; votes and actions on matters deliberated in Closed Session must occur in an open Board Meeting for which proper notice has been given.

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

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

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

I.F.1.08. Board Meeting Records
The Board approves written minutes of Board Meetings by majority vote. The Board Chair and Board Secretary sign all approved minutes. Approved Board minutes are a legal record of all official Board actions.
The Board keeps minutes of and records each Board Meeting. The minutes state the subject matter of each deliberation and indicate each vote, order, decision, or other action taken. Minutes and recordings of Board Meetings are public records and are available for public inspection and copying upon submitting a Public Information Act request to the Chancellor or designee. The Board’s official minutes are kept in the Chancellor’s Office and are available for review during regular office hours.

I.F.1.09. Trustee Teleconferencing
Trustees may participate in Board Meetings by teleconference if a quorum of the Board is physically present where Board Meetings are usually held. Each part of the open teleconference must be audible to the public where the quorum is physically present. Such Board Meetings are recorded, and the recording is a public record. The entire teleconference must allow two-way communication, and each speaker at the Board Meeting identifies himself or herself before speaking. Even if participating by teleconference, a Trustee not physically present at a Board Meeting is considered absent for purposes of removal for chronic unexcused absences. Identical notice requirements apply to Board Meetings by teleconference. The notice specifies the Board Meeting’s physical location.

I.F.1.10. Videoconference Meetings
The Board may meet by videoconference, provided all requirements of Section 551.127, Government Code (or any successor section) are met.

I.G. TRUSTEE STANDARDS

I.G.1.01. Standards Enumerated
Each Trustee strives to meet the following standards:

(a) Trustees attend as many regularly scheduled Board Meetings as possible and know the issues to be considered at those meetings.

(b) Trustees work together to adopt effective Board policies.

(c) Trustees recognize that policy should be adopted only after full discussion at publicly held Board meetings.

(d) Trustees base decisions on available facts and independent judgment and refuse to surrender that judgment to individuals or special interest groups.

(e) Trustees encourage free expression of opinion by all Trustees and encourage communication between the Board and students, staff, and all community stakeholders.

(f) Trustees relay to each other and the Chancellor public reaction to Board policies and College programs.
(g) Trustees learn current educational issues through individual study and through participation in informational programs. Such programs include those sponsored by the American Association of Community Colleges and the Association of Community College Trustees.

(h) Trustees support employing the best qualified people as College employees and insist on regular, impartial staff evaluations.

(i) Trustees avoid conflicts of interest and do not use their offices for personal or partisan gain.

(j) Trustees take no private action that will compromise the Board or administration and keep privileged information confidential.

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

I.G.1.02. Definitions

(a) Abuse of Office occurs when a Trustee, with intent to obtain a benefit or with intent to harm another, intentionally or knowingly violates a Law Relating to the Office or misuses anything of value, belonging to the College, that has come into the Trustee’s custody by virtue of his or her office.

(b) Bribery occurs when a Public Servant intentionally or knowingly offers, confers, agrees to confer, solicits, accepts, or agrees to accept a benefit as (1) consideration for the public servant’s decision, opinion, recommendation, vote, or other exercise of official discretion; (2) consideration for a violation of a duty imposed on the public servant by law; or (3) that is a political contribution as defined by Title 15, Election Code, or an expenditure made and reported as a lobbying expense in accordance with Chapter 305, Government Code, if the benefit was offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion, if such exercise of official discretion would not have been taken or withheld but for the benefit.

(c) Benefit means anything reasonably regarded as pecuniary gain or pecuniary advantage to any person in whose welfare the Trustee has a direct and substantial interest.

(d) Close Relative means an individual related by blood (consanguinity) within the third degree, or by marriage (affinity) within the second degree.

(e) Incompatibility of Office occurs when a Trustee occupies two legally incompatible offices. Offices are legally incompatible when the faithful and independent exercise of one would necessarily interfere with the faithful and independent exercise of the other. A person may not serve in one branch of government while exercising any powers properly attached to either of the other branches of government.
(f) **Law Relating to the Office** means a law that specifically applies to a person acting in the capacity of a Public Servant and that directly or indirectly imposes a duty on the public servant or governs the conduct of the Public Servant.

(g) **Prohibited Bank Relations** occur when a Trustee who is a stock holder, officer, director, or employee of a bank that has bid to become a depository for the College votes on the awarding of a depository contract to that bank. If a Trustee has a substantial interest in a bank with which the College is considering entering into a loan or other transaction besides a depository contract, the Trustee must comply with the affidavit of abstention requirements outlined in this policy.

(h) **Public Servant** means a person elected, selected, appointed, employed, or otherwise designated as an officer, employee, or agent of government; or a candidate for nomination or election to public office.

In Section I.G. only:

(i) **Business entity** means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust or any other entity recognized by law.

(j) **Officer** means a Trustee, the Chancellor, or any College agent or employee who exercises discretion in the planning, recommending, selecting, or contracting of a vendor.

(k) **Substantial interest** in a business entity means (1) a person owns at least 10% of the voting stock or shares of the business entity; (2) a person owns either 10% or $15,000 of the business entity’s fair market value; (3) a person received in excess of 10% of his or her gross income over the previous year from the business entity. Substantial interest in real property means a person has equitable or legal ownership in the property has a fair market value of $2,500 or more.

I.G.1.03. **Ethical Standards**

Trustees maintain the highest ethical standards and abide by Board ethics and conflict-of-interest policies. Trustees serve in a fiduciary capacity and conduct all matters with this standard in mind. A Trustee is loyal to the entire College rather than to any part or constituency within the College or community. Trustees do not request or demand action that violates any law, Board Policy, or Chancellor’s Procedure. As fiduciaries, and subject to Texas law on the use or misuse of official College information, Trustees maintain strict confidentiality of information (1) presented and discussed during any Closed Board Meeting or during any Board Committee Meeting; (2) proprietary to the College; or (3) about the College not within the public domain. Any Trustee’s disclosure or misuse of this information may be considered Official Misconduct or Abuse of Office, subjecting the Trustee to removal from office and criminal prosecution.
I.G.1.04. Conflict-of-Interest Abstention
The College may contract with a business entity in which a Trustee has a substantial interest only if the Trustee follows the disclosure and abstention procedure set out in this section.

If a Trustee or a Trustee’s relative in the first degree by either affinity or consanguinity has a substantial interest in a business entity or in real property, then before a vote or decision on any matter involving the business entity or the real property, the Trustee shall file an affidavit with the Board Secretary stating the nature and extent of the interest and shall abstain from further participation in the matter if (1) in the case of a substantial interest in a business entity, the action on the matter will have a special economic effect on the business entity distinguishable from the effect on the public; or (2) in the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the property’s value, distinguishable from its effect on the public.

The Board shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a Trustee has a substantial interest. The affected Trustee shall not participate in that separate vote, but may vote on a final budget if the Trustee filed the affidavit and the matter in which he or she is concerned has been resolved. Despite the foregoing, a Trustee may vote if a majority of all Trustees are required to file affidavits of similar interests on the official action.

I.G.1.05. Disclosure Statements
Officers shall file disclosure statements concerning a College vendor or potential vendor as required by Chapter 176, Local Government Code. Trustees or candidates for Trustee positions with a legal or equitable interest in any property to be acquired with public funds shall file disclosure statements required by Chapter 553, Government Code. The College shall provide access on the College’s website to all filed disclosure statements and questionnaires. These disclosure statements are separate from and may be required in addition to or instead of the substantial interest affidavit referenced above. Special requirements exist when federal funds are involved.

I.G.1.06. Prohibited Actions
Trustees are Public Servants of the College and the State of Texas. The following practices are strictly prohibited: Bribery, Abuse of Office, Prohibited Bank Relations, and Incompatibility of Office. Furthermore, a Trustee may not act as surety (1) for a business entity with a contract, work, or business with the College; or (2) on any official bond required of any College officer.

Trustees exercise discretion for contracts, purchases, payments, claims, and other pecuniary transactions involving the College. Trustees may not solicit, accept, or agree to accept any benefit from a person the Trustee knows is interested in or likely to become interested in any such College transactions. A Trustee who receives an unsolicited benefit that he or she is prohibited from accepting may donate the benefit to the Lone Star College System Foundation.
The College and Board do not employ Trustees’ Close Relatives, nor do they hire Trustees’ Close Relatives as independent contractors for personal services. The College may not employ a former Trustee until the first anniversary of the date the Trustee’s membership on the Board ends.

I.G.1.07. Trustee Misconduct
The Board has an interest in addressing Trustee Ethical Misconduct. Trustees have a duty to report Ethical Misconduct. The Board may investigate Ethical Misconduct reports and issue sanctions in accordance with the law. Ethical Misconduct means violating (1) Section I.G.1.03. Ethical Standards, (2) I.G.1.04. Conflict-of-Interest Abstention, (3) I.G.1.05. Disclosure Statements, (4) I.G.1.06. Prohibited Actions, or (5) engaging in Official Misconduct (defined in Section I.H.3.02.).

Any person or Trustee may file a written Ethical Misconduct report with the Board Chair or the Board Vice-Chair if the report regards the Board Chair. The report recipient must advise the Board that an Ethical Misconduct report was received. The recipient may request an investigation of the Ethical Misconduct report upon a majority vote of the Board. An Independent Third Party will conduct the investigation. Independent Third Party in this section means any person appointed by the Board to conduct this investigation. The Independent Third Party will prepare investigative findings for the Board’s review.

The Board may find that Ethical Misconduct has occurred by majority vote. Upon such finding, the Board may sanction the Trustee found to have engaged in Ethical Misconduct. Sanctions may include, but are not limited to, (1) removing the trustee from serving in any committee, (2) limiting travel and fee reimbursement, (3) censuring the Trustee, or (4) any other sanction or action allowed by law.

LSCS Policy Manual Section adopted by the Board of Trustees on February 1, 2018

I.H. TRUSTEES

I.H.1. Trustee Qualifications and Benefits

I.H.1.01. Policy
Trustees honor the responsibilities delegated to them by voters and receive reasonable support to perform their responsibilities.

I.H.1.02. Definitions

(a) Mentally Incapacitated means finally adjudged by a probate court to be totally mentally incapacitated or partially mentally incapacitated without the right to vote.

(b) Residence means legal domicile—one’s home and fixed place of habitation to which one intends to return after any temporary absence.
I.H.1.03. Qualifications
Trustees must be U.S. citizens; be 18 years of age or older on their first day in office, whether by appointment or election; have resided continuously in Texas for 12 months; have resided in the territory from which the office is elected for six months; and reside in and be registered to vote in the trustee district in which they seek to serve. A Mentally Incapacitated person may not serve as Trustee. Trustees cannot be convicted felons unless they have been pardoned or otherwise released from resulting disabilities.

I.H.1.04. Pay, Expenses, and Benefits
Trustees serve without pay, but the Board may authorize Trustees to be reimbursed for actual expenses incurred while performing their duties, which include attending Board-approved conferences. Trustees only request reimbursement for reasonable expenses. Records of reimbursed Trustee expenses are public information. The College pays for coach fare for Trustees traveling by air on College business. The College also pays reasonable Trustee expenses for lodging, meals, and transportation when the Trustee is out of town on College business. The Board allocates funds for Trustee travel expense reimbursement every fiscal year.

The College reimburses Trustees after they submit detailed expense records to the Chancellor who then submits them to the College’s business office. The Board may designate a committee to review Trustee expense records. The College shall not reimburse travel or other expenses for a Trustee’s spouse or any other person traveling with the Trustee, except for group meals that constitute an official function. All registration fees, travel arrangements, and hotel reservations for such meetings will be made through the Office of the Chancellor as appropriate.

Trustees whose service began before August 31, 2003, may be eligible for health and life insurance benefits as permitted by law. For such Trustees, the Board may choose to have the College pay part or all of the contributions that the State of Texas would pay for similar coverage of other participants in the group benefits program.

I.H.1.05. Trustee Tuition Waivers
Current Trustees and former Trustees who served at least a full six-year term receive the same tuition waiver granted to full-time employees.

I.H.2. Trustee Elections and Appointments

I.H.2.01. Policy
Trustees are elected or appointed as provided by law. The College strives to comply with all applicable laws related to elections and appointments.

I.H.2.02. Definitions
(a) Application means an application form to have a name printed on an election ballot.
(b) **Candidate** means an individual desiring to be elected Trustee by applicable voters.

(c) **Close Relative** means an individual related by blood (consanguinity) within the third degree, or by marriage (affinity) within the second degree.

(d) **Election** means the legal process under Texas law by which voters choose individuals to serve in elected office.

(e) **Election Day** means the date on which an Election occurs.

(f) **Uniform Election Date** means the first Saturday in May in an even-numbered year or the first Tuesday after the first Monday in November, or a different date as determined by the Legislature.

I.H.2.03. Membership and Terms
The Board has nine Trustees elected from single-member districts who serve six-year terms with biennial elections. The terms of one-third of the Trustees, or as near to one-third as possible, expire each even-numbered year.

I.H.2.04. Filing Information
A Candidate may have his or her name printed on an election ballot for any position to be filled at each regular election by filing with the Board Secretary a completed Application accompanied by (1) a $200 filing fee; or (2) a petition signed by 200 registered voters residing within the College’s Service Area. An Application must be filed during business hours no later than the deadline contained in applicable law.

The Application shall include all statutorily required information, including a loyalty oath and a statement acknowledging awareness of Texas nepotism law as required by Sections 141.031 and 141.039, Election Code. The Application must also state the number of the position the Candidate seeks or the name of the incumbent board Trustee holding the position sought. The ballot shall list Candidates’ names for each position in an order chosen by lot by the Board. A Candidate cannot run for multiple positions on the Board at the same time.

I.H.2.05. Notice to Candidates
The College employs a Board Liaison. The Board appoints the Board Liaison as the appropriate official with whom to file an Application. No later than 30 days before the first day on which a candidate can file an application for a place on the ballot, the Board Liaison will post notice of the filing period dates in a public place of the Woodlands Leadership Building at 5000 Research Forest Drive, The Woodlands, Texas, 77381.
I.H.2.06. Write-In Voting and Write-In Candidates
A write-in vote may not be counted unless the written-in Candidate filed a declaration of write-in candidacy with the Board Liaison in the manner provided for write-in candidates in the general election for state or county officers. A write-in candidacy declaration must be filed no later than 74 days before the election date.

I.H.2.07. Election of Unopposed Candidate
The Board may declare each unopposed Candidate victorious through a Board Resolution if the authority responsible for having the official ballot prepared certifies to the Board in writing that a Candidate is unopposed. If the Board makes such a declaration, that election is not held. If the College is no longer holding an election, the Board’s Resolution cancelling the election must be posted on Election Day at each polling place that would have been used in the election. When a declaration is made under this section but the College holds a separate election on Election Day, ballots used at the separate election shall include the offices and names of the candidates declared elected. The offices and names of unopposed candidates shall be listed separately, after the measures or contested races in the separate election, under the heading “Unopposed Candidates Declared Elected.” These Candidates shall be grouped in the same relative order prescribed for the ballot generally. No votes are cast for or against these Candidates. A certificate of election shall be issued to each unopposed candidate in the same manner and at the same time as provided for a candidate elected at the election. The unopposed candidate must qualify for office in the same manner as provided for a candidate elected at the election.

I.H.2.08. Nepotism
A Candidate shall not take any action to influence a College employee or current Trustee regarding the appointment, reappointment, employment, confirmation, reemployment, change in status, compensation, or dismissal of a Candidate’s Close Relative.

I.H.2.09. Election Date
Trustees are elected in even-numbered years under the United States Federal Election schedule, traditionally on the first Tuesday after the first Monday in November.

I.H.2.10. Deadline to Order Elections and to Provide Notice
Elections held on a Uniform Election Date shall be ordered no later than the 78th day before Election Day. Except as provided by law, all other Elections shall be ordered no later than the 62nd day before Election Day. Notice of the Election shall be posted not later than the 21st day before Election Day on the bulletin board used for posting notices of the meetings of the Board, where it must continuously remain through Election Day. Notice of the Election shall also be published at least once, not earlier than the 30th day or later than the tenth day before Election Day, in a newspaper published within the College’s boundaries, or in a newspaper of general circulation in a county where the College is located, if none is published within the College’s boundaries. No later than the 60th day before the Election, The Board shall also deliver notice of the Election to the county clerk of each county in which the College is located.
The notice shall state the nature and date of the Election, the location of each polling place, the numbers of the positions to be filled, the Candidates for each position, the hours the polls will be open, the location of each early voting place, the dates and hours for early voting, the dates and hours of any Saturday and Sunday early voting, and the early voting clerk’s official mailing address. The Board shall retain a copy of the published notice with the name of the newspaper and publication date. The Board Liaison shall make and deliver to the Board a record at the time of posting, stating the date and place of posting.

The Board shall retain a copy of all documents related to the Election for at least 22 months after Election Day.

I.H.2.11. Polling Places
The Board shall designate polling places for each Election and shall designate regular county polling places in county election precincts containing College territory for Elections on a Uniform Election Date. Each polling place shall be accessible to and usable by the elderly and persons with physical disabilities.

I.H.2.12. Voters with Disabilities
Each polling place must provide at least one voting station that complies with Section 504 of the Federal Rehabilitation Act of 1973 (29 U.S.C. § 794) as amended, Title II of the Americans with Disabilities Act (ADA) (42 U.S.C. §§ 12131 et. seq.) as amended, and the requirements for accessibility under 42 U.S.C. § 15481(a)(3) as amended. That voting station must provide a practical and effective means for voters with physical disabilities to cast a secret ballot.

I.H.2.13. Bilingual Materials
Bilingual Election materials shall be used in each Election precinct situated wholly or partly in a county in which five percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census that may be officially recognized or acted upon by the state or political subdivisions. An election precinct may apply for an exemption from the requirement to provide election materials in Spanish if official census information or other information indicates that persons of Spanish origin or descent comprise less than five percent of the precinct’s inhabitants. If the director of the census determines that a political subdivision must provide election materials in a language other than English or Spanish, the College shall provide election materials in that language in the same manner in which the political subdivision would be required to provide materials in Spanish, to the extent practicable.

The Board is subject to the provisions of the Voting Rights Act of 1965. If required by applicable law, the Board also submits any changes affecting elections to the U.S. Justice Department for pre-clearance. If such submission is required, the Board must implement such changes unless the Justice Department objects within 60 days after the Board submits the proposed changes.
I.H.2.15. Early Voting
The Board shall provide for early voting in Elections by personal appearance and by mail and shall designate early voting polling places as provided by law.

I.H.2.16. Canvass Returns
Except as provided below, the Board shall canvass Election returns at the time set by the presiding officer not earlier than the eighth day or later than the 11th day after Election Day.

For Elections held on the date of the general election for state and county officers, the time for the local canvass may be set not later than the 13th day after Election Day.

For Elections held on the May Uniform Election Date, the Board shall canvass the returns at the time set by the presiding officer not later than the 11th day after Election Day, and not earlier than the last of: (1) the 3rd day after Election Day; (2) the date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the Election; or (3) the date on which all timely received ballots cast from addresses outside the U.S. are counted, if a ballot to be voted by mail in the Election was provided to a person outside the United States. Two Trustees constitute a quorum for purposes of canvassing an election.

I.H.2.17. Majority Vote Required
A candidate receiving a majority of the votes cast for a Trustee position shall be declared elected. If no candidate receives a majority, then the two candidates receiving the highest number of votes shall run against each other for the position in a run-off election. The run-off election shall be held and conducted in compliance with state law.

I.H.2.18. Certificate of Election
After a canvass ends, the presiding officer shall prepare a certificate of election for each Candidate who is elected to an office for which the official result is determined by that authority’s canvass. A certificate of election must contain: (1) the Candidate’s name; (2) the office to which the Candidate is elected; (3) a statement of election to an unexpired term, if applicable; (4) the election date; (5) the signature of the officer preparing the certificate; and (6) any seal used by the officer preparing the certificate to authenticate documents that the officer executes or certifies.

The authority preparing a certificate of election shall promptly deliver it to the person for whom it is prepared, unless a recount petition is submitted. A recount petition shall delay the issuance of a certificate of election and qualification for the office involved in the recount pending completion of the recount. A candidate may not qualify for an office involved in a recount before completion of the recount. A candidate who has received a certificate of election and qualified for an office before the submission of a recount petition shall not be affected by the recount petition. A certificate of election may not be issued to a person who has been declared ineligible to be elected to the office. The presiding officer shall prepare a report of the precinct results as contained in the election register and timely submit the report to the Texas Secretary of State.
I.H.2.19. Statement of Officer and Oath of Office
New Trustees sign and file with the Secretary of State the required Statement of Officer. Before taking up the duties of a Trustee, a new Trustee takes the oath or affirmation of office and files it with the Board Chair. The oath may be administered and a certificate of the fact given by those persons authorized by law.

I.H.2.20. Redistricting
No later than the 90th day before the day of the first regular Trustee Election at which Trustees may officially recognize and act on the last preceding federal census, the Board shall redivide the College into the appropriate number of Trustee districts if census data indicates that the population of the most populous district exceeds the population of the least populous district by more than ten percent. Redivision shall be as prescribed by Section 130.0822(d)–(g), Education Code.

After each redistricting, all positions on the Board shall be filled unless the Board determines that Trustees shall be elected from the new Trustee districts as provided by Section 130.0826, Education Code. Trustees then elected shall draw lots for staggered terms as provided by Section 130.082, Education Code. The Board may provide for Trustees in office at the first election after the College is redistricted to serve for the remainder of their terms.

If the Board provides for Trustees in office to serve for the remainder of their terms, the Trustee districts established in the redistricting plan shall be filled as the Trustees’ staggered terms expire. When the Board adopts a redistricting plan, the Board shall determine from which new Trustee district the position of each Trustee in office will be filled as it becomes vacant. A Trustee shall not continue in office after a redistricting plan takes effect if the Trustee no longer resides in the district from which the Trustee was elected.

I.H.3. Trustee Vacancies and Removal from Office

I.H.3.01. Policy
Trustees who abuse or abandon their office may be removed from office. The Board may appoint qualified individuals to serve as Trustee whenever a vacancy occurs on the Board because of resignation, death, removal, or any other reason.

I.H.3.02. Definitions

(a) Incompetency means gross ignorance of official duties; gross carelessness in the discharge of those duties; or unfitness or inability to promptly and properly discharge official duties because of a serious physical or mental defect that did not exist at the time of the Trustee’s election.

(b) Official Misconduct means a Trustee’s intentional, unlawful behavior relating to official duties. The term includes an intentional or corrupt failure, refusal, or neglect of a Trustee to
perform a duty imposed on the Trustee by law. The term also includes conviction of a Trustee of an offense relating to making or authorizing separate, sequential, or component purchases to avoid relevant purchasing contract requirements.

I.H.3.03. Trustee Appointment
Whenever a vacancy occurs on the Board, the remaining Trustees appoint a qualified individual to fill it. The appointed Trustee serves for the unexpired term. Any appointed Trustee must have continuously resided in Texas for 12 months and must have resided in the district for at least six months before the day of the appointment.

I.H.3.04. Trustee Resignation
A Trustee’s or Trustee-elect’s resignation must be written and signed by the Trustee or Trustee-elect and must be delivered to the Board Chair or Board Secretary to be effective. The Board may not refuse to accept a resignation. If a Trustee or Trustee-elect submits a resignation, whether for immediate effect or for some future date, a vacancy occurs on the date the Board accepts the resignation or on the eighth day after the Board receives it, whichever is earlier.

I.H.3.05. Non-Residence
A person elected to serve as a Trustee must reside in the district represented by the Trustee through the term of office. A Trustee who ceases to reside in his or her district vacates his or her office. The Board may require a Trustee to file an affidavit with the Board Chair affirming that the Trustee resides within his or her district.

I.H.3.06. Holdover Doctrine
Trustees continue to perform their duties until their successors are sworn in. Until the vacancy created by a Trustee’s resignation is filled by a successor, the Trustee continues to serve and have the duties and powers of office and continues to be subject to all laws and policies relevant to Trustees. A holdover Trustee may not vote on the appointment of his or her successor.

I.H.3.07. Trustee Removal
Trustees may be removed from the Board for several reasons, including Incompetency, Official Misconduct, intoxication on or off duty caused by drinking an alcoholic beverage (unless it was caused by drinking such beverage on the direction and prescription of a licensed physician), or any felony conviction or misdemeanor official misconduct conviction. A Trustee may be removed if absent from more than half of the regularly scheduled Board Meetings that the Trustee is eligible to attend during a calendar year, not counting absences for which the Trustee was excused by the Board.

Actions to remove Trustees must be brought before a District Court with jurisdiction, except that any court convicting a Trustee of a felony or official misconduct shall order immediate removal.
I.H.4. Trustee Development and Training

I.H.4.01. Policy
The Board encourages Trustees to engage in training and continuing education programs that focus on trusteeship and other areas of community college operations to help them effectively perform their official duties.

I.H.4.02. Definitions

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

I.H.4.03. Trustee Orientation and Education
The Board and the Chancellor provide orientation for new Trustees within the calendar year of their election to help them to understand the Board’s function, policies, and procedures. This orientation may include the following: (a) selected materials on Trustee responsibilities; (b) material on Board Meetings; (c) invitations to meet with the Chancellor, college presidents, and other administrative personnel designated by the Chancellor to discuss services the administration performs for the Board; (d) access to Board policies, regulations, and other documents and information currently used by Trustees; (e) information on appropriate meetings and workshops; (f) a formal orientation on the Board’s legal and budgetary oversight responsibilities; and (g) other information and activities the Board or the Chancellor deems useful.

The Board encourages all Trustees to engage in continuous training and development. The Board allocates sufficient resources for Trustees to attend educational conferences.

I.H.4.04. Reimbursement of Development and Training Expenses
The Board pre-authorizes all official travel by Trustees and reimbursement of expenses associated with Trustee education programs and institutional representation. When lodging rates differ for single or double occupancy, Trustees are responsible for the difference if double occupancy is necessary. Trustees follow the Chancellor’s Procedures regarding requests for reimbursement of travel expenses and the use of College’s credit cards. Trustees are reimbursed for mileage at College-approved rates, except when commercial airfare costs less than the amount for mileage. In such instances, the reimbursement will be the airfare cost.

I.H.4.05. Frequency
Trustees are generally limited to one national and one state or regional trusteeship meeting per fiscal year. The Board may make exceptions for specific purposes that it believes are in the College’s best interests. The Chancellor shall work with the Board to develop and implement a plan to address Trustees’ training needs.
I.H.4.06. THECB Trainings
The THECB provides mandatory training for new Trustees under Section 61.084, Education Code. Trustees use private funds for THECB registration fees and costs of travel, meals, and lodging. No public funds may be used except for grants and donated private funds available for that purpose.

I.H.4.07. Conventions, Workshops, Press Conferences, and Ceremonial Events
Trustees may attend a regional, state, or national convention, workshop, ceremonial event, or press conference. Even if a quorum is present, these gatherings are not “meetings” under the Open Meetings Act. The Board does not officially act at such events, and any Trustee discussions of public business are merely incidental to the event.

I.H.4.08. Open Government Training
Within 90 days of taking the oath of office, a Trustee shall complete a course of training on open meetings and open records provided by the Texas Attorney General or another approved source of training about the Board’s and Trustees’ responsibilities under Chapter 551, Government Code.

I.H.4.09. Reporting
At a Board Meeting after attending a conference or workshop, a Trustee gives the Board a verbal report of sessions or meetings which he or she attended.

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

SECTION II – COMMUNITY AND GOVERNMENTAL RELATIONS

II.A.1. Public Information Program

II.A.1.01. Public Information Policy
Lone Star College (the “College”) supports the public's right to access information concerning the College under the Texas Public Information Act. The Chancellor, as the chief administrative officer of the College, may designate an Officer for Public Records as the point of official information dissemination for the College.

II.A.1.02. Definitions
(a) Public Information means information that is written, produced, collected, assembled, or maintained under a law or ordinance, or in connection with the transaction of official business by the College or for the College and to which the College owns the information; has a right of access to the information; or spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or by an individual officer or employee of the College in the officer’s or employee’s official capacity and the information pertains to official business of the College. Public Information also includes any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business.
(b) **Officer for Public Records** means the chief administrative officer of a governmental body or the officer’s designee. Information regarding the designated Officer for Public Records for the College can be found at www.lonestar.edu/public-records.htm.

(c) **In Connection with the Transaction of Official Business** means information created by, transmitted to, received by, or maintained by an officer or employee of the College in the officer’s or employee’s official capacity, or a person or entity performing official business or a College function on behalf of the College, and pertains to official business of the College.

(d) **Commissioned Peace Officer** means an officer commissioned to carry a weapon.

II.A.1.03. **The Office of Public Records**

Information requests in accordance with the Texas Public Information Act must be made through the Office of Public Records to the Officer for Public Records for the College. All executives and department leaders of the College are agents of the Officer for Public Records to ensure compliance with the Texas Public Information Act and College policy regarding public information. The Officer for Public Records will comply with all duties and obligations as required under the Texas Public Information Act.

II.A.1.04. **Categories of Public Information**

The following categories of information are public information and not excepted from required disclosure unless made confidential under the Texas Public Information Act or other law:

1) a completed report, audit, evaluation, or investigation made of, for, or by the College;
2) the name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of the College;
3) information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by the College;
4) the name of each official and the final record of voting on all proceedings of the College;
5) all working papers, research material, and information used to estimate the need or expenditure of public funds or taxes by the College, on completion of the estimate;

6) the name, place of business, and the name of the municipality to which local sales and use taxes are credited, if any, for the named person, of a person reporting or paying sales and use taxes under Chapter 151, Tax Code;
7) a description of the College’s organization and where, from whom, and how the public may obtain information, submit information or requests, and obtain decisions;
8) a statement of the general course and method by which the College’s functions are channeled and determined, including the nature and requirements of all formal and informal procedures;
9) a rule of procedure, a description of forms available or the places at which forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations;
10) a substantive rule of general applicability adopted or issued by the College as authorized by law, and statement of general policy or interpretation of general applicability formulated and adopted by the College;
11) each amendment, revision, or repeal of the information described in items 7-10;
12) final opinions, including concurring and dissenting opinions, and orders issued in the adjudication of cases;
13) a policy statement or interpretation that has been adopted or issued by the College;
14) administrative staff manuals and instructions to staff that affect a member of the public;
15) information regarded as open to the public under the College’s policies;
16) information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege;
17) information that is also contained in a public court record;
18) a settlement agreement to which the College is a party; and
19) certain College investment information as specified by Texas Government Code Section 552.0225.

II.A.1.05. Request for Public Information
A Request for Public Information maintained by the College must be in writing and in compliance with the Texas Public Information Act. The request must properly identify the information to be produced and the name, address, email address, or other contact information of the individual requesting the information. A form of picture identification may be required to verify identity.

II.A.1.06. Processing Request for Public Information
The College will comply with all duties and obligations governing the response to a request for information under the Texas Public Information Act. The Officer for Public Records may establish procedures ensuring expeditious and accurate processing of requests for information requiring programming or manipulation of data.

II.A.1.07. Costs Associated with Request for Public Information
A charge associated with responding to requests for public information will be made in accordance with the Texas Public Information Act.

The College will provide a written, itemized statement detailing all estimated charges, including labor and personnel costs, to the individual requesting public information for requests exceeding $40. If an alternative, less-costly method of viewing the records is available, the statement must include a notice that the College may be contacted regarding the alternative method. The Officer for Public Records will comply with notice responsibilities to the individual requesting public information, relating to the itemized statement, in accordance with the Texas Public Information Act.
A deposit or bond for payment of anticipated costs for the preparation of public information may be required by the College if the charge for creating the copy would exceed $100 and a required, written, itemization statement detailing estimated charges is provided to the individual requesting public information. The Officer for Public Records may require a deposit or bond for payment of unpaid amounts owed the College relating to previous requests for public information before preparing a copy of public information in response to a new request if unpaid amounts exceed $100.

II.A.1.08. Access to Public Information
The Officer for Public Records will promptly produce a suitable copy of public information for inspection, duplication, or both, during regular College business hours, at the Office of Public Records upon request by any person within a reasonable time after the date on which the information is requested. However, information excepted from required disclosure or subject to federal Copyright Law may be excepted from inspection or duplication. The College may also comply with access to public information if the requested information is identifiable and readily available on an internet source maintained by the College and provided to the individual requesting information. Inspection or examination of the requested information will be performed in accordance with the Texas Public Information Act.

The Texas Public Information Act does not require the College to prepare or create information not in existence at the time the request for public information is made. The Texas Public Information Act also does not require the College to prepare or generate information in a specifically requested medium unless the College has the technological ability to fulfill the request and is not required to purchase software or hardware to accommodate the request.

The College, at its discretion, may implement reasonable procedures by which public information may be inspected in accordance with the Americans with Disabilities Act.

II.A.1.09. Information Excepted from Required Disclosure
Several categories of information excepted from required disclosure exist under the Texas Public Information Act or other law. The following non-exhaustive list contains categories of information excepted from required public disclosure under the Texas Public Information Act or other law. Consultation with a licensed, legal professional regarding the applicability of certain exceptions to a request for information is advised.

1. Information considered to be confidential by law; either constitutional, statutory, or by judicial decision.
2. Information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, and transcripts from institutions of higher education maintained in files of professional employees; however, the degree obtained and the curriculum on the transcripts shall be subject to disclosure.
3. Information relating to litigation of a civil or criminal nature or settlement negotiations, to which the College is, or may be, a party or to which a Board member or employee of the College, as a consequence of the office or employment, is or may be a party, but only if the litigation is pending or reasonably anticipated at the time of the request.

4. Information that, if released, would give advantage to competitors or bidders.

5. Information pertaining to the location of real or personal property for a public purpose prior to public announcement of the project, or information pertaining to appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property.

6. Drafts and working papers involved in the preparation of proposed policies;

7. Information the College's attorney is prohibited from disclosing because of a duty to the College under the Texas Rules of Evidence or the Texas Disciplinary Rules of Professional Conduct or information that a court order has prohibited from disclosure.

8. Private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy.

9. Interagency or intra-agency memoranda or letters that would not be available by law to a party in litigation with the College.

10. Student records, except to College personnel, the student, his or her parents, or guardian (if the student is a minor), or spouse. The College is not required to release student records, except in conformity with FERPA.

11. Test items developed by the College.

12. The certified agenda or tape recording of closed session, unless a court order makes it available for public inspection and copying.

13. Records of a school library or library College that identify or serve to identify a person who requested, obtained, or used a library material or service, unless the records are disclosed:
   i. because the library determines that disclosure is reasonably necessary for the operation of the library and the records are not confidential under other state or federal law;
   ii. to a person with a special right of access under Gov. Code Sec. 522.023; or
   iii. to a law enforcement agency or prosecutor under a court order or subpoena.

14. An oral interview that is obtained for historical purposes by an agreement of confidentiality between the interviewee and the College. The interview becomes public information when the conditions of the agreement of confidentiality have been met.

15. Rare books, original manuscripts, personal papers, unpublished letters, and audio and video tapes held by the College for the purpose of historical research.

16. Applicant names for the position of Chancellor, except that the Board must give public notice of the name or names of the finalists being considered for the position at least 21 days prior to the meeting at which final action or vote is to be taken on the employment of the individual.
17. Information in a commercial book or publication purchased or acquired by the College for research purposes, if the book or publication is commercially available to the public. The College is not required to make copies of commercially available information, but the College shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of the College.

18. Information submitted by a potential vendor or contractor to the Board in connection with an application for certification as a historically underutilized or disadvantaged business under a local, state, or federal certification program.

19. The Social Security number of a living person. The College may redact the Social Security number of a living person from any information the College discloses to the public without the necessity of requesting a decision from the attorney general.

20. Certain College investment information, as specified by Government Code 552.143, is not public information and is excepted from disclosure.

21. A credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for the College.

22. An e-mail address of a member of the public that is provided for the purpose of communicating electronically with the College is confidential and not subject to disclosure unless the member of the public affirmatively consents to its release. This confidentiality does not apply to an e-mail address:
   i. Provided to the College by a person who has a contractual relationship with the College or by the contractor's agent;
   ii. Provided to the College by a vendor who seeks to contract with the College or by the vendor's agent;
   iii. Contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to the College in the course of negotiating the terms of a contract or potential contract; or
   iv. Provided to the College on a letterhead, coversheet, printed document, or other document made available to the public. The College may also disclose an e-mail address for any reason to another governmental body or to a federal agency.

23. Under certain circumstances, information (except basic information about an arrested person, an arrest, or a crime) held by a law enforcement agency or prosecutor, including:
   i. Information that deals with detection, investigation, or prosecution of crime; and
   ii. An internal record or notation that is maintained for internal use in matters relating to law enforcement or prosecution.

24. A trade secret obtained from a person and privileged or confidential by statute or judicial decision.
25. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.

26. A photograph that depicts a peace officer, the release of which would endanger the life or physical safety of the officer, unless:
   i. The officer is under indictment or charged with an offense by information;
   ii. The officer is a party in a fire or police civil service hearing or a case in arbitration; or
   iii. The photograph is introduced as evidence in a judicial proceeding.

27. Motor vehicle record information that relates to:
   i. A motor vehicle operator's or driver's license or permit issued by an agency of this state;
   ii. A motor vehicle title or registration issued by an agency of this state; or
   iii. A personal identification document issued by an agency of this state or a local agency authorized to issue an identification document of the motor vehicle record information described above may be released only in accordance with Transportation Code Chapter 730.

28. An informer's name or information that would substantially reveal the identity of an informer, unless:
   i. The informer or the informer's spouse consents to disclosure of the informer's name;
   ii. The informer planned, initiated, or participated in the possible violation.

29. Information that relates to the economic development negotiations involving the Board and a business prospect that the Board seeks to have locate, stay, or expand in or near the College, if that information relates to:
   i. A trade secret of the business prospect; or
   ii. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.

30. Unless and until an agreement is made with the business prospect, information about a financial or other incentive being offered to a business prospect by the Board or by another person.

31. After an agreement is made, information about a financial or other incentive being offered is no longer exempted from public disclosure if the information is about a financial or other incentive being offered to the business prospect:
   i. By the Board; or
   ii. By another person, if the financial or other incentive may directly or indirectly result in the expenditure of public funds by the College or a reduction in revenue received by the College from any source.

32. Information that relates to computer network security or to the design, operation, or defense of a computer network. The following information is confidential:
   i. A computer network vulnerability report;
ii. Any other assessment of the extent to which data processing operations, a computer, or a computer program, network, College, or software of the College or of a contractor of the College is vulnerable to unauthorized access or harm, including an assessment of the extent to which the College's or contractor's electronically stored information is vulnerable to alteration, damage, or erasure.; and

iii. A photocopy or other copy of an identification badge issued to an official or employee of the College.

33. A military veteran's Department of Defense Form DD-214 or other military discharge record that first comes into the possession of the College in or after September 1, 2003. The record is confidential for the 75 years following the date it comes into the possession of the College in accordance with government Code 552.140. A College that obtains information from the record shall limit the use and disclosure of the information to the purpose for which the information was obtained.

34. The name or other information that would tend to disclose the identity of a person other than a governmental body, who makes a gift, grant, or donation of money or property, to the College or to any other person with the intent that the money or property be transferred to the College.

35. Information relating to a participant in the Address Confidentiality Program for Victims of Family Violence, Sexual Assault, and Stalking is confidential, except as provided by Code of Criminal Procedure 56.90, and may not be disclosed.

36. A College employee who is also a victim under Code of Criminal Procedure Chapter 56, Subchapter B may elect whether to allow public access to information held by the College district that would identify or tend to identify the victim, including a photograph or other visual representation of the victim. An election under this subsection must be made in writing on a form developed by the college district, be signed by the employee, and be filed with the college district before the third anniversary of the latest to occur of one of the following:

i. The date the crime was committed;

ii. The date employment begins; or

iii. The date the governmental body develops the form and provides it to employees.

If the employee fails to make an election, the identifying information is excepted from disclosure until the third anniversary of the date the crime was committed. In case of disability, impairment, or other incapacity of the employee, the election may be made by the guardian of the employee or former employee.

37. All information relating to a product, device, or process, the application or use of such a product, device, or process, and all technological and scientific information (including computer programs) developed in whole or in part at a college district, regardless of whether patentable or capable of being registered under copyright or trademark laws, that have a potential for being sold, traded, or licensed for a fee.
38. Any information relating to a product, device, or process, the application or use of such product, device, or process, and any technological and scientific information (including computer programs) that is the proprietary information of a person, partnership, corporation, or federal agency that has been disclosed to a college district solely for the purposes of a written research contract or grant that contains a provision prohibiting the college district from disclosing such proprietary information to third persons or parties.

39. Information maintained by or for a college district that would reveal the college district’s plans or negotiations for commercialization or a proposed research agreement, contract, or grant, or that consists of unpublished research or data that may be commercialized, is not subject to the Public Information Act (PIA), unless the information has been published, is patented, or is otherwise subject to an executed license, sponsored research agreement, or research contract or grant.

40. The plans, specifications, blueprints, and designs, including related proprietary information, of a scientific research and development facility that is jointly financed by the federal government and a local government or state agency, including an institution of higher education, is confidential and is not subject to disclosure if the facility is designed and built for the purposes of promoting scientific research and development and increasing the economic development and diversification of this state.

41. Information maintained by or for the College that would reveal the College’s plans or negotiations for commercialization or a proposed research agreement, contract, or grant, or that consists of unpublished research or data that may be commercialized, unless the information has been published, is patented, or is otherwise subject to an executed license, sponsored research agreement, or research contract or grant.

42. The plans, specifications, blueprints, and designs, including related proprietary information, of a scientific research and development facility that is jointly financed by the federal government and the College, if the facility is designed and built for the purposes of promoting scientific research and development and increasing the economic development and diversification of this state.

43. Unless the individual consents to disclosure, information that directly or indirectly reveals the identity of an individual who made a report to the compliance program office of the College, sought guidance from the office, or participated in an investigation conducted under the compliance program; and information that directly or indirectly reveals the identity of an individual as a person who is alleged to have or may have planned, initiated, or participated in activities that are the subject of a report made to the compliance program office if, after completing an investigation, the office determines the report to be unsubstantiated or without merit. Information is excepted from disclosure if it is collected or produced in a compliance program investigation and releasing the information would interfere with an ongoing compliance investigation. Although this information is excepted from disclosure under the Public Information Act, the College may disclose the
information to specific individuals/entities in accordance with state law.

44. Except as provided under Section 37.108(c-2), any document or information collected, developed, or produced during a safety and security audit conducted under the Texas Education Code.

45. The personal identifying information obtained from an individual for the purpose of the emergency alert College of a college district, including an e-mail address or telephone number, is confidential and not subject to disclosure.

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

47. Records, including any identifying information, of individual members, annuitants, retirees, beneficiaries, alternate payees, program participants, or persons eligible for benefits from TRS or another retirement College. This provision applies to records that are in the custody of the College acting in cooperation with or on behalf of the retirement College.

II.A.1.10. Personal Information of Employees and Officials

College employees, former employees, other than a commissioned peace officer, officials, or former officials must elect whether to allow public access to College-held information relating to the person's home address, home telephone number, or that reveals family member information. This written election must be made to the main personnel officer of the College not later than the 14th day after the date on which employment with the College begins; the official is elected or appointed; or the former employee or official ends service with the College. Failure to elect within this time period subjects the information to public access. However, employees, former employees, officials, or former officials may make a written request to the personnel officer to open or close access to the information described in this subsection at any time. The College must provide required information to an individual under the Texas Public Information Act if withholding certain information without requesting a determination by the Texas Office of the Attorney General.

II.A.1.11. Commissioned Peace Officers

Information maintained by the College relating to the home address, home telephone number, emergency contact information, date of birth, or social security number of a Commissioned peace officer or information that reveals whether the officer has family members, is confidential and may not be disclosed to the public if the officer chooses to restrict public access to the information by notifying the College on a form provided by the College with evidence of the officer's status. This election remains valid until rescinded in writing by the officer. The College must provide required information to an individual under the Texas Public Information Act if withholding certain information without requesting a determination by the Texas Office of the Attorney General.

II.A.1.12. Attorney General Determinations

The College may seek to withhold certain requested information that it believes is not subject to required disclosure under the Texas Public Information Act or other law. The College will request
a determination from the Texas Office of the Attorney General as to whether certain information is excepted from required disclosure, unless the information is otherwise deemed excepted from required disclosure by a Texas Attorney General previous determination, or express provision under the Texas Public Information Act. A request for a determination and notification to the individual requesting information will be conducted in accordance with the Texas Public Information Act. Information is presumed public if a determination is not requested.

(i) Third Party Property Interests
The College may request a determination from the Texas Office of the Attorney General as to whether requested information is excepted from required disclosure in cases where requested information may affect a person's privacy, proprietary, or property rights. The College may, but is not required to, submit its reasons supporting the withholding of information. The College will make a good faith attempt to notify persons or entities regarding the College’s request for a determination in accordance with the Texas Public Information Act.

II.A.1.13. Voluntary Disclosure
The College may voluntarily disclose part or all of its records to any person, unless the disclosure is expressly prohibited by law or the information is confidential under law.

II.A.1.14. Repetitious or Redundant Requests
Requests for information in which the College has previously furnished or made copies available to the individual requesting public information on payment of applicable charges may be deemed repetitious or redundant and are subject to certain request processing exceptions under the Texas Public Information Act.

II.A.1.15. Substantial Employee or Personnel Time
College employees or personnel collectively spending 36 hours of time producing information for an individual requesting public information during the College’s fiscal year will charge for any additional time spent producing information for the individual in accordance with the Texas Public Information Act.

II.A.1.16. Destruction of Records
A College record may be intentionally destroyed under the following conditions:

(i) The record is listed on a records control schedule filed with the State Library and Archives Commission and either its retention period has expired or it has been microfilmed or electronically stored in accordance with legal standards.

(ii) The record appears on a list of obsolete records approved by the State Library and Archives Commission.

(iii) A destruction request is filed with an approved by the State Library and Archives Commission for a record not listed on an approved control schedule.

(iv) A court issues an expunction order for the destruction or obliteration of the records, pursuant to state law.
(v) The records are defined as exempt from scheduling or filing requirements or listed as exempt in a records retention schedule issued by the State Library and Archives Commission.

(vi) When photographic duplicates of public records have been made according to Local Government Code Chapters 201-205, the Trustee may order the original public records to be destroyed or otherwise disposed. However, original public records shall not be destroyed or otherwise disposed until the time for filing legal proceedings based on any such record has elapsed or any other legal requirements for retention are met. Notice of such proposed destruction or disposition shall first be given to the state librarian.

II.A.17. Exceptions to Destruction of Records
The Board of Trustees’ minute books shall not be disposed of or destroyed. A College record, the subject matter of which is known by the records custodian to be the subject of litigation, will not be destroyed until the litigation is settled. A College record that is covered by a litigation hold will also not be destroyed. A College record that is subject to a request under the Public Information Act or other law or court order will not be destroyed until the request is resolved.

II.A.18. Preservation of Records
The Board of Trustees will determine a time for which records that are not currently in use will be preserved, subject to any applicable rule or law governing the destruction or other disposition of local government records or public information.

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

II.A.19. Filing Suit to Withhold Information
The Board of Trustees, or designee, may file suit seeking to withhold information, but the individual requesting public information may not be named as a party to that action. The Board of Trustees, or designee, must demonstrate to the court that a timely, good faith effort to inform the individual requesting public information was made in accordance with the Texas Public Information Act.

II.A.2. Students' Right to Know

II.A.2.01. Graduation Rates
In accordance with the Students Right to Know Act, the College shall produce and make readily available, through appropriate publications and mailings, and electronic media to all current students, and to any prospective student upon request, the completion or graduation rates of certificate- or degree-seeking, full-time students entering the College. The information shall be updated at least biennially.
II.A.2.02. Crime Statistics
Each College shall collect information with respect to campus crime statistics and campus security policies. Each College shall prepare, publish and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report as required.

II.A.2.03. Reports
Each College shall make available to the Coordinating Board, upon request, the information required to be reported by the Federal Student Right-To-Know Act and the Campus Security Act for the previous year. The information must be reported in the form required by the Act.

II.A.3. Preservation of Records for Litigation

II.A.3.01. Preservation of Records for Litigation Policy
The College will maintain and preserve all information that may be subject to pending litigation or in reasonable anticipation of litigation, whether in hard-copy or electronic form, as required by law.

II.A.3.02. Definitions
(a) Discovery means compulsory disclosure, at a party’s request, of information that relates to litigation. A request for the production of documents is one of the most common discovery devices.
(b) Electronically Stored Information means writings, drawings, graphs charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form. Electronically Stored Information will be preserved for retrieval at a later time in its original electronic form.

II.A.3.03. Duty to Preserve Records for Litigation
The College is under a legal duty to preserve all information, in whatever form or medium, once properly noticed that it is a party to litigation, or that litigation may be reasonably anticipated. The information must be identified as evidence reasonably relevant to litigation. The suspension of routine or intentional purging, overwriting, re-using, deleting, or any other destruction of information, including electronically stored information, identified as reasonably relevant to litigation or anticipated litigation is required by law.

II.A.3.04. Procedures for Preservation of Records for Litigation
The Chancellor, or designee, in coordination with the College’s Office of the General Counsel, may develop and implement procedures for the preservation of information for litigation, or reasonably anticipated litigation. Additionally, procedures may be developed and implemented for response to a discovery request for electronically stored information maintained by the College.
II.B. PUBLIC COMMENT AND FEEDBACK

II.B.1.01. Public Comment Policy
The College welcomes comments or feedback from members of the general public. Trustees, individually, are accessible to members of the public to hear comments or feedback, so long as members of the public understand that individual Trustees cannot act on behalf of the Board except for properly noticed public Board meetings.

Members of the public may also provide comments or feedback during the citizen participation portion of a properly noticed public Board meeting. The Board may recommend comments and feedback received for discussion on a future Board meeting agenda.

II.B.1.02. Public Comment Exceptions
Public comments, feedback, or complaints governed by any other resolution procedure or process instituted by the College will be directed through those channels for resolution.

II.B.1.03. Public Comment Procedure
The Chancellor, or a designee, in coordination with the Office of the Chancellor and the College’s Office of the General Counsel, may develop and implement procedures for resolution of complaints received by the College from members of the public.

II.C. RELATIONSHIPS WITH COMMUNITY ORGANIZATIONS

II.C.1. Relationships with Community Organizations

II.C.1.01. Relationships with Community Organizations Policy
The College supports opportunities for ongoing relationships with community organizations through joint projects, activities, and sponsorships.

II.C.1.02. Definitions

(a) **Raffle** means the awarding of one or more prizes by chance at a single occasion among a pool or group of persons who have paid or promised a thing of value for a ticket that represents a chance to win a prize.

II.C.1.03. Contests and Awarding of Prizes
Contests and activities sponsored by community-based organizations involving participation by students or employees or granting of awards or prizes to students or employees may be permitted by the College with prior approval by the Chancellor or the College President or their designee.

II.C.1.04. Campaigns or Activities for Raising Money
Campaigns or activities for raising money may be permitted by the College by prior approval of the Chancellor and College President or their designees.
II.C.105. Charitable Raffles
An organization that is a qualified non-profit organization for purposes of The Charitable Raffle Enabling Act may conduct raffles to benefit the College provided the organization complies with state law. Organizations seeking to conduct a raffle to benefit the College must submit a request and receive approval from the Office of the General Counsel.

II.D. COMMUNITY USE OF COLLEGE PREMISES

II.D.1. Facility Use

II.D.1.01. Policy
Lone Star College makes available its facilities and grounds for Third Party use consistent with the College’s values, mission, and this policy.

II.D.1.02. Definitions
(a) **Board** means the Board of Trustees with ultimate legal authority to govern the College.

(b) **Facility Use Agreement** means the College’s standard contract approved by the College’s Office of the General Counsel and available on the College’s website.

(c) **Third Party** means individuals or groups not including College students or employees.

II.D.1.03. Requesting Facility Use
College facilities\(^1\) are available for occasional use by employees, students, and College community groups provided that each use is first approved in writing by the appropriate College official. Any proposed Third Party facility-use must enhance the College’s public service mission and serve educational needs. The College will deny facility-use if the proposed use interferes with the College’s instructional mission. Separate policies govern the use of College facilities as polling places or political party conventions.

II.D.1.04. Facility Use Fees
The Board authorizes the Chancellor to fix and collect rentals, rates, charges or fees from Third Parties for the use and/or availability of any College properties, buildings, structures, activities, operations, or facilities pursuant to the Chancellor’s fee schedule available in the corresponding procedures.

The College may assess a facility-use fee sufficient to cover all associated costs. Costs include

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\(^1\) See Tex. Educ. Code §§ 51.9315(c)(1)–(2).
(1) police, custodial, maintenance, and other College employee support; (2) food and beverage preparation, set-up, sale, and service; (3) College equipment set-up and use including computers and audio-visual aids; (4) utilities and operational overhead; and (5) other necessary costs. The College will determine and charge these reasonable costs.

Required facility-use fees must be paid when the Facility Use Agreement is signed unless the College states otherwise in writing.

The College will establish and update a facility-use fee schedule. The College will deny commercial use requests, unless the College determines that the proposed commercial use significantly serves the community because of the proposed event’s educational or cultural value.

II.D.1.06. Prohibited Facility Use
The following activities are prohibited College facility uses:

(a) holding partisan political meetings or fundraising, except for political party conventions held (1) with primary elections or (2) authorized student club activities to support or participate in partisan activities as allowed by Board Policy;

(b) conducting activities which may damage the College’s buildings, grounds, or equipment or present a risk of injury to people;

(c) holding external groups’ meetings that interfere with the College’s educational facility use;

(d) conduct violating any applicable laws; or

(e) conducting unauthorized business or commercial activities, including the sale of products or services, except as specifically allowed by Board Policy. The following activities are not considered prohibited business or commercial activity if approved beforehand by the College:
   1. post-performance or post-reading sales of music, dance recordings, videos, or books;
   2. performances incidental to the College’s educational mission (e.g., concerts, theater performances, or similar activities);
   3. recreational, cultural, and athletic events; public service radio and TV broadcasting; and events or functions which have as their principal purpose the improvement of relations between the College and the public;
   4. sales of art, baked goods, crafts, or similar items produced by students or College employees where the revenues are used by an authorized student group;
   5. authorized fundraisers which return less than 50% of the sales proceeds to the creator;
6. sales of items by an authorized non-profit community organization with proceeds benefiting the College; or
7. other sales of products or services specifically approved by the Board and memorialized in a written contract reviewed by College’s Office of the General Counsel.

II.D.1.07. Alcohol in Facilities
The College is alcohol-free. Alcohol possession or consumption is prohibited in College facilities including classroom buildings, laboratories, auditoriums, library buildings, offices, athletic facilities, and all other College premises unless otherwise authorized in this policy. All federal law, state law, and local ordinances related to alcohol possession and consumption will be strictly enforced at all times on all College-owned, -leased, or -controlled property.

The Chancellor may allow alcohol service or consumption for persons aged 21 and over. The Chancellor may approve alcohol service or consumption at certain, limited College events. Individuals or groups requesting permission to serve alcohol must submit: (1) the Chancellor, applicable college president, or LEO’s written approval; (2) the appropriate plan for alcohol service or sale; (3) appropriate liability insurance coverage proof; and (4) any other requested information.

All parties approved to serve alcohol must comply with the Facility Use Agreement, College policies, local ordinances, the Texas Alcoholic Beverage Commission rules and regulations, Texas state law, and federal law—including but not limited to the Drug-Free Schools and Communities Act and the Drug-Free Workplace Act.

II.D.1.08. Facilities as Polling Places
The College shall make its buildings available for use as polling places in any election that covers territory in which the buildings are located. If more than one authority requests the use of a building for the same day and simultaneous use is impractical, the College shall determine which authority may use the building. The College shall not assess a charge for the use of a College building for a polling place if the day of the election is a day on which the building is normally open for business.

If the day of the election is a day on which the building is not normally open for business, a charge may be made only for reimbursement of the actual expenses resulting from use of the building in the election.

II.D.1.09. Political Party Conventions
No charge may be made for the use of a College building for a precinct, county, or senatorial district convention except for reimbursement for the actual expenses resulting from use of the building for the convention. The College shall provide an itemized statement of expenses to the convention.
II.D.2. Minors on College Premises

II.D.2.01. Policy
The College is a diverse community that provides equal academic opportunities while balancing the safety and well-being of all students. The College welcomes persons of all ages. Minors aged 15 and under on College premises must be supervised by a parent, legal guardian, or authorized responsible adult unless the Board has approved a variance to this requirement. Unaccompanied Minors aged 15 and under will be reported to College police and an officer will attempt to locate the minor’s parent/guardian to accompany or remove the child. All Minors on College premises are subject to relevant College policies and procedures.

II.D.2.02. Definitions

(a) **Authorized Responsible Adults** means parents, legal guardians, or an adult authorized by a parent or legal guardian to be responsible for Minors.

(b) **Minors** means persons aged 15 and under.

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

II.D.2.03. Approved Variances to Minors on College Premises
Colleges with a Harris County Public Library (“HCPL”) operating on the college campus will comply with HCPL regulations regarding children in the library.

II.D.2.04. Requirements for Minors on College Premises
An Authorized Responsible Adult must supervise Minors on College premises unless the Minor is participating in a College class, program, or event. This means that Authorized Responsible Adults do not have to accompany Minors while they are participating in the College class, program, or event, but must be present to monitor the Minors’ activities outside of a College class, program, or event. Minors participating in a College class, program, or event must have written permission from their parent or legal guardian. The Authorized Responsible Adult must be immediately available in an emergency situation. The College does not staff its campuses with nurses, infirmaries, or other medical care facilities. The Authorized Responsible Adult must bring and dispense medications, provide minor medical care, or respond to a call indicating the Minor is ill. The Chancellor or Chancellor’s designee may provide a variance to this policy.

Minors not participating in a College class, program, or event are prohibited from entering or using computer labs, science labs, physical fitness facilities, storage rooms, equipment rooms, outdoor water features, or outdoor athletic facilities unless they are given express written permission from the appropriate college president or designee.
Dual-credit and other similar programs are governed by the applicable agreement between the College and independent school district or other secondary education institution. Thus, students participating in a College-approved program must abide by the requirements specified therein. If the agreement does not specify supervision requirements, then this policy section applies.

II.D.2.05. College Employee Children on College Premises
Employees may not bring children to their worksite, except for a brief visit, unless the applicable College campus specifically designated a time or place for employee children to be present. Employees who bring their children to a College work area for a brief visit must continuously supervise their children. No child may be left unattended or with other employees. An employee’s child’s presence should not obstruct or diffuse work or duties in the College work area. Supervisors may ask employees to have their children leave the work area. Ill children may not be brought to the employee’s work area. Other arrangements must be made to accommodate an ill child.

Employees may not supervise children at their worksite unless their job assignments relate to a College class, program, or event designed for Minors aged 15 or under and advance written permission from their parent or legal guardian is acquired.

II.D.2.06. Children of Students on College Premises
College students’ children may not enter the classroom, even for brief visits, without the instructor’s prior express written permission. Instructors may deny permission or revoke written permission. Children cannot enter an activity or lab area where dangerous substances or equipment are stored or in use, unless the children are students enrolled in an applicable class or participating in a special College program. Students may not have their children accompany them on College field trips unless the children are also enrolled in the class.

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

II.E. SPEECH AND CONDUCT ON COLLEGE PREMISES

II.E.1. Expressive Activity on College Premises

II.E.1.01. Policy
The College recognizes and supports free speech rights and the free exchange of ideas. The College recognizes individuals’ right to freedom of speech, petition, peaceful assembly, and responding to those Expressive Activities as set forth in the United States Constitution, the Texas State Constitution, and the laws of the State of Texas. The College strives to provide a suitable environment for its faculty, staff, and students to work, study, and perform activities furthering the College’s mission without undue interference or disturbance.

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The College enforces Viewpoint- and Content-Neutral speech restrictions. Disruptive acts to the College’s normal operations, in the Chancellor’s or designee’s view, are not allowed. Faculty, staff, and students engaging in acts disruptive to the College’s normal operations or unduly interfering with another’s Expressive Activities, may be subject to disciplinary action. A College employee or student who believes their rights have been violated under this section may file a grievance under Section IV.E.6. and Section VI.D.12, respectively. Academic freedom and student First Amendment rights are covered elsewhere in the Policy Manual.

Chancellor’s Procedures may be developed to further clarify this policy.

II.E.1.02. Definitions

(a) **Disruptive** means substantially disrupting or materially interfering with the College’s central mission of educating students. This definition does not include action that merely presents the possibility of discomfort or unpleasantness that often accompanies unpopular viewpoints.

(b) **Expressive Activities** means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

(c) **Common Outdoor Areas** means the common outdoor areas of each College campus where anyone may engage in Expressive Activities. The College deems each College campus’ common outdoor areas as traditional public forums, subject to Viewpoint- and Content-Neutral restrictions.

(d) **Premises** means any real property which the College possesses, controls, or owns.

(e) **Viewpoint- and Content-Neutral** means speech policies or procedures that regulate speech without consideration for the speech’s content, such as regulations regarding speech’s time, manner, and place.

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II.E.1.03. Respect and Conduct during Expressive Activities
All persons attending or participating in an Expressive Activity will conduct themselves with respect for the forum and the learning environment at all times. Persons will have an opportunity to express contrary viewpoints as appropriate for the forum. Expression of a contrary or dissenting viewpoint may not be undertaken in a manner that is unlawful\(^{13}\) and materially or substantially disrupts the College’s function.\(^{14}\)

Disruptive and unlawful conduct may\(^{15}\) result in any or all of the following College actions: use of College disciplinary processes for students and employees, action by College police officers, or appropriate external law enforcement involvement.

II.E.1.04. Expressive Activities May Not Cause Obstruction
Expressive Activities must not obstruct vehicular, bicycle, or pedestrian traffic. Expressive Activities must not interfere with ingress or egress to the College’s facilities, activities, or events.

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LSCS Policy Manual Section adopted by the Board of Trustees on October 6, 2022

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II.E.2. Prohibited Conduct on College Premises

II.E.2.01. Policy
The College provides a suitable environment for its faculty, staff, and students to work, study, and perform activities furthering the College’s mission without undue interference or disturbance.

II.E.2.02. Prohibited Trespass and Damages
It is unlawful for any person to trespass on College grounds or damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on College grounds.

II.E.2.03. Entering or Remaining on College Premises After Withdrawal of Consent
A person who has been notified by a College president or a College police officer that consent to remain on the campus or facility has been withdrawn pursuant to a period of disruption, who has not had consent reinstated, and who willfully and knowingly enters or remains upon the campus or facility during the period for which consent has been withdrawn, is guilty of a misdemeanor and is subject to punishment as defined by law. This section does not apply to any person who enters or remains on the campus/facility for the sole purpose of applying to the College Chancellor, president, authorized officer, or authorized employee for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

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

II.E.2.04. Disruptive Activities on College Premises
A person commits an offense if the person, alone or in concert with others, intentionally engages in disruptive activity on College premises. Disruptive activity is defined in Texas Education Code section 37.123. This section may not be construed to infringe on any right of free speech or expression guaranteed by the Constitution of the United States or of the State of Texas.

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

II.F. WEAPONS ON PREMISES

II.F.1. Policy

The Chancellor develops, maintains, and enforces rules regarding licensed individuals carrying handguns on College premises. These rules are found in the Chancellor’s Procedures. Unless allowed by the Chancellor’s Procedures, authorized LSC Police Department regulations, state law, or federal law, a person shall not knowingly, intentionally, or recklessly enter College premises or College-sponsored events with a firearm or any prohibited weapon listed in Texas Penal Code § 46.05(a). Such a violation may result in disciplinary action—up to termination for employees or expulsion for students—and possible criminal charges, as applicable.

LSCS Policy Manual Section adopted by the Board of Trustees on April 6, 2017

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.

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.

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.

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 Policy

Under Texas’s Interlocal Cooperation Act (“ICA”), the College may contract with a county, municipality, special district, junior college district, other political subdivision of Texas or another state, or other ICA-defined local government to increase the College’s efficiency and effectiveness.
II.H.1.02 Payment
An interlocal contract must be authorized by the Board and the governing body of each contracting party. An interlocal contract must (1) state the purpose, terms, rights and duties of the contracting parties; and (2) specify that each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party.

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

II.H.1.03 Cooperation with State and Local Governments
The College may join with appropriate state and local government authorities and local agencies to deliver contracted services and to implement joint projects, initiatives, and activities that help fulfill the College’s mission.

II.H.1.04 Assurances
The College provides required assurances for direct contracting, grant receipts, and agreements. Policies that guide these assurances are found throughout this Policy Manual.

II.H.2. Federal Cooperation Contracts
The College may seek and implement direct contracts, grants, and agreements with federal governmental authorities and agencies to fulfill its mission and benefit students and citizens.

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

II.I. RELATIONSHIPS WITH EDUCATIONAL ENTITIES

II.I.1. Relationships with School Districts

II.I.1.01. College Courses at School System Facilities
The Board may enter into a contract with the trustees of an independent school district in a county contiguous to, but not a part of, the College, to hold college courses at the school district’s facilities. Both boards must approve the contract by resolution. The College may also enter into such contracts with independent school districts located wholly or partially in the College’s service area.

II.I.1.02. Reports of Academic Achievement
Under guidelines established by the Texas Higher Education Coordinating Board and the State Board of Education, the College reports student performance during the first year enrolled after high school graduation to the high school or public community college last attended. This report includes, but is not limited to, appropriate student test scores, a description of developmental courses required, and the student’s grade point average. Appropriate safeguards for student privacy shall be followed.
II.I.2. Relationships with Colleges and Universities

II.I.2.01. Policy
Direct relations with other college systems and universities enhance the College’s delivery of instructional programs and services to students and citizens. The College may enter into arrangements with other college systems and universities to fulfill the College’s mission.

II.I.2.02. Partnerships
The College develops and implements direct partnerships, contracts, and joint projects with other colleges and universities regarding transfer of coursework, joint delivery of college courses, small business development services, technology transfer, and continuing professional development.

II.I.2.03. International Affiliations
Under applicable laws and College policies, the College establishes affiliations with other institutions of higher education to allow international students to participate in College courses, distance education, online classes, and dual credit.

II.I.3. Accreditation Agencies

II.I.3.01. Relationships with Educational Accreditation Agencies
The College maintains accreditation with the Southern Association of Colleges and Schools Commission on Colleges. The College may also pursue accreditation with other educational and licensing agencies. Each of the College’s relationships with independent school districts and with other institutions of higher education shall meet any requirements imposed by the College’s accreditation agencies.

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

II.J. COMMUNITY ACCESSIBILITY

II.J.1. Community Members with Disabilities

II.J.1.01. 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 and is committed to making reasonable accommodations, including providing auxiliary aids and services, for qualified individuals with disabilities as required by law.

Students seeking disability accommodation must refer to Policy Section VI for the relevant student policy and procedures. College employees seeking disability accommodation must refer to Policy Section IV for the relevant employee policy and procedures. This section provides notice to third parties of the availability of certain services for individuals with disabilities.
II.J.1.02. Third Parties Requesting Accommodations
Third parties attending College activities or events (e.g., College play, graduation ceremony, Board meeting, etc.) may contact the College’s Executive Director of Disability Services to request that the College provide disability accommodation or modification at the activity or event. The Executive Director of Disability Services will collaborate with the applicable college president or responsible employee to review and, if possible, implement the request. Third parties requesting accommodation or modification are urged to make the request at least three business days before the activity or event.

II.J.1.03. Notice
The College shall make available to interested persons information regarding the provisions of applicable law and their applicability to College services, programs, or activities, and make such information available to interested persons in such manner as the Chancellor finds necessary to apprise such persons of the protections against discrimination assured them by law.

II.J.1.04. Responsible Employee Designation
The College designates the Executive Director of Disability Services as the employee responsible for coordinating the College’s efforts to comply with and carry out its responsibilities under applicable disability laws, including investigations of complaints communicated to the College alleging its noncompliance and/or any actions prohibited by applicable laws. Similarly, the College also designates the Associate Vice Chancellor of Human Resources as the employee responsible for coordinating the College’s efforts to comply with and carry out its responsibilities under applicable disability laws as they relate to College employees requesting disability accommodation. If either the Executive Director of Disability Services or Associate Vice Chancellor of Human Resources position is vacant, the Chancellor shall designate the responsible employee for this section. The College shall make available to all interested individuals the names, office addresses, and telephone numbers of the employees designated.

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

II.K. MEDIA RELATIONS AND COMMUNICATIONS

II.K.1. Media Relations and Communications

II.K.1.01. Media Relations Representatives
The Chancellor and each college President’s designated media relations representatives are responsible for maintaining working relationships with news media, initiating news releases and other proactive communication with media, responding to inquiries, coordinating crisis communications, and tracking news coverage of the College.

II.K.1.02. Definitions

(a) Media Communications means news releases or other public communications naming an
affiliation with the College or any of its colleges or otherwise linking to the College’s identity.

II.K.1.03. Approval Requirement
Media communications issued by other entities officially recognized by the College must be approved by a designated media relations representative before distribution. Related issues concerning advertising and branding are addressed in other policies and issues regarding intellectual property—including trademarks—are also addressed in another policy.

II.K.1.04. Communication Plans
Designated media relations representatives shall prepare a communication plan covering processes and procedures for media relations and internal and external communications.

The College shall also adopt an emergency communication plan that includes guidelines and procedures for communicating to all stakeholders. The emergency communication plan designates and provides a process to notify crisis communication teams.

II.K.1.05. Communication with Media by College Personnel
Designated media relations representatives shall be referred any media inquiries regarding administrative or policy matters.

Employees who are not designated media relations representatives have a right to express individual opinions to the public, but they should identify their comments as personal, confine personal communication initiatives to their personal time, and avoid linking the College’s identity to their personal advocacy of topics and issues outside the scope of their job-related duties. Employee participation in political activity and freedom of association is addressed in a separate policy.

II.L. MARKETING AND BRANDING

II.L.1. Advertising Approval

II.L.1.01. Authorized Persons Advertising
Print, broadcast, Web, mail, and outdoor display advertising may be used as communication to promote the products or services or convey important messages of the College.

The Chancellor or designees must approve College advertising. Advertising to recruit faculty and staff will be conducted through Human Resources. Vendor-supplied advertising opportunities may be considered in purchasing practices.

The Vice Chancellor responsible for marketing, advertising, and branding (“Vice Chancellor”) shall manage the College’s relationships with advertising agencies and other related providers.
II.L.1.02. College Use of Identity and Branding Elements
The names, logos, trademarks, and other identifying marks of the College are valuable College assets. As such, these marks may be used by its Foundation, Board of Trustees, colleges and centers only with the express approval of the Vice Chancellor or designee.

The College’s logos may be used by any College office for authorized College publications and activities. The official College Branding Styleguide, Digital Styleguide, and Editorial Styleguide outline procedures governing use of identifying marks. The logotypes may not be altered or presented except as outlined in the College styleguides.

II.L.1.03. Creation of Branding Elements
The creation of branding elements (e.g., slogans, taglines, and logotypes) is the responsibility of the Vice Chancellor or designee. Entities within the College wishing to create branding elements for departments, programs, or events must adhere to the processes outlined in the College style guides.

II.L.1.04. Outside Advertising at the College
College departments and programs may accept advertising such as the display of commercial logos or slogans at sponsored events, or ads in publications in exchange for fees or services. The College reserves the right to refuse any advertisement that does not serve the College’s educational mission or does not meet the College’s standards.

Outside businesses and organizations must obtain written permission to distribute advertising constituting commercial speech16 on College premises. Proposals to post links on any College website that connect to businesses and organizations must be approved by the Vice Chancellor or designees.

II.L.2. Trademark Management

II.L.2.01. Policy
The names, logos, trademarks, and other identifying marks of the College and its colleges are protected. Individuals or entities unaffiliated with the College should not use the College’s marks without express approval from the College’s designated representative. The General Counsel – in consultation with the Chancellor – is delegated the authority to take any reasonable and necessary actions to protect the College’s intellectual property, including trademarks.

II.L.2.02. Procedure
The Chancellor or designee may adopt procedures to implement this policy.

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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.

SECTION III – BUSINESS SERVICES

III.A. APPROPRIATIONS AND REVENUE SOURCES

III.A.1. Fiscal Philosophy

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

III.A.2. Resource Development

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

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

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

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

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

III.A.3. The Lone Star College Foundation

III.A.3.1. Policy
The Lone Star College Foundation ("Foundation") exclusively supports the College’s philanthropic income and investments. The Foundation is a Texas nonprofit corporation and 501(c)(3) organization exempt from federal income tax. The Foundation is fiscally and organizationally independent from the College and is governed by its own Board of Directors whose members are business, corporate, and community leaders residing or conducting professional endeavors within the College’s service area.
III.A.3.2. Donations
All donations for the College’s benefit are accepted by the Foundation, which has sole authority to accept gifts for the College. Donated money or other property, and income therefrom, is spent in any legally authorized manner. If a donor restricts how his or her donation may be used, the Foundation will either honor the restriction or reject the donation. Donors should communicate any restrictions on donated funds or other property before the Foundation accepts the donation.

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

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

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

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

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

(d) Monetary enrichment of a College officer or employee by the Foundation.
The Chancellor or designee reports gifts and donations quarterly to the Board, including the corresponding donors, values, forms, and restrictions.

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

III.B. BUDGETING, ACCOUNTING, AND REPORTING

III.B.1. Annual Operating Budget

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

III.B.1.2. Definitions

(a) **Expenditure Target** means the statewide median of expenditures per full-time student equivalent for all Texas community colleges according to the THECB, for the most recent year for which data is available, multiplied by the number of projected full-time student equivalents
in the current budget year.

(b) **Fiscal Year** means September 1 through August 31.

(c) **Property Tax Revenue** means funds the College receives through ad valorem taxes levied on the assessed valuation of real and personal property in the College’s taxing jurisdiction.

(d) **Rollback Tax Rate** means the maximum ad valorem tax rate that the College may adopt without potentially facing a voter-petitioned rollback election as provided in Chapter 26 of the Texas Tax Code or its successor statute; under current law, this rate would raise approximately 108% of the tax revenue for operations that the College levied the year before, excluding tax revenue from new property.

(e) **Student Revenue** means funds the College collects for in-district tuition and all student fees except the out-of-district fee and out-of-state fee.

(f) **THECB** means the Texas Higher Education Coordinating Board.

III.B.1.3. **Budget Planning**

Budget planning ensures that the College’s budget effectively reflects its goals, programs, and activities, and that the College has sufficient resources to implement and support them. The process seeks to achieve the following Budget Goals:

(a) Ensure sufficient resources to expend funds equal to the Expenditure Target.

(b) Equalize Property Tax Revenue and Student Revenue.

(c) If Property Tax Revenue is less than Student Revenue, include a proposed property tax rate that increases Property Tax Revenue, but this rate may not exceed the Rollback Tax Rate.

(d) If Student Revenue is less than Property Tax Revenue, include proposed tuition and fees that increase Student Revenue, but not by more than eight percent per credit hour above the tuition and fees charged during the most recent fiscal year.

III.B.1.4. **Budget Schedule**

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

III.B.1.5. **Budget Adoption**

On or before September 1, the Board shall approve an itemized budget covering College operations for the fiscal year beginning September 1 of each year.
The adopted budget provides authority to expend funds for the purposes indicated and in accordance with state law, Board policy, and the College’s adopted purchasing procedures. The budget shall:

(a) Include general revenue, local funds, and estimated institutional funds;
(b) Include detail by department for current and prior year;
(c) Include a summary by functional categories for current and prior year;
(d) Include a summary of the instructional budget by college for the current and preceding year;
(e) Include a summary by amount and method of finance for each listed informational item in the General Appropriation Act;
(f) Be prepared within the limits of revenue available; and
(g) Include a statement as to whether the budget achieves the Budget Goals and a five-year forecast of adjustments required to achieve the Budget Goals.

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

III.B.1.6. Public Hearing
The annual public hearing on the proposed budget follows the law, and has the following parameters under this policy:

(a) Before the hearing, the Board may establish time limits for speakers and may determine the number of speakers for group presentations;
(b) The Board Chair shall request at the beginning of the hearing that all persons desiring to speak should register in advance;
(c) Speakers shall confine their remarks to the appropriation of funds as contained in the proposed budget; and
(d) No officer or employee of the College shall be required to respond to questions from speakers at the hearing.

III.B.1.7. Budget Amendment by the Board
The Board may amend the adopted budget at any time during the fiscal year.
III.B.1.8. Budget Availability
After the proposed budget is presented to the Board, and before its adoption, a copy of the proposed budget will be available for inspection at the College’s administrative offices during regular business hours.

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

III.B.1.9. Financial Reports and Statements
The Chancellor or designee will submit periodic financial and budget reports to the Board outlining budget progress at least at every regularly scheduled board meeting and the status of all College funds and accounts. These financial and budget progress reports indicate revenues and their sources, and expenditures and their classification for the period.

LSCS Policy Manual Section adopted by the Board of Trustees on September 6, 2018

III.B.2. Indirect Costs

III.B.2.1 Policy
The College renews and maintains a federal indirect cost rate in conformance with federal law.

III.B.2.2. Definition
(a) Indirect costs means the expenses of doing business not readily identified with a particular grant, contract, project function, or activity, but necessary for the organization’s operations and activities. Examples of indirect costs are: (i) maintenance of shared facilities; (ii) depreciation of shared buildings and equipment; (iii) accounting services; (iv) human resources; (v) financial and accounting services; (vi) library and computing services; and (vii) utilities of shared facilities.

III.B.2.3. Charging Indirect Costs on Grants and Contracts
College personnel must seek the maximum indirect cost allowed by the funder for all grants and contracts. The Chancellor must approve any exception in writing.

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

III.C. CASH MANAGEMENT

III.C.1. Debt Management

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

III.C.1.2. Definitions

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

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

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

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

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

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

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

III.C.2. Investment Management

III.C.2.1. Policy
The College invests available funds after evaluating the College’s anticipated cash flow requirements and giving due consideration to investment safety and risk. The College’s investment portfolio is prudently designed and managed to obtain reasonable revenue without compromising the College’s cash flow needs, to maintain public trust, and to comply with legal requirements and limitations. This policy applies to all investment assets under the College’s direct control.
The College invests with the following objectives in priority order: (1) safety and principal preservation; (2) liquidity; (3) diversification; (4) public trust; and (5) yield.

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

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

(c) Hedging Transactions means contracts and related security, credit, and insurance agreements designed to protect the College from economic loss due to price fluctuation of a commodity or related investment by entering into an offsetting position or using a financial agreement or producer price agreement in a correlated security, index, or other commodity.

(d) Investment Officers means the College’s Chief Financial Officer and other employees as designated in writing by the College’s Chief Financial Officer, including an employee temporarily holding one of those positions in an acting or interim role.

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

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

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

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

The longer an investment’s maturity, the greater its price volatility. Therefore, the College primarily invests in short- and intermediate-term investments to limit risk caused by interest rate changes. The College attempts to match its investments with its anticipated cash flow requirements. Cash flow requirements generally divide the portfolio into four major parts: liquidity needs, short-term needs, intermediate-term needs, and longer term, core investment.
The College does not purchase investments maturing more than three years from the purchase date.

The College’s investment portfolio is designed to obtain a reasonable return throughout budgetary and economic cycles commensurate with investment risk constraints and cash flow needs. “Weighted Average Yield to Maturity” is used to calculate the portfolio’s rate of return.

The College commingles its operating, reserve, trust, and agency funds into one investment portfolio for investment efficiency, accurate distribution of earnings, and maximum investment opportunity. Nevertheless, the College recognizes each fund’s unique characteristics and needs and manages its portfolio accordingly. The maximum dollar weighted average maturity of the entire commingled portfolio reflecting cash flow needs will be no greater than one year, and the corresponding benchmark for the commingled portfolio will be the comparable one-year U.S. Treasury security. Capital projects are managed separately in accordance with their anticipated expenditure schedules and bond document requirements.

III.C.2.4. College Fund Investment Strategies

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

(b) Restricted Fund includes local, state, and federal grant funds and funds from other sources restricted for instructional use. This fund’s primary investment objectives are (1) to preserve and safeguard principal; (2) to maintain liquidity sufficient to meet anticipated cash flow requirements; and (3) to optimize yield. These objectives are accomplished by purchasing high credit quality, short-term investments, diversified by instrument and maturity, and matching the investments’ maturity with anticipated liabilities. Funds not needed for short-term cash flow requirements are invested in diversified instruments with diversified maturities readily marketable in the secondary market or, if certificates of deposit, redeemable with or without penalty. A ladder of short-term investments with sufficient liquidity from cash equivalent investments may be used to maintain a maximum weighted average maturity of one year, and the maximum stated maturity for any one investment is three years.
maturity for any one investment is two years or less.

(c) **Capital Projects Fund.** The Capital Projects Fund’s primary investment objectives are to (1) preserve and safeguard principal; (2) match cash flows from maturities and earnings of diversified investments to anticipated needs; and (3) obtain a reasonable market yield. Considering appropriate risk constraints, investment choices attempt to attain a return equal to or above the arbitrage yield to avoid negative arbitrage. These objectives are accomplished by purchasing high credit quality, short- and intermediate-term investments with maturities closely matching projected cash flow schedules. Funds not needed for short-term cash flow requirements are invested in diversified instruments with diversified maturities readily marketable in the secondary market or, if certificates of deposit, redeemable with or without penalty. An individual security’s maximum maturity will not exceed the shorter of the funds’ planned expenditure span or the maximum length— currently three years—allowed under this policy.

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

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

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

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

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

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

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

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

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

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

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

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

1. American Institute of Certified Public Accountants
2. Arbitrage Compliance Group
3. Association of Governmental Accountants  
4. City Managers’ Association  
5. Council of Governments  
6. Government Finance Officers’ Association  
7. Government Finance Officers’ Association of Texas  
8. Government Treasurers’ Organization of Texas  
9. Texas Association of Community College Business Officers  
10. Texas Higher Education Coordinating Board  
11. Texas Municipal League  
12. Texas Society of Certified Public Accountants  
13. Texas State Board of Public Accountancy  
14. The PFM Group  
15. University of North Texas Center for Public Management

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

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

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

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

(a) Audited annual financial statements;

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

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

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

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

(a) Number of transactions competitively won/attempted;
(b) Prompt and accurate confirmation of transactions;
(c) Efficiency of transaction settlement;
(d) Accuracy of market information; and
(e) Account servicing.

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

III.C.2.13. Authorized and Unauthorized Investments
The College may invest in any investment authorized by Texas Government Code Chapter 2256 or its successor statute.

The College may not invest in the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

III.C.2.18. Hedging Transactions
As permitted by state law, the College may enter into hedging transactions related to commodities the College uses in its general operations or related to certain capital projects or other eligible projects. All hedging transactions must fully comply with all relevant state and federal laws, including Texas Government Code Chapter 2256 or its successor statute, the regulations of the federal Commodity Futures Trading Commission, and SEC regulations. Amounts the College receives under hedging transactions may be credited against expenses associated with a commodity purchase, and amounts the College pays under hedging transactions may be considered a maintenance and operations expense, an acquisition expense, a construction expense, or a project cost.

III.C.2.19. Internal Controls
Internal controls provide reasonable assurance that College funds are protected from loss, theft, or misuse. The concept of reasonable assurance recognizes that a control’s cost should not significantly exceed the benefits likely to be derived therefrom and that valuing costs and benefits requires estimates and judgments by management.

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

(a) Complete documentation of all transactions;

(b) Collusion control;

(c) Accounting and recordkeeping separation;

(d) Custodial safekeeping;

(e) Clear delegation of authority to subordinate staff members;
(f) Written confirmation for all transactions;

(g) Timely reconciliation of transactions; and

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

III.C.2.20. Compliance Audit
At least once every two years, an external auditor in cooperation with, but independent of, the Chief Financial Officer reviews the College’s investment practices for compliance with College policies and procedures. The Chief Financial Officer coordinates this independent review in cooperation with the College’s Internal Auditor. Not later than January 1 of each even-numbered year, the College reports the most recent audit’s results to the Texas State Auditor’s Office.

III.C.2.21. Quarterly Reporting
Each quarter, investment officers prepare, sign, and present to the Chancellor and to the Board an investment report for the most recent quarter summarizing investment strategies employed and detailing the portfolio’s investment and earnings.

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

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

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

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

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

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

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

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

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

III.C.2.22. Market Values in Quarterly Reports
Market values used in quarterly reports are obtained from reputable and independent sources, which may include financial/investment publications and electronic media, investment tracking software, depository banks, commercial or investment banks, financial advisors, and representatives or advisors of investment pools or money market funds.

III.C.2.23. Annual Reporting
As required by the Texas State Auditor’s Office in accordance with the 82nd Texas Legislature’s General Appropriations Act, Article III, Rider 5–Investment Reports, the College files with the State Auditor, Comptroller of Public Accounts, Legislative Budget Board, and the Governor an annual report of all investment transactions involving endowment funds, short-term and long-term investment funds, and all other securities transactions, in a method prescribed by the State Auditor’s Office. The public may inspect copies of these reports, and the annual investment report is posted on the College’s website by December 31 of each year.

LSCS Policy Manual Section adopted by the Board of Trustees on March 1, 2018
LSCS Policy Manual Section reviewed by the Board of Trustees on September 8, 2022

III.C.3. Depositories

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

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

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

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

III.C.3.3. Reporting
The Chief Financial Officer’s monthly financial report to the Board includes the balances of all College depository accounts as of the end of the last month for which data is available.

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

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

(a) in writing;

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

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

(d) continuously since its execution an official record of the depository.

A depository contract’s term must coincide with the College’s fiscal year. Depositories serve for a two-year term and until a successor is selected and has qualified, except that the College and a depository may agree to extend a depository contract for up to two additional two-year terms.

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

III.C.3.6. Collateral Requirements
To fully secure all uninsured College deposits, the College requires depositories to pledge College-approved securities, not surety bonds, as collateral for deposits. The College elects to adhere to the Act’s provisions insofar as they would apply to a standard public entity and to satisfy any special provisions of the Act that clearly apply to the College. The collateral’s market value must be 102 percent of the principal and accrued interest on the College’s deposits less any amount insured by the Federal Deposit Insurance Corporation or the United States. At least monthly, depositories report to the College the total market value of collateral securing College deposits.
III.C.3.7. Collateral Custodian Agreements
The College selects a custodian bank outside the holding company of the pledging depository to hold securities pledged as collateral. The custodian bank must qualify under Section 2257.041(d) of the Act (or successor statute) as amended. The parties may also use a custody agreement with the Federal Reserve Bank as defined in Operating Circular Number 7. Custody agreements specify acceptable securities for collateral and include provisions for possessing the collateral, substituting or releasing securities with prior College approval, documenting the pledge of securities, and monthly reporting on collateral valuation. The College requires and retains original trust receipts for pledged securities. Custody agreements require custodian banks to monitor and maintain the required collateral and collateral margins at all times. Custodian banks maintain the records required by Section 2257.046 of the Act (or successor statute) as amended and allow the College or the Texas Comptroller of Public Accounts to examine those records at any reasonable time.

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

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

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

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

(d) Letters of credit issued by the United States or its agencies and instrumentalities.

LSCS Policy Manual Section adopted by the Board of Trustees on May 4, 2017

III.D. PURCHASING

III.D.1. Purchasing Overview

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

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

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

(c) **Business relationship** means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

1. a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
2. a transaction conducted at a price and subject to terms available to the public; or
3. a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

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

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

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

(g) **Officer** means:

1. a member of the governing body of the College;
2. a director, superintendent, administrator, president, or other person designated as the executive officer of the College; or
3. an agent of the College who exercises discretion in the planning, recommending, selecting, or contracting of a vendor.

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

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

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

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

(a) Employment contracts;

(b) Finance agreements;
(c) Purchases or sales of real property;

(d) Contracts, excluding legal services, with cumulative expenditures by the College of $100,000 or more under the contract over the contract term;

(e) Leases with cumulative expenditures by the College of $100,000 or more under the lease over the lease term; and

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

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

LSCS Policy Manual Section adopted by the Board of Trustees on November 1, 2018

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

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

No College employee or agent may enter into any contract, contract renewal, or contract amendment on the College’s behalf, except as expressly stated in this Policy Manual and relevant Chancellor’s procedures. If a College employee signs a contract without authority, or falsely represents to a third party that the employee has authority to sign a contract, the employee may be held personally responsible to the third party under Texas law. Unless a contract is expressed in writing, approved, and executed in accordance with this policy and state law, it is not binding on or enforceable against the College.

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

III.D.1.5. Purchase Forms

The College uses four purchase forms: direct payment requests, approved credit cards (including Procurement Cards), petty cash disbursements, and purchase orders. Regardless of the purchase form used, each purchase must be approved in advance by the appropriate budget manager or authorized designee, and funds must be available in the appropriate budget. Each purchase form is used in the following manner:
(a) **Direct payment requests** are used to request payment for goods and services where a purchase order is not warranted or a credit card is not accepted.

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

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

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

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

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

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

III.D.1.9. Conflict of Interest Questionnaire Required Under Certain Circumstances

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

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

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

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

The College’s Purchasing Department maintains a list of College officers and makes that list available to the public and to any potential vendor who may be required to file a conflict of interest questionnaire. Completed questionnaires are subject to the Texas Public Information Act and are available on the College’s website.

III.D.1.10. Certificate of Interested Parties

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

The College must notify the commission, using the commission’s filing application, of the receipt of the filed Form 1295 with the certification of filing not later than the 30th day after the date the contract binds all parties to the contract.
III.D.2. Purchasing of Goods and Services

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

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

III.D.2.3. Procedures
The Chancellor or designee develops and implements Chancellor’s Procedures for complying with this policy.

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

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

That designee may further delegate authority to approve purchase orders, direct payment requests, and employee expense and petty cash reimbursements to other subordinate employees. Those delegation letters must also be filed with the Office of the General Counsel before the designee executes any agreements.
III.D.2.5. Goods and Services Procurement Options
Goods and services purchases valued under $50,000 in the aggregate for each 12-month period adhere to Chancellor’s Procedures.

Goods and services purchases valued at $50,000 or more in the aggregate for each 12-month period shall be made by the following methods that provides the best value to the College:
1. Competitive bidding for services other than construction services;
2. Competitive sealed proposals for services other than construction services;
3. A request for proposals, for services other than construction services;
4. An interlocal contract;
5. A method provided by Chapter 2269, Government Code, for construction services;
6. The reverse auction procedure as defined by Section 2155.062(d), Local Government Code; or
7. The formation of a political subdivision corporation under Section 304.001, Local Government Code.

III.D.2.6. Administrative Requirements for Purchasing of Goods and Services
Unless otherwise covered by the sections above or required by law to meet other requirements, purchases of goods or services made on the College’s behalf must meet the administrative requirements outlined below.

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

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

(c) Emergency Purchases. In the event of a catastrophe, emergency, or natural disaster affecting the College, the Board authorizes the Chancellor to contract for the replacement, construction, or repair of College equipment or facilities if the replacement, construction, or repair is necessary for the health and safety of College students and staff.
Emergency purchases may be made by a method other than those provided in this policy if College equipment, facility, or a portion of a facility is destroyed, severely damaged, or experiences a major unforeseen operational, or structural failure, and the Board determines that the delay posed by the contract methods required by this policy would prevent or substantially impair the conduct of classes or other essential school activities.

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

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

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

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

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

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

2. make payments to the cooperative or directly to a vendor under a contract made under Local Government Code Chapter 271, Subchapter F; and
3. be responsible for the vendor’s compliance with provisions relating to the quality of items and terms of delivery, to the extent provided in the agreement between the College and the cooperative organization.

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

(g) **Computer and Computer-Related Equipment Purchases.** The College may acquire computers and computer-related equipment, including computer software, through the Department of Information Resources (DIR) under contracts entered into in accordance with Texas Government Code Chapter 2054 or 2157. Purchases and/or leases of computer equipment through public bids or proposals must be in accordance with applicable rules adopted by the Texas Comptroller pertaining to competitive bidding or competitive-sealed proposals.

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

**III.D.2.7. Bidding Requirements**
All bidding practices shall comply with state law. The College establishes practices to identify when to require bids and when to utilize other procurement methods. Bid openings are public, and those submitting bids are invited to attend. The Chancellor or designee may reject any and all bids.
All bids are conducted through the College Purchasing Department unless the Board specifically authorizes another process. The College may hold pre-bid conferences and may, upon proper notice, make attendance at such conferences mandatory. The College does not open or consider any bid submitted by a vendor who did not attend a mandatory pre-bid conference.

**III.D.2.8. Surety Bonds**
The College may, at the Chancellor or written designee’s discretion, require bid surety, payment bonds, and performance bonds for purchases of goods and services.
Bids surety bonds are returned to all bidders except the successful bidder at the time the award is made. The successful bidder’s surety bond is retained until the merchandise has been delivered, inspected for quality, and determined to meet bid requirements.
III.D.2.9. Contract Term Limits and Non-Availability of Funds Provision
Long-term contracts are encouraged to maximize the procurement process’s efficiency or to optimize long-term pricing. Long-term contracts shall not exceed five years including any renewals or amendments. Contracts that exceed the end of the College’s fiscal year should include a provision that permits termination at the end of the fiscal year if funding is unavailable or be conditioned on a best efforts attempt by the governing body to obtain and appropriate funds for payment of the contract.

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

(a) purchase price, including delivery and installation;

(b) the reputation of the vendor and of the vendor’s goods or services;

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

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

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

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

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

(h) for a contract for goods and services, other than goods and services to be funded wholly or partially by one or more federal grants or related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the vendor or vendor’s ultimate parent company or majority owner:
   1. has its principal place of business in this state; or
   2. employs at least 500 persons in this state; and
   3. any other relevant factor specifically listed in the request for bids or proposals.

LSCS Policy Manual Section adopted by the Board of Trustees on July 10, 2017

III.D.2.11. Departure from Purchase of Goods and Services Policy
Circumstances may justify a departure from the College’s normal competitive process. The Chancellor, with the General Counsel’s advice, may expressly approve departures from this policy. Any departure from this policy may not violate applicable law.
III.D.3. Purchase of Professional Services

III.D.3.1 Policy
The Board must approve professional services agreements, excluding legal services, with a value of $100,000 or more over the contract term. The Chancellor or designee must approve professional services agreements with a value of less than $100,000 over the contract term.

III.D.3.2. Definitions
(a) Professional services means:

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

2. Provided in connection with the professional employment or practice of a person who is licensed or registered as a certified public accountant, an architect, a landscape architect, a land surveyor, a physician, including a surgeon, an optometrist, a professional engineer, a state certified or state licensed real estate appraiser, or a registered nurse; or

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

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

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

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

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

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

III.E. FACILITIES

III.E.1. Facilities Management

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

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

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

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

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

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

### III.E.1.3. Repair and Replacement

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

### III.E.1.4. Facility Maintenance

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

### III.E.1.5. Facility Renovation

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

### III.E.1.6. Facility Names

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

III.F.1. Fixed Asset Objectives

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

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

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

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

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

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

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

III.F.1.5. Releasing Fixed Assets to Employees
As permitted by the Chancellor’s Fixed Asset release procedures, the Fixed Asset Officer may occasionally release certain Fixed Assets (excluding real property) to a College employee for use away from the primary work area. These procedures must incorporate the following guidelines: (1) equipment must be used for designated and authorized College purposes only;
(2) equipment cannot be removed from the premises permanently, but may be temporarily removed for a specific, designated project purpose; (3) individuals are responsible for the safe and proper care of any equipment, taking the same level of professional care as expected on the job site; (4) the employee must obtain supervisors’ permission for each time equipment is removed from the job site, and (5) the approving supervisor is ultimately responsible for maintaining and verifying that any off-site equipment has been inventoried and is properly used. The Fixed Asset Officer is responsible for enforcing the Chancellor’s Fixed Asset release procedures.

III.F.1.6. Vehicle Maintenance
The College owns motor vehicles. The Fleet Manager is responsible for managing and maintaining the College’s vehicles. The Fleet Manager must maintain records evidencing annual state vehicle inspection. The Fleet Manager must also inventory and record the location of each vehicle. The Fleet Manager may delegate this responsibility to individual colleges, but the Fleet Manager is ultimately responsible for this information. If vehicles are purchased with state-appropriated funds, the Fleet Manager may need to implement a Vehicle Management Plan as defined in Texas Government Code Chapter 2171.

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

III.G. AUXILIARY ENTERPRISES

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

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

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

Generally, the College cannot provide Auxiliary Enterprises to third parties. The Chancellor may make an exception if providing Auxiliary Enterprises to third parties (1) fulfills the College’s public service mission; (2) is incidental to the College’s educational activities (e.g., concerts, theater performances, or similar activities); (3) consists of recreational, cultural, athletic events, public service radio, or broadcasting; (4) has as its principal purpose improving the relationship between the College and the public; or (5) is an authorized fundraising activity.
III.G.1.4. Funding Auxiliary Enterprises
The College may fund Auxiliary Enterprises unless otherwise restricted by law.

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

III.H. AUDITING

III.H.1. External Financial Audits

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

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

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

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

III.H.1.3. Conducting an External Audit
The Board engages an Independent Auditor to examine and assess the College’s financial statements in accordance with generally accepted auditing standards and Government Auditing Standards. The Independent Auditor also assesses the College’s internal financial reporting controls and compliance with certain provisions of law, regulations, contracts, and grants. The Independent Auditor, in cooperation with, but independent of, the Chief Financial Officer prepares the Annual Audit Report. Within 60 days of delivery of the final Annual Audit Report, the College’s Chief Financial Officer and the College’s Internal Auditor shall independently, and without the other one present, review and comment on the Annual Audit Report with the Board’s audit committee.

III.H.2. Internal Audits

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

III.H.2.2. Definitions
(a) **Charter** means a document adopted by the Board outlining the Internal Audit Department’s purpose, authority, and responsibility.

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

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

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

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

III.H.2.3. Purpose, Authority, and Responsibility
The Internal Audit Department voluntarily adheres to the Texas Internal Auditing Act, which incorporates International Standards for the Professional Practice of Internal Auditing and Government Auditing Standards (“the Standards”). The purpose, authority, and responsibility of the Internal Audit Department is defined in its Charter, consistent with the Definition of Internal Auditing, the Code of Ethics, and the Standards.

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

### III.H.3.1. Policy
Serious Acts of Dishonesty or Fraud may compromise the College’s mission. The College takes seriously all allegations of trustee, employee, vendor, contractor, consultant, or volunteer dishonesty or fraud. Any such allegations are investigated and may be reported to appropriate authorities.

### III.H.3.2. Definitions
(a) **Serious Act of Dishonesty or Fraud** means (1) forgery or alteration of a College check, bank draft, or other financial document or account; (2) falsifying time sheets, expense reports, or other report documents; (3) misappropriating funds, securities, supplies, or other
assets; (4) improperly handling or reporting money or financial transactions; (5) profiting from insider knowledge of College activities; (6) disclosing confidential or proprietary information to outside parties; (7) accepting or seeking anything of material value from vendors or persons providing the College services or material, except for a perishable group gift less than $50 in value or a vendor-provided seminar or training—any employee attending such a training must have prior appropriate supervisor approval and the training must be relevant to their job—including a tuition waiver along with transportation, lodging, and meal expenses for the employee to the extent that the College otherwise would pay for these expenses; (8) destruction or disappearance of records, furniture, fixtures, or equipment; (9) unauthorized conversion, alteration, or tampering with any College record for any purposes; (10) failing to provide financial records required by state or local entities; (11) failure to disclose conflicts of interest as required by law or Board Policy; or (12) any similar or related irregularity.

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

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

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

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

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

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

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

SECTION IV – HUMAN RESOURCES

IV.A. HIRING EMPLOYEES

IV.A.1. Hiring Practices

IV.A.1.1. Policy
The College does not deny initial employment or reemployment in any manner that violates local, state, or federal law. The College fills all employment positions with candidates meeting the position’s required minimum qualifications. An applicant that meets the minimum qualifications of a position is a qualified candidate.

(a) Non-Faculty Position Searches
The Chancellor, or a designee, may appoint individuals into non-faculty positions for which the individual meets at least the minimum qualifications. When the Chancellor, or a designee, does not directly-appoint an individual into a non-faculty position, the vacant or new position will be advertised internally and externally to solicit qualified candidates through an official search stewarded by the Office of Human Resources. The Chancellor, or a designee, may elect to direct appoint an individual or go through a formal, official search for non-faculty positions. Only the Board of Trustees, however, may ratify or approve employment contracts.
(b) Faculty Position Searches
All vacant or new faculty positions will be advertised internally and externally to solicit qualified candidates through an official search stewarded by the Office of Human Resources. No college administrator may direct-appoint a full-time faculty member—this includes moving an adjunct faculty member into a full-time faculty member position. A department chair, instructional dean, vice president of instruction, or college president may directly appoint an individual into an adjunct faculty member position (or may elect to conduct a search as well).

(c) Administrative Positions
All vacant or new college administrator positions will be advertised internally and externally to solicit qualified candidates through an official search stewarded by the Office of Human Resources. No college administrator may direct-appoint an individual into a college administrator position. College administrator positions exhaustively include—solely for the purposes of this subsection—deans, vice presidents, and the college’s president. Official searches under this subsection must include at least one full-time faculty member—selected by the college president—on the screening, search, or hiring committee.

(d) Search Integrity
Applicants that do not meet the application submission deadline, or who otherwise do not participate in the official search, if applicable, cannot be hired for any such position once the official search begins. Applicants and search committee members cannot be related within the second degree by affinity or within the third degree by consanguinity. Search committee members are ineligible to become applicants once the search committee is selected. Search committee members interested in applying for a position must decline participation on the search, screening, or hiring committee for that position.

(e) Nepotism
The College may not hire any person related within the second degree by affinity to any Trustee. The College may also not hire any person related within the third degree by consanguinity to any Trustee. The only exception to both just-mentioned rules arises if the College already employed the person before the Trustee’s election or appointment and the person’s prior employment was continuous for at least 30 days (if the Trustee was appointed) or at least six months (if the Trustee was elected). A College employee may not directly supervise any person related within the second degree by affinity or third degree by consanguinity without Chancellor approval or in the case of the Chancellor without Board approval.

(f) Chancellor’s Procedures
The Board of Trustees specifically empowers and authorizes the Chancellor to develop procedures to implement these policies.
IV.A.2. Non-Citizen Employees

IV.A.2.1. Policy
In addition to employing U.S. citizens, the College may employ non-citizens as permitted by applicable federal law. All College employees must show proof of authorization to work in the United States. The College uses eVerify or a similar program to verify employment authorizations for all employees in a non-discriminatory manner. All employees must complete USCIS Form I-9 on or before the first date of employment. Within three working days of employment, the Office of Human Resources ensures that new employees provide documentation establishing their work eligibility and identification.

IV.A.2.2. Definitions
(a) Immigrant means a non-U.S. citizen with non-temporary legal status in the United States.
(b) Non-immigrant means a non-U.S. citizen admitted into the United States temporarily for a specific purpose and time period.
(c) USCIS means the United States Citizenship and Immigration Services.

IV.A.2.3. Employment of Non-U.S. Citizens
Except for certain limited categories of employment requiring U.S. citizenship, the College may employ immigrants in any position. The College may employ non-immigrants only if the USCIS has authorized them to work in the United States. Except in unusual circumstances involving persons with unique skills, the College does not sponsor non-immigrants for employment.

IV.A.2.4. Benefits Eligibility
Non-U.S. citizen employees are eligible for the same benefits as other employees in comparable positions, except that certain categories of non-immigrants may not be enrolled in any College retirement plan.

IV.A.3. Campus Peace Officers

IV.A.3.1. Policy
The Board has statutory authority to employ and commission campus peace officers to promote safety on College premises. TCOLE must certify all campus peace officers as police officers, and each officer must take and file the Texas peace officer’s oath.

IV.A.3.2. 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 authority to serve as a campus peace officer.

(d) **College Premises** means all real property the College owns, leases, or otherwise controls.

(e) **TCOLE** means the Texas Commission on Law Enforcement, a state agency with duties and powers regarding peace officers.

**IV.A.3.3. Delegation of Authority**

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

**IV.A.3.4. Background Check**

Before offering a job to any peace officer candidate, the College’s police commissioner or designee completes a comprehensive review of the candidate’s employment history, including a review of records maintained by TCOLE and by each law enforcement agency for which the candidate has previously worked.

**IV.A.3.5. Campus Peace Officer Authority**

Campus peace officers 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 premises, including the counties of Harris, Montgomery, and San Jacinto.

Within his or her primary jurisdiction, each campus peace officer is vested with all powers, privileges, and immunities of peace officers and may, in accordance with Texas Code of Criminal Procedure Chapter 14, arrest without a warrant any person violating Texas law and may enforce all traffic laws on public streets and highways.

Outside his or her primary jurisdiction, a campus peace officer is vested with all powers, privileges, and immunities of peace officers and may arrest any person violating Texas law if (i) summoned by another law enforcement agency to provide assistance, (ii) assisting another law enforcement agency, or (iii) otherwise performing his or her duties as a campus peace officer.

**IV.A.4. Credentials**

**IV.A.4.1. Policy**

Each successful applicant selected to serve as an adjunct instructor, faculty member, administrator, executive officer, or chancellor must promptly submit all transcripts and other required credentials to his or her hiring manager. Each college’s vice president of instruction is responsible for verifying that all faculty, including adjuncts, meet all SACS and THECB requirements. Transcripts for all conferred degrees must be sent to the Office.
of Human Resources at System Office in a sealed envelope from the institution within the first 30 days of employment or electronically directly from the attending college or university. In unusual circumstances, an executive officer may authorize a new employee to submit his or her credentials after commencing work for the College. Failure to submit credentials by the end of the new employee’s first semester, or misrepresented credentials on the applicant’s résumé or employment application, may be grounds for disciplinary action—including employment termination. The Office of Human Resources is not responsible for credentialing faculty—the vice president of instruction, the associate vice chancellor of academic affairs, or the applicable executive vice chancellor must ensure that faculty members are satisfactorily credentialed by the SACS and the THECB.

IV.A.4.2. Official Personnel File
The Office of Human Resources keeps each employee’s official personnel record.

IV.A.4.3. Confidentiality of Employment Decisions
To protect employee privacy, supervisors and other administrators do not discuss employment decisions except with the employee, his or her representative as expressly allowed by law or policy, relevant supervisors, and representatives of the College’s Office of Human Resources, Office of the General Counsel, or the Office of Governance, Audit, and Compliance with a legitimate need to know the information to perform their job responsibilities.

IV.B. EMPLOYMENT RELATIONSHIP

IV.B.1. Appointment Types
Each position is categorized by the Office of Human Resources as being in one of 18 appointment categories and as exempt or nonexempt. The categories, in turn, affect benefits eligibility, compensation, contractual status, and other conditions of employment. The Chancellor may reassign or transfer any employee within the College as required to fulfill College needs.

IV.B.1.1. Appointment Categories

1. **Chancellor.** The College’s chief executive officer who serves in a contractual position.

2. **Chief Operating Officer.** The College’s chief operations officer who serves in a contractual position.

3. **Executive Vice Chancellor.** Chief division officers who serve in a contractual position.

4. **Location Executive Officer (LEO).** The vice chancellors and college presidents, each of whom serve in a contractual position. LEOs receive two-year contracts.
5. **Administrator.** Non-instructional employee who serves in a contractual position. Administrators receive one-year contracts.

6. **Honors College Director.** Non-instructional employee who serves in a contractual position.

7. **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.

8. **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 a temporary 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 does not count towards eligibility for a multiyear contract or faculty status.

9. **Instructor.** Contractual instructional employee whose duties are instructing and teaching only. Instructors are hired on a reduced workload 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.

10. **Adjunct.** An employee who receives a limited appointment to teach no more than nine credit hours per semester not to exceed 18 credit hours in any given academic year, defined for this purpose as a nine-month period with two 4.5-month semesters.

11. **Dual Credit Instructor.**

   (1) **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.

   (2) **Employee:** College employee who receives a limited appointment to teach no more than nine credit hours per semester not to exceed 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.
12. **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 workload. Employee 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.

13. **Continuing Education (CE) Instructor.** An employee who receives a limited appointment to teach specific non-credit course(s).

14. **Corporate College Trainer.** An employee who receives a limited appointment to teach certain non-credit courses.

15. **Professional Staff.** Non-contractual employee designated as exempt by the Office of Human Resources in accordance with the Fair Labor Standards Act overtime requirements.

16. **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.

17. **Grant Funded Employee.** An employee who receives a limited appointment to perform specific services supported by external grant funds.

18. **Volunteer.** A non-employee who performs particular services without monetary compensation or benefits.

   Where applicable in Section IV., Chief Area Officer means an employee reporting directly to the Chancellor.

**IV.B.2. Contractual Employees**

**IV.B.2.1. Policy**

Contractual employees receive an employment contract that, once executed, creates a property interest for that contract’s term. No property interest exists beyond the contract’s term. All employment contracts are in writing in a form approved by the Board that sets forth the contract’s term and any specific terms and conditions of employment. In most circumstances, contracts are not for specific assignments and indicate employment as an administrator, faculty member, or other general appointment category.
The Board annually reviews and may ratify for renewal employment contracts upon the Chancellor’s recommendation. Faculty renewal recommendations are generally presented at the April Board meeting. Non-Faculty renewal recommendations are generally presented at the June Board meeting.

All contracts are subject to non-renewal and or change of status if (1) the contractual employee fails to sign and return initial or renewal employment contracts to the Office of Human Resources within required time periods, and or (2) the College’s interests will be served in accordance with the Change in Contract Status policy.

**IV.B.2.2. Faculty Contracts**

Faculty employment contracts are recommended by the applicable college president, approved by the Chancellor, and ratified by the Board. Faculty employment contracts may be for a one- or two-year term. All full-time faculty receive a (1) nine-month assignment, (2) 10.5-month assignment, or (3) 12-month assignment.

(a) **One-Year Contracts**

Within the first three years of employment, full-time faculty are eligible for one-year contracts only.

(b) **Multi-Year Contracts**

Upon satisfactorily completing the third full year of employment, full-time faculty are eligible for a two-year contract. In addition to non-renewal and change in contract status as described above, the College may also limit a multi-year contract if: (1) the faculty member’s department or program is unable to make a full load for the faculty member because of declining enrollment; (2) the specific program to which he or she has been assigned is scheduled to be eliminated; or (3) a Reduction in Force condition would indicate a potential reduction in staff.

(c) **Faculty Ranks**

Each full-time faculty member may be awarded the rank of Assistant Professor, Associate Professor, or Professor. Assistant Professor means a new faculty member who has less than three full-time years of teaching experience at the college or university level. Associate Professor means a new faculty member who has three or more full-time years of teaching experience at the college or university level. After one year of satisfactory teaching at the College as an Assistant Professor, a faculty member is eligible to become an Associate Professor. Professor means a faculty member with a multi-year contract who has satisfactorily served as an Associate Professor for three years.

**IV.B.3. Non-Contractual Employees**

**IV.B.3.1. Policy**

Non-contractual employees serve at will, are not employed for any specified length of time, and have no property right in their employment. Nothing in this Board Policy changes this at-will status or creates any rights to continued employment. The College is not bound by
any oral representations or agreements related to employment that are inconsistent with these policies or that purport to bind the College 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 open positions.

**IV.B.3.2. Limited Appointments**

All persons who serve as adjunct instructors, corporate college trainers, continuing education instructors, or grant-funded employees, or 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 and has no right of notice of non-continuation of employment.

**IV.B.3.3. Post-Retirement Employees**

The College may employ post-retirement employees under certain circumstances consistent with applicable Teacher Retirement System of Texas or any other applicable law.

**IV.B.4. Temporary Duties**

**IV.B.4.1. Policy**

Employees may need to perform duties assigned to another position to serve our students and ensure timely performance of important functions. The temporary duty does not alter an employee’s contract status, if any. In most cases, employees will resume their former duties when the temporary duty ends.

(a) **Substitute Instructors**

A person teaching as a substitute should meet all the same credential requirements as the faculty member. Generally, a full-time College instructional employee who serves as a substitute for the planned absence of another full-time instructional employee will not receive pay for this professional courtesy. An adjunct instructor who substitutes for an absent faculty member will be paid in accordance with the part time rate-of-pay schedule. A non-exempt employee whose work hours exceed 40 in the week in which they substitute is entitled to receive overtime or compensatory time in accordance with the Compensation policy.

(b) **Replacement Instructors**

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

(c) **Interim Appointments**
The Chancellor or designee may appoint a full-time employee to serve in a different, vacant position for a period usually shorter than a calendar year. The appointed employee will receive a monthly stipend until the interim assignment ends. If the employee serving in the interim position applies to the permanent position, they cannot serve in any capacity on the permanent-position search committee and cannot direct-appoint the permanent position.

(d) **Acting Capacity**
The Chancellor may appoint an employee to serve in an acting capacity for a specific length of time in a position that is temporarily vacated because the permanent position holder is on approved leave. The appointed employee receives a monthly stipend until the appointment ends. In unusual circumstances, a person who is not a current College employee may be appointed to a position in an acting capacity but is not be issued an employment contract. If the permanent position holder does not resume the position as anticipated, the policy governing interim appointments will apply.

**IV.B.5. Emeritus**

**IV.B.5.1 Emeritus Designation**
Upon the Chancellor’s recommendation, the Board may confer the “Emeritus” title upon retiring faculty, administrators, or staff to recognize significant contributions to the College through long and distinguished service in administration, teaching, support, or other service. The Emeritus title does not confer any employment status or rights. Emeritus privileges include presentation of an appropriate commemorative, listing in the College’s annual catalog for the life of the honoree, invitation to the annual May commencement ceremonies with special seating privileges, introduction and recognition during the commencement program, invitation to other College activities and special events, and use of College library materials. The Chancellor shall develop procedures for nominating and recommending qualified individuals for the Board to consider to receive the Emeritus title.

**IV.C. COMPENSATION**

**IV.C.1. Compensation Practices**

**IV.C.1.1. Policy**
All College employees are paid according to a salary schedule established by the Chancellor effective the start of the fiscal year after the Board of Trustees approves the budget. The Chancellor is the only College employee with discretion to grant a salary schedule exception. The Chief Human Resources Officer will identify direct reports who successfully request variances on the Board’s Monthly Agenda under Personnel Reports.
IV.C.1.2. Definitions

(a) **Compensatory Time** means paid time off in the amount of 1.5 hour for every 1 hour of overtime worked.

(b) **Overtime Hours** means all hours worked over 40 hours in the standard workweek.

IV.C.1.3. Working Overtime Hours

The College’s standard workweek is midnight Sunday through 11:59 p.m. (CT) the following Saturday. Any time beyond 40 hours worked in a standard workweek is considered overtime hours. Employees assigned to non-exempt positions must be compensated for overtime hours worked. Hours taken as vacation, sick, compensatory, or other leaves are not considered hours worked. All overtime must be pre-approved in writing by a direct-line supervisor overseeing that non-exempt employee’s work. The overtime-distributing supervisor must objectively distribute overtime hours in an equitable manner. All non-exempt employees must record their time; their supervisors must ensure the timely and accurate submission of hourly records to the payroll office.

IV.C.1.4. Getting Paid for Overtime Hours

Overtime hours are paid through (a) compensatory time off at a 1.5 hour rate for every 1 hour of overtime hours worked; or (b) cash payments at the rate at 1.5 times the regular rate of pay for all overtime hours worked. Each stands alone. Compensatory time may be accrued up to a maximum of 240 hours. Employees must be paid for compensatory hours in excess of 240 hours at their current rate of pay. Compensatory time for public safety employees may be accrued up to a maximum of 480 hours with hours in excess of 480 compensated in cash at their current rate of pay. Accrued compensatory time is applied before vacation leave during an employee absence. Employees who have requested to use accrued compensatory time must be permitted to use it within a reasonable time period. If an employee is terminated or transferred to another cost center, he or she is entitled to be paid for all unused compensatory time.

IV.C.1.5. Payroll and Salary Deductions

The College allows its employees to take salary deductions under circumstances outlined and documented by the Chancellor or a designee. Conversely, routine payroll deductions from employee salaries are made when required by law. Full-time employees and adjuncts are paid twice a month, near each month’s mid-point and end. All employees receive their pay by direct deposit to a bank account of their choice or a Direct Pay Card. Part-time and work-study employees are paid every 14 days.
IV.D. EMPLOYEE BENEFITS

IV.D.1. Benefit Plans

IV.D.1.1. Policy
The College offers employee benefit plans as an additional incentive to attract and retain quality employees. The College offers group benefits, paid professional development, standalone disability insurance, and other benefit plans. The College’s Office of Human Resources facilitates most employee benefits.

(a) Group Benefits
The College offers group benefits through the Employees Retirement System of Texas (ERS) to eligible employees and their dependents. ERS-provided group benefits are healthcare, dental care, life insurance, accidental death and dismemberment (AD&D) insurance, disability insurance, flexible spending accounts, and any other ERS-determined benefit. Eligibility, contribution schedules, and coverage details are ERS-determined. Details and procedures, including waiting periods and open enrollment dates, regarding these group benefits are available by contacting the College’s Benefits Department in the Office of Human Resources.

The College may also offer non-ERS group benefits. These non-ERS plans may include prepaid legal services and any other group benefits as the Chancellor determines and as allowed by law.

(b) Lone Star College Short-Term Disability
The College offers a standalone short-term disability plan to all designated full-time employees. This plan is independent of ERS’s disability insurance. This plan offers short-term, reduced compensation to eligible employees with a documented personal illness, injury, or medical condition preventing them from performing their respective jobs.

(c) Employee Professional Development
Certain employees are eligible for paid professional licensure renewals, professional association or organization membership dues, and established continuing education requirements. The Chancellor or a designee decides which employee positions are eligible for this benefit. Additionally, the College may provide 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.

(d) Limited Employee Educational Assistance
Eligible employees may participate in the Limited Educational Assistance Program. The College may exempt from tuition and required fees eligible employees (up to six credit hours per term for a maximum of 18 credit hours per academic year) for approved College courses taken under this policy. Additionally, the College will do the same with state-funded continuing education courses for eligible employees for approved College courses
taken under this policy—subject to space availability. The College may exempt tuition and required fees for a course that includes a laboratory fee. The College may set additional conditions for this program.

(e) Expense and Travel Reimbursement
Employees may be reimbursed for College-related travel expenses. Employees are eligible for reimbursement if such travel is (1) necessary and important to achieve College business objectives, (2) approved by the employee’s direct line supervisor, (3) documented with appropriate receipts, and (4) funds are available from the appropriate budget. Employees using personal vehicles for College business are reimbursed on a mileage basis except for employees who receive a car allowance. Employees using personal vehicles for College business must maintain state minimum insurance coverage. Any personal vehicle damage that occurs while on College-related business must be covered by the employee’s automobile insurance.

(f) Wellness Release Time
The College encourages employees to practice simple, positive lifestyle habits that increase quality of life, productivity, and longevity. Employees who engage in a minimum of three hours of exercise or community service each week may receive up to 1.5 hours of release time from their duties to participate in such activities. Wellness release time may only be used if participation does not reduce institutional productivity and the employee’s supervisor approves.

(g) Unpaid Leave of Absence
An eligible full-time employee may request an unpaid leave of absence for an extended absence not otherwise covered by other leave types (e.g., vacation, FMLA, Jury Duty).

(h) Worker’s Compensation
Employees who experience an on-the-job illness or injury during the course and scope of employment may be eligible for workers’ compensation benefits.

(i) Faculty Leave Banking
Full-time faculty may convert compensation earned through extra service assignments into a future leave pool. This program allows eligible employees who have earned the equivalent of a full-semester of banked leave plus an additional service assignment to take a semester’s leave with full pay. The Chancellor maintains procedures that govern this program consistent with applicable law.

IV.D.2. Paid Time Off

IV.D.2.1. Policy
The College provides generous paid time off. Indeed, this paid time off policy is likely one of the most effective recruiting and retention tools. The College believes such a policy fosters employee productivity and creates work-life balance. Employees are encouraged,
however, to be mindful of elective, excessive absences. This section does not regard job-
protected leave; such leave is discussed elsewhere. Only designated full-time employees
are eligible for paid time off unless otherwise noted.

(a) Sick Leave
Employees in positions requiring 12 months of service accrue up to 12 sick leave days per
academic year. Employees assigned to work less than 12 months earn sick leave at one day
per month worked. Sick leave is accrued on a monthly basis for a maximum of 600 hours.
Accumulated sick leave may be used for personal illness, a family member’s illness, a
domestic partner’s illness, birth of a child, or child adoption. An employee may be required
to produce appropriate medical documentation of the illness, particularly if the absences
recur in a pattern.

(b) Sick Leave Pool
The College offers an optional sick leave pool program to eligible employees. Employees
may enroll in the sick leave pool in March and September of each year and at other
Chancellor-authorized times.

(c) Personal Leave
Employees may convert sick leave accruals into personal leave based on years of service
as of September 1st each year. Employees may take available personal leave for any reason,
with supervisor approval. Adjunct faculty are allowed one paid personal leave day per
course taught each semester.

(d) Vacation Leave
Paid vacation leave is available to employees in non-faculty positions and certain faculty-
level positions. Vacation leave is calculated and earned on the first day of each pay period,
based on the employee’s status and, for non-contractual employees, according to years of
service.

1. Non-Contractual Employees.

<table>
<thead>
<tr>
<th>Length of Service</th>
<th>Annual Accrual</th>
<th>Per Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-5 years</td>
<td>12 days (96 hours)</td>
<td>8.00 hours</td>
</tr>
<tr>
<td>6-10 years</td>
<td>16 days (128 hours)</td>
<td>10.67 hours</td>
</tr>
<tr>
<td>11+ years</td>
<td>20 days (160 hours)</td>
<td>13.34 hours</td>
</tr>
</tbody>
</table>

2. Contractual Employees. Non-faculty contractual employees and certain faculty-
level positions earn 13.34 hours per month beginning with the first month of
employment.
3. **Limitation.** Employees may accumulate vacation leave up to a maximum of 400 hours. Any excess vacation leave must be used during the fiscal year or is forfeited each August 31st. Employees may not take more vacation time than they have accrued.

4. **Use.** Employees must have supervisor approval to use accrued vacation leave. Non-exempt employees must use accrued compensatory time before using vacation leave.

5. **Holidays.** If a holiday falls within an employee’s vacation leave, such holiday is not charged as vacation time.

6. **Change of Position.** If an employee’s position changes from a position that accrues vacation leave to one that does not, the employee must use accrued but unused vacation leave before the change of status’s effective date. Upon the request of a supervisor, approved by (a) the president or operations officer over the employee’s division and the chief human resources officer (b) or the Chancellor, the employee changing positions may be paid for the value of the accrued leave.

(e) **Bereavement Leave**
All full-time employees may take up to three days of paid bereavement leave in the event of the death of a family member.

(f) **Holidays**
The College observes holidays indicated in the Academic Calendar.

(g) **Jury Duty or Court Appearance**
Employees required to appear for jury duty or to testify in court proceedings in which they are not a party, are released from their assigned job duties as necessary with no loss of salary or reduction in leave. Employees are not discharged, disciplined, or otherwise penalized because they comply with a notice of jury duty or a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding.

(h) **Sabbatical Leave**
Sabbatical leave is time-specified paid leave awarded to eligible faculty members and administrators. This leave must be used to engage in full-time professional development, study, research, writing, to gain work experience in a related field of work, or to address the College’s strategic needs. Full-time faculty and full-time administrators with at least seven continuous years of service in a contractual position are eligible for sabbatical leave. Eligible employees may be awarded sabbatical leave only once every seven years.
IV.D.3. Retirement Plans

IV.D.3.1. Policy
The College offers comprehensive retirement plans and optional income tax deferrals to eligible employees. As a Texas institution of higher education, the College’s retirement plans are governed by the State of Texas. Indeed, the State of Texas is the final authority on plan eligibility, contribution levels, and other plan-related details. Every College employee eligible for TRS participates in TRS or in ORP, if eligible for ORP and if a timely ORP election is made. Employees not eligible for TRS must enroll in TIAA if they are eligible for TIAA, except that active Social Security retirees may choose not to participate in TIAA.

(a) Teacher Retirement System of Texas (TRS)
TRS is a defined benefit plan controlled and governed by the State of Texas. TRS contributions are housed in a State-controlled trust fund and managed by investment professionals. TRS is available to all benefits-eligible employees.

(b) Optional Retirement Program (ORP)
ORP is a defined contribution plan that allows certain eligible participants to select a College-approved financial institution for retirement fund investment. Benefits-eligible employees must enroll in either TRS or ORP within 90 calendar days of employment. This is an irrevocable decision. If a benefits-eligible employee fails to make such a decision, the benefits-eligible employee will be automatically enrolled in TRS.

(c) TIAA
TIAA is a defined contribution plan. College employees not eligible for TRS must participate in TIAA if eligible, except that active Social Security retirees may choose not to participate in TIAA. For TRS-ineligible, TIAA-eligible employees not participating in TIAA, the College will withhold from these employees’ paychecks the employee portion of Social Security payroll taxes and remit these amounts with the employer portion of Social Security payroll taxes as required by federal law.

(d) Tax Deferred Annuity (TDA)
TDA allows employees to set aside tax-deferred income. TDA is optional and available to all College employees. Contribution levels are subject to current federal income tax laws.

(e) Deferred Compensation Plans
Deferred compensation plans allow employees to defer certain compensation, taxable at distribution. The College’s deferred compensation plans are optional and available to certain College employees.

LSCS Policy Manual Section adopted by the Board of Trustees on October 4, 2018
IV.E. EMPLOYEE RIGHTS

IV.E.1. Prohibited Unlawful Discrimination and Harassment

IV.E.1.1. Policy
The College strives to comply with all applicable employment laws, including laws outlawing discrimination, harassment, or retaliation based on race, color, sex, age, sexual orientation, gender identity, gender expression, religion, ethnic or national origin, genetic information, disability, veteran status, or any other protected status.

The College does not tolerate unlawful employment discrimination. The College prohibits retaliation against individuals who complain about unlawful discrimination or who cooperate in an investigation of alleged unlawful discrimination.

This policy section does not cover sexual harassment and sexual violence. Those topics are covered in the Sexual Misconduct policy.

IV.E.1.2. Definitions
(a) Complainant means an individual who reports witnessing or receiving prohibited conduct.

(b) Interim Measures means steps taken to protect a complainant and respondent pending an investigation’s result. Interim measures include, but are not limited to, issuing an order prohibiting the parties from contacting each other; paid administrative leave; directing an employee’s lateral transfer; or arranging alternative employment environments.

(c) Respondent means a person reported to have committed prohibited conduct.

(d) Retaliation means making unfavorable decisions or engaging in unfavorable actions in response to an individual’s protected activity.

(e) Unlawful discrimination is defined by federal and state statutes to include unfavorable or unfair treatment of an individual or group of individuals because of protected status. Unlawful discrimination includes varying an employee’s or student’s employment or education terms or conditions because of the employee’s or student’s protected status.

(f) Unlawful harassment means a form of employment discrimination defined as unwelcome conduct based upon a protected status.

IV.E.1.3. College Community Member Responsibilities
Each College community member helps ensure an environment free from prohibited conduct. Prevention is the best tool to eliminate unlawful discrimination, harassment, and retaliation. Employees are encouraged to inform harassers directly that the conduct is unwelcome and must stop. Any College community member who experiences or witnesses an incident constituting unlawful employment discrimination, harassment, or retaliation as
defined in this policy, or who otherwise becomes aware of such an incident, should immediately notify the chief human resources officer to prevent its escalation. Reports may also be made through the College’s ethics hotline.

Employees are expected to fully cooperate with College investigations regarding reported discrimination, harassment, or retaliation as defined by this policy. Full cooperation with an investigation requires participants to maintain confidentiality to respect the privacy and rights of the individuals involved, maintain a harmonious work environment, minimize any risk of retaliation, and preserve the integrity of the investigative process. The College’s confidentiality requirement during a College investigative process does not prohibit filing a police report or filing a complaint with a government agency.

IV.E.1.4. Addressing Employment Discrimination Complaints
When the College receives employment discrimination, harassment, or retaliation complaints about conduct identified in this policy, other than sexual harassment or sexual violence which are covered in another policy section, the Office of Human Resources promptly and impartially investigates the complaint. Interim measures may be applied. All actions taken to investigate and resolve complaints through this policy and the Chancellor’s procedures are conducted with as much privacy, discretion, and confidentiality as possible without compromising the investigation’s thoroughness and fairness.

Complaints, in certain circumstances, may be referred to the Office of Governance, Audit, and Compliance (OGAC), the Office of the General Counsel, or an external third-party for investigation. Employees found to have discriminated, harassed, or retaliated against another individual as defined in this policy will be subject to appropriate disciplinary actions, which may include but are not limited to reprimand, change in work assignment, loss of privileges, mandatory training, or employment termination.

IV.E.1.5. No Retaliation for Discrimination Complaints
Retaliation against any individual for engaging in protected activity as defined in this policy is not tolerated. Engaging in protected activity, however, does not shield an employee from all discipline or discharge. Any retaliatory acts will be subject to appropriate disciplinary actions, which may include but are not limited to reprimand, change in work assignment, privilege loss, mandatory training, or employment termination.

Incidents of unlawful retaliation should be referred to the Office of Human Resources for investigation and will be investigated in the same manner as employment discrimination claims.

IV.E.1.6. Educational Setting
This policy acknowledges academic freedom. Faculty and students should review the Academic Freedom and Responsibilities discussion in Section V.I.
IV.E.1.7. State and Federal Agencies
Employees who believe they may have been subjected to unlawful employment discrimination, harassment, or retaliation may file a formal complaint with any of the government agencies below.

Equal Employment Opportunity Commission (EEOC)
Mickey Leland Federal Building
1919 Smith Street, 6th Floor
Houston, Texas 77002

Texas Workforce Commission (TWC)
101 E. 15th Street, Guadalupe CRD
Austin, Texas 78778

Office for Civil Rights (OCR)
U.S. Department of Education
1999 Bryan Street, Suite 1620
Dallas, Texas 75201

Using the College’s internal complaint processes does not prohibit an individual from filing a complaint with these agencies. Employees also have the right to file a complaint with local law enforcement. Filing a criminal complaint will not preclude any individual from participating in an internal College complaint process as provided herein.

IV.E.1.8. Compliance and Training
The College expects the Office of the General Counsel, Office of Governance, Audit, and Compliance, and the Office of Human Resources to coordinate efforts to comply with this policy and to conduct any investigation in accordance with applicable laws. The College provides training consistent with Texas and federal law to (1) new and existing employees regarding their protections under federal and state discrimination laws and the College’s related policies and complaint procedures; and (2) all employees, especially supervisory personnel, regarding the College’s non-discrimination obligations.

IV.E.1.9. Ethics Hotline
The College is committed to an environment where open, honest communications are the expectation, not the exception. The College encourages employees to feel comfortable in approaching their supervisors or administration (Human Resources, OGAC, OGC, etc.) when employees believe violations of Board Policy or Chancellor Procedures have occurred. The College makes available, however, an anonymous hotline for employees to report College policy and procedure violations. The hotline, EthicsPoint, is hosted by a third-party hotline provider. Employees are encouraged to submit reports relating to violations, request guidance related to policies and procedures, and provide positive suggestions and stories.
IV.E.2. Family and Medical Leave Act Rights Policy

IV.E.2.1. Policy
The College complies with the Family and Medical Leave Act of 1993 (FMLA). FMLA is intended to allow employees to balance their work and family life by taking reasonable leave for medical reasons that include: the birth, adoption, or foster care of a child; the care of a child, spouse, or parent with a serious health condition; or the employee’s own serious health condition. Accrued paid leave and Workers’ Compensation leave, if applicable, are used concurrently with FMLA leave.

This policy is implemented through Chancellor’s Procedures that comply with the FMLA, implementing regulations, and applicable state law.

IV.E.3. Employee Disability Rights

IV.E.3.1. Policy
The College recognizes and supports principles set forth in federal and state laws designed to eliminate employment discrimination against qualified individuals with disabilities. The College provides reasonable workplace accommodations for eligible, qualified employees as required by law. The College communicates and makes available the Chancellor’s Procedures for prompt and equitable implementation of reasonable workplace accommodations for qualified individuals.

IV.E.3.2. Employee Responsibility to Request Accommodation
The College does not presume that an employee’s physical or mental impairment will necessarily cause any limitations to an employee’s ability to perform his or her job duties. Employees are responsible for identifying themselves as individuals requesting accommodation based on a qualifying disability. Employees must direct accommodation requests to the College’s chief human resources officer (CHRO) or designee. The Chancellor’s Procedures describe the accommodation request process in detail.

IV.E.3.3. Requests for Accommodation Reconsideration or Revision and Discrimination Complaints

(a) Accommodation Reconsideration or Revision. Employees may request that the CHRO or designee reconsider denied accommodations or College-proposed accommodations. Employees may also request revisions to their current accommodations.

(b) Discrimination Complaints. Employees who believe they are being unlawfully discriminated against because of disability are encouraged to report the incident(s) in the manner described in policy section Prohibited Unlawful Discrimination and Harassment. The same policy protections apply. Employees may also file a complaint, at any time, with the regional Office for Civil Rights at the U.S. Department of Education, Equal
IV.E.3.4. Discrimination Retaliation or Coercion Prohibited

No College employee may discriminate against any individual because that individual has opposed any act or practice made unlawful by applicable laws, or because that individual made or submitted a complaint or charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under any applicable law. No College employee 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.

Employees who believe they are being unlawfully retaliated against or coerced because of disability are encouraged to report the incident(s) in the manner described in policy section Prohibited Unlawful Discrimination and Harassment. The same policy protections apply.

IV.E.3.5. Responsible Employee Designation

The College designates the CHRO as the employee responsible for coordinating the College’s efforts to comply with and carry out its responsibilities under applicable employment disability laws.

IV.E.3.6. Confidentiality and Records

Employee disability records are confidential. The Office of Human Resources is responsible for collecting and maintaining employees’ disability-related documentation. These records are kept in separate, secure files accessible only by the Office of Human Resources. Human Resource Offices located at the colleges must securely forward all disability records to the System Office for confidential storage. Disability-related information is shared only when necessary as deemed by the College. 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 employee or other individuals.

IV.E.3.7. Expressing Breastmilk Policy

The College complies with applicable federal and state laws regarding an employee’s right to express breastmilk in the workplace and prohibits discrimination under this policy. The College supports the practice of expressing breastmilk and makes reasonable accommodations for the needs of these employees. Supervisors shall provide a reasonable amount of break time for an employee each time the employee needs to express the milk. Employees shall be provided a place, other than a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public. Employees who believe they are being unlawfully discriminated against under this policy are encouraged to report the incident(s) in the manner described in policy section Prohibited Unlawful Discrimination and Harassment. The same policy protections apply.
IV.E.4. Employee Military Service Rights

IV.E.4.1. Policy
The College follows the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA) and state and federal law applicable to military service. The College does not deny employment, reemployment, employment retention, promotion, or any other employment benefit on the basis of an employee’s uniformed service application, membership, performance, or obligation. The College does not discriminate against or take any adverse employment action against any employee because such person has taken action to enforce protections afforded any person under USERRA, has testified or otherwise made a statement in or in connection with any proceeding under USERRA, has assisted or otherwise participated in an investigation under USERRA, or has exercised a right provided for in USERRA.

IV.E.4.2. Definitions
(a) Uniformed Service means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President of the United States in time of war or national emergency. Texas Military Forces and Reserves are also included in the Uniformed Service definition for purposes of this policy.

IV.E.4.3. Military Leave – Short Term
All College employees who are Uniformed Service members are 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 are restored, when relieved from duty, to a position with similar rank and pay as that held by them when ordered to duty. If the leave exceeds 15 days in a fiscal year, these employees may use paid leave or may request unpaid leave.

IV.E.4.4. Military Leave – Long Term
Any non-temporary College employee who left their position to enter into active duty with the Uniformed Service and was thereafter discharged, separated, or released from such active duty under honorable conditions within five years from the enlistment date or call to active service will be restored to College employment. The employment shall be in the same position with the same rate of pay as held at the time of entering into active service or to a position of like seniority, status, and pay if the employee is still physically and mentally qualified to perform the duties of such position.

If the veteran is not qualified to perform the duties of his or her previous position because of a disability sustained during military service, but is qualified to perform the duties of another position with the College, then the veteran is restored to employment in another
position which he or she is qualified to hold and which provides like seniority, status, and pay, or the nearest approximation.

Employees restored to employment are considered to have been on leave of absence during military service and are entitled to participate in retirement and all other benefits available to other employees in like positions. Such employees may not be dismissed from their positions without cause for one year following employment restoration.

Veterans eligible for employment restoration under the terms of this policy should apply in writing for such restoration to the chief human resources officer within 90 days after discharge or release from active federal or state military service and attach to such application evidence of discharge, separation, or release under honorable conditions.

IV.E.4.5. Discrimination Complaints
Employees who believe they have experienced any discrimination or retaliation based on their military status should file a complaint under IV.E.1. (the Prohibited Unlawful Discrimination and Harassment). The same policy provisions apply. Employees may also file a complaint, at any time, with the Department of Labor or in a court of law.

IV.E.5. Workplace Violence

IV.E.5.1. Policy
The College strives to maintain a safe, professional work environment free from violence and violent threats. Employees are expected to treat everyone in the College community professionally— with respect and civility. Employees violating this policy are subject to discipline up to and including termination and may have their conduct referred to law enforcement officials.

IV.E.5.2. Definitions
(a) Interim Measures means steps taken to protect a complainant and respondent pending an investigation’s result. Interim measures may include, but are not limited to, issuing an order prohibiting the parties from contacting each other; paid administrative leave; directing the lateral transfer of an employee; or arranging alternative employment environments.

(b) Threat means the intent and ability to inflict physical harm. Threats may be written, verbal, or physical. Threats can be direct, veiled, or conditional.

1. Direct threats are against a specific target, sometimes describing methods for committing violence.
2. Veiled threats are vague and could be interpreted in different ways.
3. Conditional threats are contingent upon a certain set of circumstances.
IV.E.5.3. Reporting Workplace Violence

The College prohibits direct or indirect threats, violent acts, or hostility that jeopardizes College community members’ safety or well-being. The College also prohibits behaviors likely to endanger College community members or the College.

College employees must report threats or violent incidents to the College’s Police Department—reporting is mandatory. The College’s Police Department may be contacted by dialing 5911 on any college phone or calling the Emergency Number: (281) 290-5911. The Non-Emergency Number is also available: (832) 813-6800.

The College encourages employees to report concerning behaviors to the chief human resources officer. Reports may also be made through the College’s Ethics Hotline. Employees are required to cooperate with investigations of allegations under this policy.

IV.E.5.4. Investigating Workplace Violence

The Office of Human Resources will investigate reports of threats or violent incidents. In some circumstances, investigations may be referred to the Office of Governance, Audit, and Compliance (OGAC), the Office of the General Counsel, or an external third-party for investigation. Interim measures may be instituted depending on the allegations.

Employees found to have made threats will be subject to discipline up to and including termination and the College’s Police Department may be contacted. Employees found to have committed violent acts may be terminated or recommended for termination and the College’s Police Department will be contacted.

IV.E.6. Employee Grievance and Review Process

IV.E.6.1. 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.E.6.2. Definitions

(a) Grievant. Grievant means the employee who initiates the procedures set forth in this policy.

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

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

IV.E.6.3. Who May Bring A Grievance
Individual employees may submit grievances on behalf of themselves or multiple affected employees as an associational grievance.

IV.E.6.4. 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.E.6.5. 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.G.3.4.

(b) Change in contract status. See Policy IV.G.2.

(c) Employee performance evaluations—before exhaustion of the procedure set out in Policy IV.F.3. Applicable time limits set forth in this grievance policy begin to run on the date that Policy IV.F.3. 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.E.1. of this policy manual. An employee disciplined following an investigation may use this policy to challenge the disciplinary action.

(e) Reduction in Force Terminations. See Policy IV.G.1.5.

(f) Challenges to ownership of intellectual property before exhaustion of the procedure set out in Policy IV.H.1. The time limits set forth in IV.H.1. begin on the date the procedure set out in Policy IV.H.1. has been exhausted.

IV.E.6.6. Appeal to the Board for Certain Alleged Policy Violations
An employee may appeal the Chancellor’s decision to the Board of Trustees if the employee alleges a Procedural Irregularity. The policy section applicable to the challenged decision must directly reference this section for the decision to be appealable to the Board. The following policy sections currently directly reference this section: (1) Employee Grievance and Review Process, (2) Change of Contract Status, and (3) Contractual Termination Notice and Appeal.
If no Board appeal is available or the Board declines to hear an appeal, the grievant may present the grievance during the Citizen Participation portion of a Board meeting in accordance with Board Policy.

**IV.E.6.7. 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.E.6.8. 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.E.6.9. Presentation of Formal Grievance**
An employee who has a concern that has not been resolved through participation in the informal resolution process may file a formal grievance. Campus employees must file their grievance with their supervisory campus vice president. System Office employees must file their grievance with their respective associate vice chancellor or chief area officer. For assistance in determining to whom a formal grievance must be presented, a copy of the College’s current organizational chart can be found at http://org.lonestar.edu/orgchart/LSCS-Internal030115.htm.

The initial grievance must be filed with the grievant’s respective supervisor identified in the prior paragraph within 15 working days from the event, occurrence, or conclusion of the informal resolution process, whichever is later. Only in extraordinary circumstances will the respective supervisor consider exceptions to the 15 working day limit. The grievance must be made in writing and must include all supporting documentation the grievant wants considered. The grievant will be allowed to submit additional information in response to any information collected and relied upon by the vice president or associate vice chancellor/chief area officer. The Chancellor will be notified when a formal grievance has been filed.
The vice president or associate vice chancellor/chief area officer must confirm in writing receipt of the grievance within three working days. A grievance conference must be held within ten working days of receipt of the grievance. A decision must be rendered by the vice president or associate vice chancellor/chief area officer within five working days after the grievance conference. The written decision shall set forth the basis of the decision and any additional information or documents obtained after the grievance conference. In reaching a decision, the vice president or associate vice chancellor/chief area officer may consider the information presented at the grievance conference, and any other relevant documents or information he/she believes will help resolve the complaint.

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

IV.E.6.10. First Level Appeal
In the event that the grievance has not been resolved or the timeframe has elapsed without the grievance being addressed or a decision rendered, the grievant may present the grievance to the college president or, for System office grievants, their vice chancellor in the form of a written appeal. A written appeal must be presented within ten (10) working days from receipt of the vice president or associate vice chancellor/chief area officer’s decision. It is the responsibility of the grievant to initiate the appeal and to provide to the president or vice chancellor all documentation, including any correspondence about the grievance with the vice president or associate vice chancellor/chief area officer, and the vice president or associate vice chancellor/chief area officer’s decision. The employee may submit additional information in response to any information collected and relied upon by the vice president or associate vice chancellor/chief area officer.

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

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

The timelines set out above may be extended by mutual written consent of the parties.
IV.E.6.11. 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.E.6.12. Appeal to the Board
If the grievance is still unresolved and the employee alleges a Procedural Irregularity, as defined above, the grievance may be appealed to the Board of Trustees. An Appeal to the Board must be made in writing and must be received in the Chancellor’s office no later than ten (10) working days of receipt of the Chancellor’s, or his/her designee’s, decision and must be accompanied by applicable references to the policy manual or the portion(s) of the Grievance policy that are alleged to have been violated. It is the responsibility of the grievant to initiate the appeal to the Board and to provide all documentation to the Board, including any correspondence with the prior administrators who heard the grievance at the various levels and those administrators’ decisions.

The Chancellor’s office shall acknowledge receipt of the appeal and shall forward a copy to each Board member, along with all accompanying documentation, within five (5) working days of the appeal being received in the System Office.
The Board may consider the grievance, in accordance with the Open Meetings Act, at a Board meeting scheduled to occur at least 15 working days after the appeal to the Board is received in the System Office. The Board will designate a subcommittee to make recommendations to the full Board regarding whether it should hear a grievance. The Board’s decision regarding whether to consider the grievance is made in open session.

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

The Board may make a decision, but is not required to do so. If the Board does not make a decision or if the Board does not hear the Appeal, the decision of the Chancellor, or his/her designee, is upheld. If the Board elects to render a decision, the decision will be announced orally before the meeting adjourns and a written decision will be mailed to the employee and the Chancellor within 30 calendar days.

IV.F. EMPLOYEE RESPONSIBILITIES

IV.F.1. Employee Core Hours

IV.F.1.1. Policy
College employees are responsible for work attendance during core hours.

IV.F.1.2. Core Hours by Position
(a) Non-Faculty
The College’s core work hours are 8 a.m. through 5 p.m. Monday through Friday. The summer core hours may differ. All non-faculty employees, which includes non-teaching faculty for this section’s purposes, are expected to work during the College’s core hours. Non-exempt employees are expected to work 40 hours per week. Supervisors must give advance written approval for excess hours worked by non-exempt employees above 40 in a week, and all such excess hours must be recorded and compensated in accordance with Board Policy. Exempt employees, including non-teaching faculty, are expected to generally follow the 40-hour workweek consistent with non-exempt employees, but hours may vary depending upon assignment. Exempt employees do not receive additional compensation for hours worked above 40.

(b) Faculty Members
Faculty members are expected to meet the contact hour requirements for each course assigned to them. These requirements include both synchronous and asynchronous instruction. To maximize faculty accessibility to students, the College expects teaching faculty to be on campus at least four days per week—preferably five. Scheduled office
hours should be reasonably convenient for students. Office hours must be posted and included in course syllabi. 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 is assigned to teaching faculty. To facilitate calculations of negotiated workloads, a 35-hour faculty workweek is the general guideline. Teaching faculty allot sufficient time within their workweek to fulfill other duties, e.g., institutional service, committee work, and professional development. This policy applies to each term a faculty member is contracted to teach.

IV.F.2. Full-Time Faculty Workload

IV.F.2.1. Policy
College faculty are responsible for learning facilitation, institutional service, and professional development.

IV.F.2.2. Definitions
(a) Annual Assignment means workload assignments that 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.

(b) Discipline Profile means standard guidelines for learning facilitation assignments that identify by discipline the number of hours and usual number of sections that faculty members teach in each academic year.

(c) Institutional Service means one of three faculty workload components that contemplates collateral responsibilities to support the College in achieving its goals, such as serving on committees, mentoring faculty, recruiting, developing curriculum, and supporting administrative functions.

(d) Learning Facilitation means one of three faculty workload components that includes responsibilities associated with serving students such as: teaching, planning, evaluating, advising, and counseling.

(e) Negotiated Workload means an individualized workload assignment based on Division/College goals.

(f) Professional Development means one of three faculty workload components that 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.

(g) Traditional Workload means 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 24 hours per week devoted to serving students.
IV.F.2.3. Faculty Workload Responsibilities
Workload consists of faculty responsibilities identified in three job components with a recommended (traditional) percentage. They are:

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

With permission from the vice president of instruction, Faculty may choose a traditional or negotiated workload with at least 24 hours per week devoted to learning facilitation. Workload calculation is based on a general guideline of a 35-hour week.

IV.F.2.4. Teaching Assignments
The teaching component of the faculty workload follows the applicable discipline profile. Teaching hours may be adjusted for faculty on a negotiated workload with permission from the vice president of instruction.

IV.F.3. Employee Performance

IV.F.3.1. Policy
Competent employee performance is key to the College’s mission of serving students and the community. Employees and supervisors should discuss performance expectations and requirements and should promptly address issues.

IV.F.3.2. Definitions
(a) Administrative Review means an employee’s request for administrative review of a performance evaluation because the employee disagrees with the evaluation or believes the performance evaluation was conducted in a manner that violates this policy.

(b) Performance Evaluation Form means an electronic or physical form used to give and request employee performance feedback. The employee and supervisor should acknowledge receipt. The employee keeps a copy and a copy is placed in the employee’s personnel file.

IV.F.3.3. Professional and Support Staff Performance Evaluations
Supervisors conduct periodic performance evaluations of each full-time employee under their direct supervision. This evaluation focuses on whether an employee has met the evaluation period’s goals, documents achievements, difficulties, and sets goals for the next evaluation period. The evaluation is conducted in a face-to-face meeting using the Performance Evaluation Form. The evaluated employee is encouraged to provide feedback and offer clarification on strengths and shortcomings discussed in the Performance Evaluation Form. An employee who disagrees with their evaluation may request
Administrative Review.

IV.F.3.4. Administrator Performance Review
Each Administrator self-evaluates their performance annually. The Administrator’s supervisor accepts or rejects the Administrator’s self-evaluation. If the supervisor rejects any part of the Administrator’s self-evaluation, the supervisor must provide constructive feedback on how the Administrator can meet the supervisor’s expectations. The College may also periodically solicit employee feedback regarding their experience with various Administrators, for purposes of encouraging more effective self-evaluation and professional development planning. An Administrator who disagrees with their evaluation may request Administrative Review.

IV.F.3.5. Faculty Assessment
Faculty member assessment is a collaborative process between the faculty member and their supervisor. Faculty members self-assess their performance, goals, and effectiveness. Supervisors assess faculty members by reviewing instruction, curriculum development, continuing professional development, and institutional and community service. Supervisors use the information gathered in this assessment process to: (1) share information with the faculty member regarding professional development; (2) improve communication between faculty members and supervisors; (3) encourage excelling faculty members and provide guidance to faculty members needing improvement; and (4) collect information regarding continuing employment and contract renewals. A faculty member who disagrees with their assessment may request Administrative Review.

IV.F.3.6. Addressing Employee Performance
Promptly addressing performance issues fosters individual responsibility and accountability. Employees must know expectations and meet those expectations. Supervisors must efficiently communicate each job’s expectations and address performance issues in a reasonable and timely manner. Performance issues include, but are not limited to, attendance, behavior or conduct, and meeting job required standards. Employees receive opportunities to correct performance issues before discipline is imposed. The College uses a progressive discipline model, developed and maintained by the Office of Human Resources, to address performance issues. Continued performance deficiencies can result in employment termination.

IV.F.4. Additional Employment

IV.F.4.1. Policy
The College’s mission requires its employees’ professional endeavors to be focused on their primary jobs at the College. The College may permit additional employment outside of an employee’s primary job if the additional employment does not negatively impact the College’s mission.
IV.F.4.2. Definitions
(a) **Additional Employment** means any paid employment or contract work outside of an employee’s primary job at the College.

IV.F.4.3. Additional Employment Restricted
As determined by the employee’s supervisor (college dean for faculty), a full-time employee may not undertake additional employment that (1) directly or indirectly interferes with the employee’s primary job; (2) has been offered because of the employee’s official connection to the College; (3) uses College resources—including but not limited to computers, copiers, materials, equipment, or offices; (4) was not approved in advance and in writing by both the employee’s supervisor and the respective college president, vice chancellor, or other operational officer reporting directly to the Chancellor (“chief area officer”); (5) is expressly limited by the employee’s employment contract (if any) with the College; or (6) violates any principle established in this Board Policy.

When a full-time College employee wishes to engage in additional employment, including self-employment or an additional position within the College, the employee must report the nature and scope of the outside employment to the employee’s immediate supervisor. The employee may not engage in the employment unless and until it is approved in writing by the employee’s supervisor and the applicable college president, vice chancellor, or chief area officer.

IV.F.4.4. Commissioned Peace Officers
College peace officers seeking to work additional jobs are subject to the additional procedures and guidelines prepared by the administrator serving as Police Commissioner or designee.

IV.F.5. College Resources

IV.F.5.1. Policy
Resources provided by the College are for the College’s benefit and should be used to advance the College’s mission. No employee shall entrust College property to anyone, including other College employees, to be used for anything other than College purposes.

IV.F.5.2. Definitions
(a) **College property** means any object, thing, real estate, vehicle, furniture, equipment, fixture, donation, contract, chattel, or other item belonging to the College or which the College received or spent funds to acquire.

IV.F.5.3. No Personal Use of College Property
Employees shall not use College property for their own benefit or pleasure unless:

(a) Arrangements have been made in advance with the cost center manager for the employee to pay the value of the property’s use;
(b) The property consists of library books, recreational facilities, or other items generally available to College community members; or

(c) The employee is using common outdoor areas for expressive activities according to state law. 17

Employees may, from time to time, use College telephones, email, and internet for appropriate personal purposes during working hours. Incidental use of the telephone, email, and internet 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 College. If additional costs are incurred by such use, the employee must promptly identify the additional cost and promptly reimburse the College. The College reserves the right to monitor all employee email communication. Employees have no expectation of privacy when using the College’s electronic resources.

IV.F.6. Ethical Standards

IV.F.6.1. Policy
All employees must adhere to the highest ethical and professional standards, always conducting official College duties with integrity and honesty and in conformance with applicable law, governing regulations, Board Policy, and the Chancellor’s Procedures. Employees must immediately disclose actual or potential conflicts of interest to the College.

IV.F.6.2. Definitions

(a) Confidential Information means confidential and or proprietary College information, including but not limited to personally identifiable information of students or employees, to which access is restricted by state or federal law, Board Policy, the Chancellor’s Procedures, or College contracts.

(b) Conflict of Interest means any real or reasonably apparent incompatibility between an employee’s private interests and his or her duty to the College, independent of whether any impropriety has occurred or may occur.

(c) Public Servants means the Chancellor, Chief Operating Officer, Executive Vice Chancellors, Vice Chancellors, Presidents, Vice Presidents, Associate Vice Chancellors, and any other College employees of that rank.

IV.F.6.3. Ethical Standards

All employees must:

(a) Protect all confidential information to which they have access. Employees must refuse to engage in any employment, sales, or commercial activity that might reasonably be expected to require or induce the disclosure of confidential information.

(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 is especially important for employees who exercise discretion in connection with contracts, purchases, payments, claims, and other College pecuniary transactions; such employees 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. Except for cash or negotiable instruments, this prohibition does not apply to items with a fair market value under $50. 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 the Lone Star College Foundation. Notwithstanding this prohibition, an employee may attend a vendor-provided or -sponsored seminar or training program under the conditions specified in the Board Policy section on Reporting and Investigating Dishonesty and Fraud.

(c) Avoid any personal business arrangements that might impair independent judgment in the performance of official duties.

(d) Avoid personal investments that could reasonably be expected to create a conflict of interest.

(e) 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.

(f) Contribute to creating a positive and constructive environment, which is essential for the success and effectiveness of the workplace and the teaching/learning process, including the responsibility for each employee to:

1. 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.

2. Ensure that each employee/student under his or her direction has the opportunity to work/learn in an environment that reflects concern for each individual and respect for each person and is free from harassment or discrimination.

3. Refuse to permit a family member to enroll in a class or other instructional activity for which the employee has responsibility to evaluate performance.
4. Take reasonable actions to ensure that appropriate rules regarding plagiarism and/or cheating are in place and are impartially enforced to protect academic integrity.

5. Treat others with dignity and respect.

(g) 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 consistent with the law and the College’s accounting processes.

(h) 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.

(i) Sexually intimate or physical relationships between an instructor and a student enrolled in the instructor’s course are prohibited.

Violating this policy may result in employee discipline—including termination.

IV.F.6.4. Disclosure of Interest in Property to be Acquired
Public Servants must disclose any personal legal or equitable interest in real property to be acquired by the College with public funds. Such disclosures are made by filing with the county clerk of the county or counties in which the property is located and the county in which the Public Servant resides, an affidavit containing the following information within ten calendar days before the date on which the property is to be acquired.

(a) Name and title;

(b) A full description of the property;

(c) Nature, type, and amount of interest in the property;

(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.

A copy of the affidavit must be provided to the College’s General Counsel within ten calendar days before the filing.
IV.F.7. Employee Participation in Political Activity

IV.F.7.1. Policy
The College supports employees’ rights of freedom of association and political participation except as limited by law. Employee association and political participation activities may not interfere with an employee’s duties and responsibilities.

IV.F.7.2. Definitions
(a) Political advertising means any communication that advocates a particular outcome in an election related to either a measure or a candidate. Such communication may be in any written or broadcast form, such as a billboard, a flier, a newsletter, a poster, a television or radio ad, or an internet site. Political advertising does not include communications that factually describe the purposes of a measure if the communication does not advocate passage or defeat of the measure.

IV.F.7.3. Prohibited Acts
(a) College employees may not use any College funds or other resources to finance or otherwise support the candidacy of a person for an office in the legislative, executive, or judicial branch of state or federal government. College money or resources include employee time while working and College-owned or -leased motor vehicles. This prohibition extends to the direct or indirect employment of a person to support the candidacy of a person for an office of state or federal government.

(b) A College employee may not use official authority or influence or permit the use of a program administered by the College to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose. An employee does not interfere with or affect the results of an election or nomination if the employee’s conduct is permitted by a law relating to the employee’s office or employment and is not otherwise unlawful.

(c) A College employee may not coerce, attempt to coerce, command, restrict, attempt to restrict, or prevent private payments, loans, or contributions of anything of value to a person or political organization for a political purpose.

(d) No College employee or Trustee may spend or authorize the spending of public funds, or use of public resources, for political advertising or campaigning. This prohibition does not prevent any official or employee from furnishing to any elected or appointed official factual information describing operations or issues affecting the College or its students, nor does it prevent any official or employee from complying with the Texas Public Information Act.

(e) No College employee or Trustee may knowingly use or authorize the use of an internal mail system for the distribution of political advertising.
IV.F.7.4. Information Resource
An employee may serve as a resource for information or facts as they relate to the impact on the College of any pending legislation or referendum, provided that such service is approved by the Chancellor or designee.

IV.F.7.5. Candidacy for Public Office
College employees may run for election and serve as members of the governing bodies of school districts, cities, towns, or other local governing districts. No employee may conduct campaign activities during business hours unless the employee has requested and received permission to use paid leave. Employees elected to public office may serve in that office as long as 1) no conflict of interest exists, 2) the office does not compensate the employee, and 3) is not otherwise prohibited by law.

IV.F.7.6. Non-Elective State or Federal Office
College employees may hold non-elective offices with boards, commissions, and other state, federal, or nonprofit entities if the holding of such office 1) benefits the College, 2) does not conflict with the employee’s position, and 3) the position is not compensated except reimbursing direct expenses associated with the participation in the meetings.

IV.F.8. Employee Safety and Health

IV.F.8.1. Policy
It is the College’s goal to provide a safe and healthy working environment. Employees must participate in safety programs and observe all College health and safety rules, regulations, and instructions.

IV.F.8.2. Definitions
(a) **College Buildings** means buildings the College owns or controls.

(b) **On-the-job** means on College premises, in a College vehicle, or as part of any College activity.

IV.F.8.3. Responsibility for Safety
Employees must perform their work activities safely. Supervisors must ensure that each employee is trained and understands all health and safety requirements relevant to that employee’s particular job.

Each department must satisfy all applicable safety rules and standards imposed by law and must develop safety rules, policies, and regulations for its particular operations. In accordance with appropriate state and federal requirements, the College provides health and safety training programs, including but not limited to facilities inspection, emergency evacuation, hazard classification, and environmental protection.

All on-the-job illnesses, injuries, property damage, and unsafe conditions must be reported immediately to one’s supervisor or to another individual responsible for and capable of addressing the matter reported. Supervisors receiving such a report must immediately contact Office of Human Resources.
Each employee required to drive a College vehicle must possess a valid and appropriate driver’s license. Supervisors must certify that employees under their direction are capable of operating all motorized, self-propelled equipment required in the employees’ work.

**IV.F.8.4. Smoking Prohibited**
The College prohibits smoking anywhere inside College buildings, including but not limited to offices, classrooms, restrooms, hallways, and elevators.

The College will post no-smoking signs on each College building at each public entrance and at other strategic locations. The College will designate smoking areas at least 25 feet away from College buildings’ entrances.

**IV.F.9. Drugs and Alcohol in the Workplace**

**IV.F.9.1. Policy**
The College strives to provide an alcohol- and drug-free workplace and learning environment. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or unauthorized drug, and the unauthorized possession and use of alcohol are prohibited on College premises.

**IV.F.9.2. Definitions**

(a) **College Premises** means buildings or grounds the College owns or controls.

(b) **In the workplace or On-the-job** means on College premises, in a college vehicle, or as part of any College activity.

(c) **Reasonable Suspicion** means a conclusion based on personal observation of a specific objective instance or instances of employee conduct. Observation must be corroborated 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.

(d) **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 not used as instructed, and drugs represented to be illegal.

(e) **Under the Influence or Impaired** means abnormal behavior in the workplace resulting from consuming alcohol or 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.

**IV.F.9.3. Alcoholic Beverages at College Events and Activities**
The following guidelines are provided for all College employees:
Employees who serve as student or employee organization sponsors must ensure that any organizational activities conducted on- or off-campus that include alcoholic beverages are conducted in compliance with Texas law, ensuring that:

1. Persons 20 or under are not served or sold alcoholic beverages;
2. Excessive and/or rapid consumption of alcoholic beverages is discouraged; and
3. Alcoholic beverages are not used as prizes or awards in connection with sponsored events or activities.

The public display of alcoholic-beverage advertising or promotion in College buildings or any other College premises is prohibited.

Alcoholic-beverage advertisements or promotions shall not appear in College-controlled or -affiliated publications, including the College’s affiliated websites.

Advertising of establishments that sell alcohol (e.g., grocery stores, breweries, etc.) may appear in various College publications if the advertisements:

1. Exclude brand names, logos, prices, visual images, or verbal phrases that promote or encourage alcoholic beverage consumption;
2. Do not encourage any form of alcohol abuse, such as ads that encourage rapid and excessive alcohol consumption; and
3. Includes a statement about responsible drinking.

Any employee whose on-the-job conduct provides a reasonable suspicion that the employee is under the influence of drugs or alcohol may be questioned by the employee’s supervisor about the influence of drugs or alcohol on the employee’s conduct. A supervisor should contact the Office of Human Resources when the supervisor has a reasonable suspicion that an employee is under the influence of drugs or alcohol before requiring the employee to leave the College or taking other disciplinary action.

A College employee may be required to leave the workplace if the employee admits to being under the influence of drugs or alcohol and the College community’s safety is threatened, the effects are disruptive to the work or learning environment, or the employee’s ability to perform his or her job is impacted. The supervisor must take reasonable action to prevent the employee from driving.

If the employee denies that he or she is under the influence of drugs or alcohol, yet the conduct provides reasonable suspicion to believe that he or she is, the employee may be required by the supervisor, after consultation with an administrator and the Office of Human Resources, to report to a designated medical facility for drug or alcohol testing. Refusal to consent to a required medical test or a drug or alcohol screening violates this policy.
An employee is subject to discipline, up to and including termination, for violating this policy. Discipline may include 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.F.9.5. Report of Conviction for Drug-Related Offense**

An employee shall notify their supervisor of any conviction for a drug-related offense no later than five days after such conviction. Employees who drive College-owned or -leased vehicles must notify their supervisor of any alcohol-related driving convictions no later than five days after such conviction. Failure to give this notification may result in disciplinary action up to and including termination. A supervisor so notified by an employee should seek advice from the Office of Human Resources before responding to the information.

Within ten days of receiving notice that an employee engaged in the performance of a federal contract was convicted for a drug-related offense occurring in the workplace, the College must provide conviction information to any relevant federal contracting agency.

Within 30 days of receiving notice of an employee conviction for any drug-related offense occurring in the workplace, the College shall either (1) take appropriate personnel action against the employee, up to and including termination; or (2) require the employee to participate satisfactorily in a drug and alcohol abuse assistance or rehabilitation program.

**IV.F.9.6. Assistance to Employees Regarding Drug or Alcohol Abuse**

Sick leave, vacation leave, and compensatory time may be used during the time that an employee participates in a drug and alcohol abuse assistance or rehabilitation program. Leave without pay may be allowed, at the College’s discretion, for employees with insufficient accrued paid leave.

**IV.F.9.7. Possession by Police**

Any police personnel required to be in possession of alcohol or drugs in the course and scope of their employment are exempt from provisions of this policy pertaining to possession of alcohol or drugs in the workplace. The College’s Police Department has procedures for these circumstances.

**IV.F.9.8. Off-Duty Conduct**

A College employee may be disciplined, up to and including termination, for conduct outside the workplace if that conduct has a significant negative impact on College operations or on the employee’s ability to perform his or her job duties.
IV.G. CHANGES IN EMPLOYMENT STATUS

IV.G.1. General Changes

IV.G.1.1. Policy
An employee’s employment status with the College may change. This policy addresses some foreseen changes that may affect an employee during the course of employment. Additionally, the College may take reasonable steps to address an employee’s employment not specifically addressed in this policy, if those steps are in the College’s best interest.

IV.G.1.2. Definitions
(a) Reduction in Force (“RIF”) means eliminating positions because of (1) state or federal legislative or executive action reducing a College’s budget; (2) a significant loss in enrollment or inability to charge tuition, resulting from a loss of student financial aid; (3) College facilities are destroyed by catastrophic weather, acts of terrorism, or other unexpected and catastrophic events; or (4) destruction of property resulting in a sudden and unexpected decrease in tax revenue.

IV.G.1.3. Employee Resignations
Contractual employees may resign their employment by submitting a resignation letter to the Chancellor. Non-contract employees are employed at-will and may resign at any time with or without notice.

IV.G.1.4. Administrative Leave
The Chancellor may place any employee on paid or unpaid administrative leave at any time during the employee’s employment. An employee on administrative leave remains a College employee and is subject to all College and Board policies and procedures. The Chancellor’s decision placing an employee on administrative leave is final—it is not subject to an administrative review process and is not grievable.

IV.G.1.5. Reduction in Force
The College may need to reduce its work force via a RIF. Only the Board can approve a RIF. If a RIF is necessary, the Chancellor prepares and submits to the Board a RIF proposal, which includes the reason for the recommendation, the number of affected employees, how employees were chosen, and proposed time lines. The Board conducts a hearing on the proposed RIF based on the Chancellor’s recommendation. At least one representative of the affected employee group may address the Board regarding the RIF. Certain employee groups have additional considerations addressed below:

(a) Faculty Members
Before recommending a RIF for full-time faculty, the Chancellor must consider alternatives. Alternatives may include (1) reducing teaching contracts; (2) reassigning some faculty members to other teaching fields, if qualified, and if open positions exist;
(3) reducing teaching loads, and assigning faculty members administrative responsibilities, if available, provided that such assignment does not exceed two years; (4) transferring some faculty members to other locations if a comparable position is available; (5) reducing adjunct faculty; and (6) reducing class sizes, if the average for affected department is above the College average. The Chancellor must also give the Faculty Senate an opportunity to comment on the proposed RIF.

(b) Contract Employees
When a RIF affects contractual employees, the Chancellor should attempt to give reasonable notice, if possible. Reasonable notice for multi-year contractual employees means 12-months’ notice. Reasonable notice for all other contractual employees means three-months’ notice. The College may not fill contractual RIF-eliminated positions within 18 months from the date of the RIF separation without first notifying the person who held the eliminated position. This person must be given an opportunity to be reinstated into the now-available position. This person’s contract status and leave accruals must be restored to the same levels as of the date of the RIF separation. The College may however decline to reinstate if the person was given notice of the position availability and the person declined or did not respond within the required time.

(c) Non-Contract Employees
When a RIF affects non-contractual employees, the Chancellor should attempt to give notice as soon as reasonably possible. Non-contractual employees may be eligible for reassignment in lieu of RIF separation if other positions are available for which the employee is qualified to perform the essential job functions. Non-contractual employees rehired within 18 months of losing a full-time position through a RIF are re-hired with reinstatement of benefits, if allowed by the Employee Retirement System of Texas and or the Teacher Retirement System of Texas. Nothing in this policy creates a contract or property interest for non-contractual employees, and this policy does not alter in any way the employment-at-will status of non-contractual employees.

IV.G.1.6. Reduction in Force Appeal
Contractual employees may appeal a RIF separation to the Board. The contractual employee must appeal within 10 calendar days of the date the employee received notice of the RIF separation. The Board’s appeal review is limited to considering whether the decision to end the employee’s employment constituted prohibited discrimination, retaliation, or was arbitrary and capricious conduct. Appeal hearings are held in accordance with the Open Meetings Act. The Board’s decision is final.
IV.G.2. Change in Contract Status

IV.G.2.1. Policy
The College has various types of employment contracts with many of its employees. The policy below addresses the modification, extension, and non-renewal of employment contracts in a fair manner that complies with local, state, and federal law.

IV.G.2.2. Definitions

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

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

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

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

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

IV.G.2.3. Appealing a Contractual Change of Status Recommendation
The appeal of a Notice depends on the employee’s position at the time the contractual employee received the Notice.

(a) **Vice Chancellor, President, or Chief Area Officers.**
An employee who has received notice of a proposed change of status will have up to 20 working days to appeal a contractual change of status recommendation made by the Chancellor to the Board of Trustees. The request for an appeal presentation must be made
to the Board Liaison.

The affected employee will have 30 minutes to explain his/her basis for why the change in status should not be upheld. The Chancellor will also have 30 minutes to explain the basis for the recommendation. No cross-examination will be permitted by either side, although the Board members may ask questions of the affected employee and the Chancellor. The Board will decide whether to uphold the Chancellor’s recommendation. Such decision will be made at the meeting at which the presentation is made or at a subsequent meeting which has been properly posted in accordance with the Open Meetings Act.

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

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

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

The Chancellor will notify the affected employee no later than 15 working days following receipt of the appeal of the Notice. The employee may directly appeal to the Board if the employee alleges a Procedural Irregularity of this Section’s processes is appealable as allowed by Section IV.E.6.6. The Chancellor will forward to the Board of Trustees all accepted recommendations and recommendations not appealed.

The process permitted by this policy constitutes a grievance for purposes of Texas Education Code Section 51.960.

IV.G.3. Employment Termination

IV.G.3.1. Policy
An employee’s employment may end. This section addresses the College’s authority to end an employee’s employment and due process issues for contractual employees.

IV.G.3.2. Non-Contractual Employees
Non-contratual employees are employed at will and have no property interest in their continued employment. A non-contratual employee’s employment may be immediately terminated with or without prior notice and with or without a reason. Non-contratual employees have no due process right of notice or opportunity for an appeal hearing.
IV.G.3.3. Contractual Employees
Contractual employees have a property interest during the term of their employment contract. A contractual employee’s employment contract may be terminated during the term of the contract for cause. Termination for cause includes, but is not limited to, misconduct, insubordination, dishonesty, incompetency, negligence, mistreating co-workers or students, misusing College funds, violating civil rights policies, continued performance issues, substantial unauthorized absences that negatively affect the College, misusing authority, failing to complete required training, or violating any Board policy. Employment contracts are terminated in accordance with the Contractual Termination Notice and Appeal Process.

IV.G.3.4. Contractual Termination Notice and Appeal
An employment contract with the College creates a property interest in the position solely for the contract’s period of time. A contractual employee recommended for termination during a contract term is entitled to a pre-termination notice and pre-termination appeal under this policy. If during the process, however, an employee’s contract expires, the employee loses their property interest and this process ceases immediately. This process applies only to employees with signed and unexpired employment contracts.

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

Or in the case of a President, Vice Chancellor, or Chief Area Officer reporting directly to the Chancellor, if the Chancellor intends to propose the termination of a contractual employee who is a direct report to the Chancellor the Chancellor will deliver a Notice of Forthcoming Termination providing notice of the charges raised against the employee, the nature of the evidence supporting those charges, and an opportunity for the employee to respond in writing. The contractual employee shall have five working days to respond to the Notice of Forthcoming Termination before it is converted to a Notice of Recommended Termination. If an employee has not already been placed on administrative leave, the Notice of Recommended Termination shall also automatically place the employee on administrative leave during the pendency of any appeal.
Either category of contractual employee shall have five working days to respond to the Notice of Forthcoming Termination before it is converted to a Notice of Recommended Termination. If an employee has not already been placed on administrative leave, the Notice of Recommended Termination shall also automatically place the employee on administrative leave during the pendency of any appeal. If no appeal is filed, the Notice of Recommended Termination will automatically become a Notice of Termination on the 16th day following receipt of the Notice of Recommended Termination. The Board of Trustees delegates to the Chancellor the authority to terminate an employee’s employment in such a situation.

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

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

2. Hearing Date: A hearing shall take place within thirty (30) working days after the employee files a written request for such hearing with the Chancellor.
3. **Hearing Records:** The employee and the employee’s President, Vice-Chancellor, or Chief Area Officer reporting to the Chancellor, will submit to the Chancellor a statement identifying their concerns in employee’s continued employment. If the employee chooses to present witnesses at the pre-termination appeal hearing, then the employee may present individual witnesses during the hearing and copies of all documentation relied upon and in support of their position. At least ten (10) working days prior to the hearing, both the employee and the employee’s President, Vice-Chancellor, or Chief Area Officer shall furnish at least three copies of the hearing records, the names of witnesses, and name of any representative, to the Chancellor. The Chancellor will review only the hearing records submitted by the employee and his or her President, Vice Chancellor, or Chief Area Officer reporting directly to the Chancellor, and upon convening the hearing, invite responses to certain questions in order to reach a decision.

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

5. **Decision:** The Chancellor will make a decision within fifteen (15) working days of the hearing. The decision of the Chancellor shall be final. An employee may appeal the Chancellor’s final decision if the employee alleges a Procedural Irregularity of this policy section, as defined in the Grievance and Review Process, and as allowed by Section.IV.E.6.6.

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

7. **Notice of Representation:** The employee or his or her representative, including the legal representative, must provide at least ten (10) working days’ notice of such representation prior to any hearing under this section. The College’s General Counsel or a designee must be present at the hearing.
8. **Prohibition on Using College Resources:** The employee and his or her Representative, including the legal representative, shall not meet during the employee’s working hours when preparing for the employee’s pre-termination notice response or hearing and shall not use the College’s resources when preparing for either.

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

**IV.G.4. Timeliness**

The time limits, as provided in the Employee Grievance and Review Process and the Contractual Termination and Notice and Appeal policies are created in order to ensure that issues are raised and addressed promptly. Timelines for the filing of and response to appeals under these policies may be extended by the mutual agreement of the employee and the Chancellor’s Office. An appeal shall be considered resolved at the completion of any step, if all parties are satisfied or if neither party files a timely appeal to the next step.

The process permitted by these policies constitutes a grievance for purposes of Texas Education Code Section 51.960.

**IV.H. Intellectual Property**

**IV.H.1.1. 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.

**IV.H.1.2. 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.

(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.H.1.3. 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.H.1.4. 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.H.1.5. 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.H.1.6., 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:

(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.H.1.6. 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.H.1.7. 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.

IV.H.1.8. 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.H.1.9. Procedures
The College will develop and publish procedures to effectuate this policy.

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IV.H.2. Copyright

IV.H.2.1. 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.H.2.2. 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.H.2.3. 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:

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.H.2.4. 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 February 1, 2018

SECTION V – INSTRUCTION

V.A. TRADITIONAL INSTRUCTIONAL PROGRAMS AND CURRICULUM

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

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

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

1. Traditionally-delivered three-semester-credit-hour courses should contain 15 weeks of instruction (45 contact hours) plus a week for final examinations so that such a course contains 45 to 48 contact hours depending on whether there is a final exam. Some traditional workforce courses contain 80 contact hours.

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

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

4. Courses delivered in shortened semesters are expected to have the same number of contact hours and the same requirement for out-of-class learning as courses taught in a normal semester.

5. Institutions may offer a course in a non-traditional way (for example, over the internet, or through a shortened, intensive format) that does not meet these contact hour requirements, if the course has been reviewed and approved through a formal, institutional faculty review process that evaluates the course and its learning outcomes and determines that the course does, in fact, have equivalent learning outcomes to an equivalent, traditionally delivered course.

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

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

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

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

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

V.A.4. Specific Curriculum Design Policies

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

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

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

1. include information about methods of transmission and methods of prevention of HIV infection, and information about federal and state laws, rules and regulations concerning HIV infection and AIDS.
2. give special attention to the physical, emotional, and psychological stress associated with the care of patients with terminal illnesses.

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

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

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

(g) **Disadvantaged Students.** The College may develop programs to serve persons from backgrounds of economic or educational deprivation, by submitting to the THECB a plan based on the following criteria:

1. An instructional program that accommodates the different learning rates of students, and compensates for prior economic and educational deprivation.

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

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

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

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


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

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

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

**V.A.6. Dual Credit**

The College offers students in high schools within its service area the opportunity to take dual credit courses. Dual credit courses are courses for which students receive college credit and high school credit while still enrolled in high school or homeschooling. Except for courses that are part of an approved early college education program established under the Texas Education Code or any other early college program that assists a student in earning a certificate or an associate degree while in high school, the College only offers dual credit for courses in its core curriculum, for career and technical education courses, and for foreign language courses. The curriculum content and rigor of dual credit courses are equivalent to the college course standards and requirements. The faculty must meet the same SACSCOC qualifications as non-dual credit courses and programs. See the College’s annual course catalog for current tuition and fee information. Students and parents should also consider that although these courses are taught to high school students, the College will treat these dual-credit students as college students when enrolled in college courses—regardless of the individual student’s age.

Any agreement entered into or renewed on or after September 1, 2018 between the College and a school district to provide a dual credit program shall adhere to the requirements of Texas Education Code § 28.009 or its successor statute and any state regulations adopted thereunder. All such agreements will be posted on the College’s website.

*LSCS Policy Manual Section adopted by the Board of Trustees on November 1, 2018*
V.A.7. Early College, High School, and Middle School
THECB Rule 4.154 requires that “any public college or university that participates in the creation of an ECHS/MC shall notify the [THECB] in accordance with provisions and schedules determined by the Commissioner.”

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

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

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

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

(d) Official Day of Record. The Registrar’s office sets the official day of record and the midpoint day of record for each session in a term. All instructors must complete the official day roll and the midpoint day roll during the verification periods specified by the Registrar.

LSCS Policy Manual Section adopted by the Board of Trustees on February 1, 2018

V.B. ONLINE INSTRUCTIONAL PROGRAMS AND CURRICULUM

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

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

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

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

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

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

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

V.B.5. Institutional Report for LSC-Online
Prior to offering any LSC-Online, off-campus, or on-campus extension courses or programs for the first time, the College shall submit its Institutional Report for LSC-Online, and Off-Campus and On-Campus Extension Instruction to the THECB for approval. The Report, and any updated Reports, shall conform to THECB guidelines and criteria of the Southern Association of Colleges and Schools Commission on Colleges in effect at the time of the Report’s approval. The College’s academic and administrative policies shall reflect a commitment to maintain the quality of LSC-Online, off-campus, and on-campus extension courses and programs in accordance with the provisions of 19 TAC Chapter 4, Subchapter E.
V.B.6. Out-of-State or Out-of-Country Courses
The College will not submit LSC-Online courses delivered outside the state to non-Texas residents for formula funding. The College will report fees received for extension and out-of-state/country courses in accordance with general institutional accounting practices.

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

V.C. ACADEMIC ACHIEVEMENT

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

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

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

(b) The College Determines College Readiness. The College determines when a student is ready to perform freshman-level academic coursework using developmental education coursework and/or intervention learning outcomes developed by the THECB based on the Texas College and Career Readiness Standards and the student’s performance on the appropriate assessment(s).
V.C.2. Prior Learning Assessment (PLA) Credit
Students may obtain Prior Learning Assessment credit. Approved methods include receiving recognized scores on the ACT, SAT, College Level Examination Program (CLEP) examinations, International Baccalaureate (IB) Diploma Program examinations, Advanced Placement (AP) Program examinations, Avant language proficiency assessments, and DANTES Subject Standardized Tests. Students may also receive PLA credit under American Council on Education equivalency guides including for military transcripts, high school articulation agreements, the College’s challenge examinations, portfolio reviews, skill performance examinations, industry certification or licensure, or by successfully completing one or more dual credit courses.

Depending on the subject and course level, to receive PLA credit a student must score between 46 and 55 or higher on a CLEP examination, at least 3 on an AP examination, or at least 3, 4, or 5 on an IB examination.

The College grants up to 24 semester credit hours for the completion of an IB Diploma program with a minimum score of 4 on all exams. The College also grants from 1 to 5 semester credit hours (dependent upon the related course hours) for successfully completing a dual credit course or for receiving a required score on a IB examination, CLEP examination, or AP examination. PLA credit may not exceed 75% of a student’s overall certificate or associate degree coursework.

Except for courses that are part of an approved early college education program established under the Texas Education Code or any other early college program that assists a student in earning a certificate or an associate degree while in high school, the College grants course credit for a dual credit course only if the course is (1) in the core curriculum of the institution of higher education that offered it; (2) a career and technical education course; or (3) a foreign language course.

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

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

V.C.5. Excused Absences for Military Service
The College shall excuse a student required to participate in active military service from attending classes, taking exams, or engaging in other required academic activities. The College will not penalize a student for an absence under this subsection except that the maximum period for which a student may be excused under this subsection shall be no more than 25 percent of the total number of class meetings or the contact hour equivalent (not including the final examination period) for the specific course or courses in which the student was currently enrolled before the period of active military service.

The College will otherwise allow the student to complete an assignment, take an exam, or engage in other required activities within a reasonable time (end of the next long semester) after the student’s excused absence. The same deadline applies to LSC-Online, self-paced, correspondence, or any other form of asynchronous instruction. The College will also retain the student’s course work completed before the student was called to active military service and subject the student to the same syllabus or instructional plan when the student returns. The Chancellor will create procedures for returning students that fail to complete assignments (within end of the next long semester) after their return.

V.C.6. Library Record Privacy
The circulation records identifying the names of library users with specific materials are confidential to the extent permitted by law. Such information will be released to other individuals only with the patron’s written permission. The College may join the TexShare Library consortium established and maintained by the Texas State Library and Archives Commission without violating this policy.

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

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

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

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

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

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

V.D. **Academic Integrity and Dishonesty**

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

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

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

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

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

V.E. STUDENT ACADEMIC RESPONSIBILITIES

V.E.1. Academic Student Code of Conduct

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

V.E.1.2. Definitions
(a) Reserved

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

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

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

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

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

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

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

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

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

(i) Reviewing or altering grades of any student without proper authorization.
(j) Collaborating with other students on testing, assignments, or clinical work without permission.

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

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

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

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

(o) Completing someone else’s work on an assignment or clinical written work.

(p) Fabricating or falsifying information or course material in an assignment or clinical written work.

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

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

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

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

V.F. STUDENT DISCIPLINE FOR ACADEMIC MISCONDUCT


V.F.1.1. Student Discipline Policy for Academic Misconduct
The College upholds the academic core values of learning: honesty, respect, fairness, and accountability especially when its students fall short of those expectations. Academic misconduct and violations of the Academic Code of Conduct subject students to academic discipline under this Section—including suspension and expulsion. When possible, members of the College community should try to resolve minor allegations of academic misconduct informally.
V.F.1.2. Definitions
(a) Academic Integrity Review Committee means a panel appointed from each college to review suspensions and expulsions imposed by other colleges.
(b) Appeal means to request in writing that the Chancellor review a decision of suspension or expulsion, stating why it should be modified or reversed.
(c) Chief Academic Officer means, for this section, 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.E.1.3.
(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.

V.G. ACADEMIC APPEALS


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

V.G.1.2. Definitions
(a) Incapacity means the physical or mental inability to enter grades for the purpose of this
subsection V.G.1. only.

V.G.1.3. Bases for Academic Appeal
A student must meet one of four requirements in order to qualify to file an academic appeal. The student must have some evidence that there exists at the time of the appeal: (1) a
mathematical error in the grade’s calculation, (2) a deviation—by the instructor—from the
course syllabus or the College’s policy manual (this document), (3) disparate treatment of the
student not covered by EEO (e.g., race, color, sex, and etc.) policies, or (4) an inappropriate
academic misconduct penalty was imposed against a student. Any basis for appeal outside of
those four categories will not be considered and the College will simply inform the student of
this policy and refuse to process the appeal. An appeal will not be considered merely because the student is dissatisfied with a grade or disagrees with the instructor’s professional judgment of the quality of the student’s work or performance.

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

V.H. ACADEMIC STUDENT TRAVEL

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

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

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

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

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

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

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

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

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

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

**V.I. ACADEMIC FREEDOM AND RESPONSIBILITIES**

**V.I.1. 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.I. INSTRUCTIONAL CONTRACTS WITH OUTSIDE AGENCIES

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

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

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

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

V.I.2. Definitions
(a) Certificate Program means a credit or non-credit workforce education program designed for entry-level employment or for upgrading skills and knowledge within an occupation. Certificate programs typically serve as building blocks and exit points for an Associate of Applied Science (AAS) degree programs. They include fast track certification, level 1, level 2. At times a certificate may be post-degree as is the case for the Advanced Technical Certificate (ATC).
(b) **Community Service Course** means a course offered for recreational or avocation purposes unsupported by state funding.

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

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

V.J.3. Technical and Workforce Course Policy

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

V.J.4. Earning Credit or Continuing Education Units through Workforce Courses

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

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

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

V.J.5. New Certificate and Applied Associate Degree Program Requirements

The College must meet several requirements under the Guidelines for Instructional Programs in Workforce Education before the College may approve new certificate or applied associate degree programs. Those requirements include:

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

(b) The statement of assurances must certify that the THECB’s criteria for new programs have been met.
V.J.6. Revising Certificate and Applied Associate Degree Program Requirements
If the College wishes to revise an existing certificate or applied associate degree program, it must complete the procedures as outlined in the THECB’s Guidelines for Instructional Programs in Workforce Education (GIPWE).

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

(b) Faculty and staff must be approved by the post-secondary institution. Each individual must meet the minimum qualifications established by the THECB and the Southern Association of Colleges and Schools Commission on Colleges (SACS).

SECTON VI – STUDENTS

VI.A. ADMISSIONS

VI.A.1.1. Admissions Policy
The College is an open-enrollment community college system. It identifies, attracts, enrolls, and retains students reflecting the community’s diverse population. The College does not consider race, color, sex, age, sexual orientation, gender identity, gender expression, religion, ethnic or national origin, disability, veteran status, or any other protected status in admissions or educational programs.

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
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.A.2.1. Health Occupation Programs Admissions Policy
Health Occupation programs do not consider applications from Prospective Students not at least 18 years old at the time of the program application’s deadline—except that LSC-Tomball may honor a current contractual obligation with Klein ISD requiring the admission of students below the age of 18 years old. Any applicant that willfully misrepresents Material Information on the application will not be accepted or conditionally remain in a Health Occupation Program.
VI.A.2.2. Definitions

(a) Health Occupation Programs means programs identified by the College that prepare students to enter the healthcare industry. These programs include credit and non-credit programs.

(b) Prospective Students means a student who is seeking to submit an application and who is not officially accepted into the health occupation programs.

(c) Application Deadlines means the identified date provided and published by the health occupation program. Health Occupation Programs only consider applications fully completed by the Program’s application deadline.

(d) Material information means any information that the College reports to a third party—on behalf of the student—including but not limited to: hospitals, accrediting, or state agencies.

VI.A.2.3. Admission Grievance Policy
The Health Occupation Programs have competitive admission processes even though the College admits students through open enrollment. Admission denials include, but are not limited to: incomplete applications, misleading information, not meeting admission criteria, or lower admission scores that other cohort members. Students may appeal admission denials to the Program Director and then to the appropriate Dean. The Dean’s admission decision is final.

LSCS Policy Manual Section VI adopted by the Board of Trustees on April 4, 2019

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) ACP Participant means an adult who is enrolled in the Texas Attorney General’s Address Confidentiality Program (ACP) or any member of an ACP enrolled adult’s household.

(c) Adult means a person who is not a child, as defined in this section.
(d) In-District Texas Resident means—for this tuition and fee policy—a person who satisfies one of several circumstances.

1. An adult Texas resident living in the College’s taxing district boundaries on the census date in the semester in which the student enrolls.

2. 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.

3. Property owners, and their dependents, who pay the College’s property taxes and are Texas residents.

4. The College’s full-time employee’s immediate family members.

5. A Texas resident of the Acres Home Super Neighborhood attending the College’s Victory Center.

(e) 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.

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.

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.

(f) **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.

(g) **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.

The College generally does not require ACP Participants to disclose their physical addresses.
ACP Participants must submit a completed ACP Participant Affidavit and a valid authorization
card to their college’s Chief Student Services Officer to establish their residency and district
status. An ACP Participant may be required to comply with traditional address verification
requirements if his or her authorization card expires without proof of renewal.

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.

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
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
The College may waive all or part of tuition and required fees for Texas high school students enrolled in dual credit courses.

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 prior to the Official Day of Record for each session in a term and final payment by the last week of class. 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 inform 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
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 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.
   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**

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
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.
VI.B.4.04 Continued Receipt of Certain Exemptions and Waivers

For formula-funded courses, a student receiving certain mandatory or discretionary State of Texas exemptions or waivers from payment of all or part of tuition or other fees for enrollment may continue to receive the exemption or waiver for a subsequent semester or term only if the student maintains a grade point average that meets the College’s satisfactory academic progress standards regarding eligibility for financial aid.

For formula-funded courses, a student who fails to maintain a grade point average constituting satisfactory academic progress may receive certain exemptions or waivers in any semester or term by showing hardship or other good cause, including:

(a) a severe illness or other debilitating condition that could affect the student’s academic performance;

(b) that the student is responsible for the care of a sick, injured, or needy person and that the student’s provision of care could affect the student’s academic performance;

(c) the student’s active duty or other service in the United States armed forces or the student’s active duty in the Texas National Guard; or

(d) any other cause considered acceptable by the College.

LSCS Policy Manual Section adopted by the Board of Trustees on May 3, 2018

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.

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.

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**LSCS Policy Manual Section VI adopted by the Board of Trustees on March 3, 2016**

### VI.D. STUDENT WELFARE AND RIGHTS

#### VI.D.1. Non-Academic Student Travel

**VI.D.1.1. Policy**

The College provides equal opportunities to all students participating in courses, activities, and programs regardless of race, color, sex, age, sexual orientation, gender identity, gender expression, religion, ethnic or national origin, disability, veteran status, or any other protected
status. Section VI.D.1 applies to only to Non-Academic Student Travel as defined below.

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

VI.D.1.02 Definitions

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

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

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

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

VI.D.1.03 Non-Academic Student Travel
Students complete and submit Necessary Student Travel Paperwork at least five working days before the Non-Academic Student Travel. Commercial airlines, College-owned, -rented, or -leased vehicles, and commercial vehicles are approved transportation modes for Non-Academic Student Travel under this policy.

(a) College-provided Transportation. A driver transporting students in College-owned, -leased, or -rented vehicles must meet the following qualifications: (a) be a College employee approved by the Chief Student Services Officer, (b) have a valid driver’s license appropriate for the vehicle being driven, and (c) have a satisfactory driving record.
The driver must also ensure that passenger numbers do not exceed the vehicle’s designated passenger capacity—each passenger must be secured by a seat belt. A driver must not drive for more than three consecutive hours without taking a 15-minute break from driving. A driver may not read emails or text messages while driving students. A driver must obey all safety procedures and traffic laws.

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

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

**VI.D.1.04 Student Group Registration Eligibility**
A student group may register on the College’s campuses if (a) the student group does not deny membership because of race, color, sex, age, sexual orientation, religion, ethnic or national origin, religion, disability, veteran status, or any other protected status.; (b) the student group has a Student Organization Advisor; (c) its registration is not prohibited after disciplinary action; and (d) the College’s currently enrolled students and employees compose its membership. Alumni, faculty, and staff can serve as advisors by invitation.

**VI.D.1.05 Required Risk Management Training for Student Groups**
The College will provide a Risk Management Program for registered student organizations at least once each academic year. The College requires the Student Organization Representatives and its Student Organization Advisor(s) to attend. The College must record the program’s attendance and keep those records for at least three years after the program is held. Other student organization members may attend the program. Student Organization Advisors or Student Organization Representatives will brief the entire student organization on the program’s contents at the next full membership meeting.

**VI.D.1.06 Compliance with the College’s Policies**
Registered student organizations must comply with the College’s policies and procedures. The student organization’s activities and programs require Student Organization Advisor approval. Student organizations do not legally represent or bind the College. A registered student organization may use the College’s tax exemption number for its purchases relating to the
College’s tax-exempt educational purpose. Items for personal use are not exempt from sales tax.

VI.D.1.07 Violation of the College’s Policies
The College can charge a registered student organization with violating this policy and or the Student Code of Conduct. The organization and its Student Organization Representatives may be held responsible for violations during organization-sponsored events. The College holds student organizations and their Student Organization Representatives responsible for violations committed by a member representing the organization or associated with the organization.

Sanctions for student organization misconduct may include the College revoking the registered student organization’s status. Sanctions can also include those listed in Section VI.F.1. A student organization may appeal or proceed as an individual student might under Section VI.F.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
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
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 enjoy First Amendment protections on all premises subject to limited exceptions. Student expression remains protected by the First Amendment and may not be abridged unless, in the Chancellor’s or a designee’s view, the speech is disruptive, College-sponsored, promotes illegal drug use, or the regulation remains viewpoint- and content-neutral.

With the exceptions stated above, the College shall take no action respecting a religion’s establishment, nor will the College prohibit religion’s free exercise. The College will not abridge speech, the press, peaceful assembly, or grievance petitions. Students distributing literature, displaying signs, petitioning for change, and sharing information concerning issues of public concern are protected by the First Amendment. Students also maintain their rights against unreasonable searches and seizures as provided herein.

VI.D.10.02 Definitions

(a) **College-sponsored** means the College’s publications, theatrical productions, and other expressive activities that students, parents, and members of the public might reasonably perceive to bear the College’s approval and license. These activities may fairly be
characterized as part of the College curriculum, whether or not they occur in a traditional classroom setting, so long as they are supervised by employee-advisors and imparting particular knowledge or skills to student participants and audiences.

(b) **Disruptive** means substantially disrupting or materially interfering with the College’s central mission of educating students. This definition does not include action that merely presents the possibility of discomfort or unpleasantness that always accompanies an unpopular viewpoint.

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

(d) **Student** means any person registered to attend College courses or classes. This definition includes individuals enrolled in non-credit classes, including but not limited to, continuing education, GED, or ESL classes.

(e) **Viewpoint- and Content-Neutral** means speech policies or procedures that regulate speech without consideration for the speech’s content, such as regulations regarding speech’s time, manner, and place.

**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 VI.D.12.

**VI.D.10.04 Student Interviews and Emails**
The College respects a student’s privacy rights. But the College can interview students on a matter to protect the College’s overall welfare.

(a) **Email Confidentiality.** The College cannot guarantee the privacy or confidentiality of electronic documents, and any messages that are confidential should probably not be communicated over email. The College reserves email-access rights during routine computer maintenance and housekeeping, carrying out internal investigations, preparing public records responses, or disclosing messages, data, or files to law enforcement authorities.

(b) **Email Records.** Messages sent as email should meet the same standards for distribution or display as tangible documents or instruments. As with all records the College maintains, as required by law, files saved on the College’s information system or servers, including email, may be released after a public information act request.

**VI.D.10.05 Warrantless Search**
The College’s officials have limited authority to search a student’s person or property without a warrant as follows: (a) any prohibited item within “plain view” can be seized; (b) personal property may be searched, if probable cause exists, and only if exigent circumstances justify
not obtaining a search warrant; (c) areas such as lockers and desks, which the College owns and
operates may be searched by the College officials when they have reasonable suspicion to
believe that stolen items or items prohibited by law or by this policy are contained in the area
to be searched; and (d) stolen items and items which are forbidden by this policy or law may be
impounded and used as evidence in internal College disciplinary proceedings against the
student.

VI.D.11. Students with Disability Rights

VI.D.11.01. Policy
The College recognizes and supports the principles set forth in federal and state laws designed
to eliminate discrimination against qualified individuals with disabilities. The College
believes in equal access to educational opportunities for all individuals. The College
is committed to making reasonable accommodations, including furnishing auxiliary aids and
services, for qualified individuals with disabilities as required by law. For purposes of this
policy section, accommodation requests also mean requests for auxiliary aids and services.

The College shall communicate and make available the procedures for the prompt and
equitable implementation of reasonable accommodations for qualified individuals.

VI.D.11.02. Student Responsibility to Request Accommodation
Students with disabilities have the right to an equal opportunity to participate in and benefit
from College services, programs, facilities or activities. Students are responsible for
identifying themselves as individuals requesting accommodation based on a qualifying
disability each semester. Students shall direct accommodation requests to one of the College’s
Disability Services Offices. While the College accepts accommodation requests throughout
each semester, students are strongly urged to submit accommodation requests at least four
weeks before each semester starts. The College has a two-step process to reasonably
accommodate students with qualifying disabilities. Students must actively participate in this
process. The two steps are (a) certifying the student’s qualifying disability and (b) determining
the student’s reasonable accommodation.

Students certified as having a qualifying disability are eligible for accommodation and will
engage in a collaborative process with the Disability Services Office to determine their
reasonable accommodation. An accommodation will not be considered reasonable if it
fundamentally alters the nature of a service, program, facility, or activity of the College. The
College is not required to lower or substantially modify program standards or codes of
conduct. Students using their accommodation shall notify the applicable instructors of the
accommodation once determined. Students receiving accommodation shall be evaluated based
on their ability, not disability.
VI.D.11.03. Requests for Reconsideration or Revision of Accommodations and Discrimination Complaints

(a) Reconsideration or Revision of Accommodations. Students may appeal denied accommodations or College-proposed accommodations. Students may also request accommodation revision during the semester. Each Disability Services Office evaluates appeal and revision requests for its college campus. Students should appeal accommodation denials or College-proposed accommodations within two weeks. Students requiring accommodation revision anytime during the semester should submit a request as soon as possible. Students may appeal Disability Services Office decisions to the Executive Director of Disability Services. Students may also file a complaint at any time with the regional Office of Civil Rights at the U.S. Department of Education or through the civil court system.

(b) Discrimination Complaints. Students who believe they are unlawfully discriminated against on the basis of disability are encouraged to report the incident to the Disability Services Office and or in the manner described in Section VI.D.12 (Student Civil Rights Complaints). Students may also file a complaint at any time with the regional Office of Civil Rights at the U.S. Department of Education or through the civil court system.

(c) Prohibition of Retaliation or Coercion. No College community member shall discriminate against any individual because that individual has opposed any act or practice made unlawful by the applicable laws, or because that individual submitted a complaint or 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.

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

VI.D.12 Civil Rights Complaints

VI.D.12.01 Policy
The College provides equal treatment and educational opportunities to all persons without regard to race, color, sex, age, sexual orientation, gender identity, gender expression, religion, ethnic or national origin, disability, veteran status, or any other protected status. Any student experiencing discriminatory treatment or civil rights violations, aside from Sexual Violence or Title IX Harassment addressed in Section IX (Sexual Misconduct), may submit a civil rights complaint under this section.

Nothing in this policy section limits a Campus Peace Officer from inquiring into the immigration status of a person under lawful detention or arrest.

LSCS Policy Manual Section adopted by the Board of Trustees on October 5, 2017

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. If the investigation reveals a student committed a civil rights violation, action will be taken under this policy’s Section VI.F.1.

VI.D.12.04 Prohibition on Retaliation
The College’s policy prohibits any College employee from retaliating against a student for
submitting a student’s civil rights complaint. The College’s policy forbids retaliating against any person who submitted a civil rights complaint. The College's policy also forbids retaliating against anyone who helps investigate such a complaint. A complaint’s actual or perceived truth does not excuse retaliatory conduct. Any person who observes retaliation should promptly notify the applicable Chief Student Services Officer or President.

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

VI.D.13. Student Organizations

VI.D.13.01. Policy
The College provides equal opportunities to all students participating in student organizations regardless of race, color, sex, age, sexual orientation, religion, ethnic or national origin, disability, veteran status, political, philosophical, ideological, or academic viewpoint,\(^{18}\) or any other protected status. The College cannot deny a student group registration because of the group’s views. Additionally, the College allows Student Organizations and faculty to invite speakers subject to Viewpoint- and Content-Neutral speech restrictions.\(^{19}\)

VI.D.13.02. Definitions

(a) **Risk Management Program** means a program that discusses the following topics: (1) possessing and using alcoholic beverages or illegal drugs, including penalties that may be imposed for possessing either substance; (2) hazing; (3) sexual harassment; (4) fire and other safety issues, including possessing and using a firearm, other weapon, or explosive device; (5) traveling outside the College’s location area; (6) behavior at parties and other events held by a student organization; and (7) adoption by a student organization of a risk management policy.

(b) **Student Organization** means any organization that is composed mostly of students enrolled at the College and that receives a benefit from the College.\(^{20}\)

(c) **Student Organization Advisor** means a person who (1) serves in an advisory capacity to a student organization and its members, (2) has aged at least 21 years, (3) is not a student at the College, and (4) is the College’s full-time employee or a part-time employee expressly authorized by a college president to serve in the appointed, volunteer capacity.

(d) **Student Organization Representatives** means the following four officer positions, or similar officer positions: the president, vice president, secretary, and treasurer.

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\(^{18}\) Tex. Educ. Code § 51.9315(g).


VI.D.13.03. Procedures
The Chancellor will develop and publish procedures to effectuate this policy.

LSCS Policy Manual Section VI adopted by the Board of Trustees on October 6, 2022

VI.E. STUDENT RESPONSIBILITIES

VI.E.1. Non-Academic Student Code of Conduct

VI.E.1.01 Policy
The College provides a safe and responsive learning environment for all students. The College achieves that environment by enforcing the Lone Star College System Non-Academic Student Code of Conduct. The Non-Academic Student Code of Conduct applies to all students enrolled in a credit or non-credit course at the College. It also applies to all online-only and hybrid students.

VI.E.1.02 Definitions

(a) Prohibited Computer Use can take many forms—especially in a fast developing industry—but the following list should allow students to understand the types of uses that are specifically prohibited. The following list is not a complete list, but does provide some illustrative examples for students to appreciate in using the College’s computers or its systems.

1. Intentionally disrupting the access of other students, faculty, or staff to the College’s digital or electronic resources;

2. Knowingly obtaining access to a computer account, identification number, or password assigned to another student, faculty member, staff member, or college office without authorization;

3. Knowingly using an account, identification number, or password belonging to another student, faculty member, staff member, or College office for other than its 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;
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6. Displaying or transmitting messages, images, or cartoons that are sexually explicit or that demean a person on the basis of race, ethnicity, gender national origin, disability, or religion;

7. Using the College’s e-mail or other computer resources for commercial purposes or for personal financial gain; or

8. Intentionally overloading the College’s computer resources.

Access to the College’s e-mail and similar electronic communication systems remains a privilege extended to current employees, students, and affiliates in good standing. The privilege of access ends with the termination of employment, the failure to re-enroll in a College educational program, or disciplinary sanctions. This definition includes unauthorized access based on previous standing with the College.

(b) College-sponsored activity means events and activities initiated by a student, student organization, college department, faculty member, or other employee, which meet one of the following conditions.

1. The College hosts the event or activity on its premises.
2. The College expressly authorizes, aids, supervises, or conducts the event or activity.
3. The College funds any portion of the event or activity.
4. The College’s registered student organizations initiated, conducted, or promoted the event or activity in the organization’s or College’s name

(c) Prohibited weapons include:

1. Firearms (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use).
2. Ammunition.
3. An explosive weapon (any explosive or incendiary device, bomb, grenade, rocket or mine designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, and includes a device designed, made or adapted for delivery or shooting an explosive weapon).
4. An illegal knife (knife blade over 5½ inches; hand instrument designed to cut or stab another by being thrown; switchblade knife; dagger; bowie knife; sword; or spear).
5. A taser (any weapon firing barbs attached by wires to batteries, causing temporary paralysis).
6. Knuckles (any instrument consisting of finger rings or guards made of a hard substance designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles).

7. A chemical dispensing device (device other than a small chemical dispenser sold commercially for personal protection, designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being).

8. A zip gun (a device or combination of devices that was not originally a firearm adapted to expel a projectile through a smooth-bore or rifle-bore barrel by using the energy generated by an explosion or burning substance).

9. A club (instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk).

(d) Prohibited items include:

1. Any self-balancing motorized boards (segways or hoverboards), unless specifically authorized by the Chancellor or his or her designee.

2. Any unmanned aerial vehicles (drones), unless specifically authorized by the Chancellor or his or her designee.

(e) Student means any person (1) registered with the College, (2) who the College has accepted for admission, or (3) who intends to attend the College.

(f) Hazing means any intentional, knowing, or reckless act directed against a student that endangers the student’s mental health, physical health, or safety. A student organization cannot require such acts to initiate, affiliate, appoint, or maintain membership in any student organization. Whether the act occurs on or off the College’s property remains irrelevant.

VI.E.1.03 Non-Academic Code of Conduct

Non-academic misconduct can occur in many different ways. The list below presents some examples of non-academic misconduct. The list does not contain every conceivable example of non-academic misconduct. The College publishes this list only giving students examples of the types of conduct that might qualify as non-academic misconduct.

(a) Disrupting, obstructing, or interfering with College activities, access to college facilities, or college-sponsored activities.

(b) Physically or psychologically abusing, threatening violence, making terroristic threats, stalking, or harassing the College’s members or visitors. This includes oral and electronic threats.

(c) Using, possessing, or storing any weapon, dangerous chemical, ammunition, or explosive element regardless of whether the possessor holds a federal, state, or other license.
(d) Using a simulated weapon, explosive, or ammunition, in an assault or battery.

(e) Operating a self-balancing board within College buildings.

(f) Unauthorized operation of unmanned aerial vehicles within College premises, which includes College parking lots. Only the Chancellor or his or her designee can authorize operation of unmanned aerial vehicles within College premises.

(g) Using electronic cigarettes, vaporizers, or battery-powered inhalation device within College buildings.

(h) Initiating or inducing a false report with the College.

(i) Misusing or damaging fire safety equipment. Tampering, misusing, damaging, or playing with fire extinguishers, smoke detectors, exit lights, emergency lights, fire alarms or doors, or other similar equipment.

(j) Engaging in prohibited computer use.

(k) Violating the terms of any disciplinary action.

(l) Inducing or participating in hazing.

(m) Violating any College policy, procedure, regulation or rule.

(n) Unlawfully possessing, using, selling, administering, or distributing alcoholic beverages, illegal or controlled substances, designer drugs, or drug paraphernalia.

(o) Littering, damaging, defacing, removing21, 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 (not including the College’s common outdoor areas)\(^{22}\) or equipment.

(y) Causing false information to be presented before any College administrative proceeding, or intentionally destroying evidence relevant to such a proceeding.

(z) Failing to comply with the direction of College officials, including campus security officers acting in the performance of their duties.

(aa) Abandoning a child in any place on the College’s premises without providing reasonable and necessary care for the child.

Attempting to commit acts prohibited in this Non-Academic Code of Conduct, or encouraging or assisting others to commit such acts is prohibited and may be punished to the same extent as if one had committed the prohibited act.

VI.E.1.04 Classroom Misconduct
The College recognizes and encourages distinct views in the learning process. Differing viewpoints, however, must be part of the learning process—not detract from it. Individual faculty members set appropriate conduct standards at the start of each class or course. Students who disrupt a classroom, and are warned by the instructor, may be asked to leave the classroom. A student refusing to leave a classroom after being asked to do so by the instructor may be removed by the College’s Police Department. The instructor must submit a written report documenting the incident to the Chief Student Services Officer. The report must include the date, time, place, and describe the circumstances of the classroom disruption.

VI.E.1.05 Off-Campus Activities
Students are not under the College’s control when not on the College’s property or when such students are not participating in a College-sponsored activity. The College assumes no responsibility for the off-campus activities or its students’ personal conduct. Students who break the law risk the related consequences of so doing. The College may, however, take disciplinary action against students whose conduct at a non-college-sponsored event poses a serious and substantial danger to any student.

VI.E.1.06 Professionalism
Students assigned to healthcare or other facilities, as part of clinical courses or serving in internships as part of a course, are expected to behave in a professional manner. Students must adhere to professional norms for the particular professional field. A student’s performance evaluation includes a professional conduct component.

\(^{22}\) See Tex. Educ. Code §§ 51.9315(c)(1)–(2).
VI.F STUDENT DISCIPLINE FOR NON-ACADEMIC MISCONDUCT

General Provisions

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.F does not apply to matters addressed by Section IX.

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.

(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.

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.

**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.

**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.

**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.

**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.

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.

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.

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

VI.G STUDENT RECORDS

VI.G.1. Student Records
The College will comply with the Family Educational Rights and Privacy Act of 1974 (FERPA) when collecting, maintaining, and releasing student records. Students have rights regarding their records.

(a) The right to inspect and review their education records within 45 days of the College’s receipt of a written request for access.

(b) The right to request amendment of the student’s education records if the student believes the records are inaccurate, misleading, or violate the student’s privacy rights.

(c) The right to provide written consent before the College discloses personally identifiable information from the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

(d) The right to file a complaint with the Family Policy Compliance Office, U.S. Department of Education, concerning alleged failures by the College to comply with the requirements of FERPA.

Directory Information. The College collects directory information regarding each student. Directory information includes the student’s name, classification, full or part-time enrollment, program of study, dates of enrollment, degrees and certificates received, and awards and honors received. The College may release directory information without the student’s consent unless the student requests that the College not release directory information. A student may make such a request to the Office of Student Records or by updating their MyLoneStar settings.

Limited Directory Information. The College also collects the student’s address, telephone number, and email, which the College classifies as Limited Directory Information. Only College Partner Organizations can request a student’s Limited Directory Information. The
College may release Limited Directory Information to College Partner Organizations without the student’s consent unless the student requests that the College not release this Limited Directory Information. A student may make such a request to the Office of Student Records or by updating their MyLoneStar settings. The Associate Vice Chancellor of Analytics and Institutional Reporting maintains an updated list of approved College Partner Organizations.

SECTION VII – LEGAL AFFAIRS

VII.A. OFFICE OF THE GENERAL COUNSEL

VII.A.1. Policy
The Office of the General Counsel (“OGC”) provides legal services to the College. The General Counsel serves as the College’s chief legal officer. OGC protects the College’s interests by providing responsible legal advice. OGC employs all appropriate means to protect and advance the College’s legitimate rights, claims, and objectives. The relationship between OGC and the College is that of attorney and client. OGC manages outside legal counsel and related service providers for the College. OGC does not provide legal advice or representation to College officers, employees, or agents on personal legal matters. To the extent that the College’s legal interests are not aligned with the legal interests of College employees, OGC represents only the College. OGC is the ultimate arbiter of Board Policy as between the various officers and employees of the College when an opinion cannot be rendered by or solicited from the Chancellor or the Board of Trustees.

VII.A.2. Definitions
(a) Legal Opinion means any formal request for a recommendation or interpretation regarding the application of any legal authority to the College, including the legal advantages and disadvantages of proposed College actions.

VII.A.3. Contract Management
All College contracts must be in writing and require OGC review. The College will comply with Texas Education Code § 51.9337(d) or any successor statute. OGC maintains a registry of written authority delegations. Position vacancies nullify written authority delegations.

VII.A.4. Requests for Legal Opinion
Legal opinion requests should be submitted to OGC. Requests for legal opinions from the Board of Trustees should be directed to the Office of the Chancellor and to OGC.

VII.A.5. Litigation
The Chancellor delegates authority to OGC to manage College litigation.
VII.A.6. Privacy
The College strives to ensure that confidential information is effectively managed and protected in accordance with applicable laws and regulations. The General Counsel serves as the College’s chief privacy officer. The chief privacy officer collaborates with various College divisions in creating and issuing confidential information guidelines, required privacy notices, safeguards, and controls regarding the release, use, display, and transmission of confidential information.

VII.A.7. Procedures
The Chancellor or designee may adopt procedures to implement this Section VII.

SECTION VIII – INFORMATION SECURITY

VIII.A.1.1. Information Security Policy
The College preserves Information security, confidentiality, integrity, and availability. The College employs a risk management philosophy that ensures all Information is identified, valued, assessed for risk, and protected, consistent with the College’s needs. Improper Information disclosure, modification, or destruction may harm the College’s mission-supporting operations. The College therefore engages a hierarchical set of industry best practices and frameworks that help users and administrators define and mitigate risks, maintaining a trade-off between information value and the cost of risk mitigation.

Users are responsible for acceptable use. All users must abide by the College’s Information policies, procedures, and standards, as an access condition. Failure to do so may result in immediate and unconditional complete or partial access termination, without prior notice. The user may be subject to disciplinary actions and or criminal prosecution, where applicable. Section VIII controls as regards Information security, confidentiality, integrity, and availability.

VIII.A.1.2. Definitions
(a) Information means definable data stored in any manner recognized as valuable to the organization.

(b) User means the person accessing Information for the purposes of generating, sending, receiving, storing, viewing, controlling, managing, or otherwise processing the content of the Information.

(c) IT Systems means all computer systems, programs, networks, hardware, intellectual property, databases, operating systems, Internet websites, website content and links, and equipment used to process, store, maintain, and operate data, information and functions used in, intended to be used in, or held for use in the College’s day-to-day business.
VIII.A.1.3. Policy Scope
This Section covers all Information transmitted using the College’s resources. Transmission methods include the following non-exhaustive list: electronic media; social media; desktop and laptop computers; servers; network infrastructure; telephones; facsimiles; printers; and mobile computing devices. This policy applies to all individuals and processes that access, view, use, or control College Information. Covered individuals include, but are not limited to, faculty, staff, students, volunteers, contractors, university and K-12 partners, and any other groups, entities or individuals using College resources.

VIII.A.1.4. Prohibited Use
The College prohibits Users from engaging in the following when using College resources:

(a) Anonymous or forged email messages.

(b) Unauthorized attempts to access another person’s email or similar electronic communications; use of another’s name or email address; or sending unauthorized email or similar electronic communications. This includes when another person’s data is stored on LSC equipment or authorized data storage sources.

(c) Using College email or any other College-owned Information transmission method for commercial purposes or personal financial gain.

(d) Attempted or actual access to any restricted computing resource without authorization.

(e) Transmitting copyrighted materials without the written permission of the author or creator through College email or any other College-owned Information transmission method in violation of U.S. copyright law.

(f) Using College email or any other College-owned Information transmission method in a manner that disrupts the College’s work or educational mission, such as improper access and use of College global email address lists or other messaging.

(g) Using College computing resources to store, download, upload, display, print or email computer images that constitute obscene materials as defined by Texas Penal Code § 43.21, regardless of whether such information is related to or required for a specific educational course or research directly related to an educational program.

(h) Displaying or transmitting messages, images, cartoons, or other displays that are sexually explicit or demean a person on the basis of race, ethnicity, sex, national origin, disability, religion, or sexual orientation.

(i) Uploading or downloading confidential or proprietary College data or College-work product to an unauthorized cloud service is prohibited. Authorized cloud services are third party vendor services with which the College has entered into a contract.
(j) Sharing your individual account, password, or other authentication means.

(k) Attempted or actual access to compromise any College or external computer resource via unauthorized access and or in an unauthorized manner.

(l) Removing installed computer management software or security-related software (e.g., antivirus software). This includes installing software that conflicts with College-installed security software or overriding such software.

(m) Attempting to circumvent or subvert the College’s Information system’s security measures. This includes (1) password decrypting or cracking tools; (2) Denial of Service or Distributed Denial of Service; (3) harmful activities (e.g., IP spoofing, port scanning, disrupting services, damaging files, or intentional destruction of or damage to equipment, software, or data); (4) unauthorized access (e.g., using another user’s account, using a special purpose account, escalating own privileges); or (5) unauthorized monitoring (e.g., keyboard logging, network packet capturing). This does not preclude the use of security tools by appropriately authorized personnel.

VIII.A.1.5. User Responsibilities
The Office of Technology Services (OTS) creates security controls and procedures that appropriately and reasonably prevent, detect, contain, and identify risks to Information confidentiality, integrity, and availability. Users, however, are also responsible for protecting the College’s Information.

Specific Responsibilities. (1) Users must uphold Information confidentiality and integrity of all Information in their control; (2) Users are prohibited from accessing, copying, altering, or destroying anyone else’s information without proper authorization; (3) Users are individually responsible and accountable for any use of their account and password. (4) Uniquely identifiable information (i.e., passwords) should not be shared under any circumstances; (5) Users cannot run, or otherwise configure, software or hardware that intentionally allows unauthorized access to College Information resources; (6) any IT System created within the College environment must be reviewed by the College’s Information Security Officer (ISO) for security standards, data classification ranking, and by OTS Technical Service for hardware requirements, capacity planning, and ongoing support the hardware and application.

(a) Confidentiality. The College cannot guarantee the privacy or confidentiality of electronic documents, messages, or information. A person that requires such assurances should not communicate over unsecured, shared networks and or via the email system.
(b) Message Standards. 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 College, and to the extent required by law, files saved as College Information, including email, may be subject to public disclosure in response to a public information request.

(c) Overloading. The College may intercept and stop email messages, computer programs, or websites, which have the capacity to overload any computer resource. Overloading encompasses use of computational resources, such as bandwidth, disk space, or CPU time that adversely impact the College’s information assets.

(d) Electronic Signatures. A User authorizes use of their electronic signature by signing on to the College’s network with valid College credentials.

VIII.A.1.6. Email Privileges
Access to College Email is a privilege—not a right—generally extended to current employees, students, and former College retired employees that are in good standing. Email services may be revoked when employment ends, during administrative leave, for violating policies or procedures, or with the failure to re-enroll in a College educational program. The College may access the email system to engage in routine computer maintenance and housekeeping, carry out internal investigations, prepare responses to requests for public information, disclose messages, data, or files to law enforcement authorities, or for any other legitimate business purpose.

VIII.A.1.7. Logging Information
All access to networked systems must be logged. When determined to be critical to the College, transaction logging 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—logging requirements and availability must be considered. Requirements for logging data must be clearly established as system, architectural, technical, or network designs.

VIII.A.1.8. Safeguarding Information
The Chancellor, or designee, serves as the Information Security Officer (ISO). The ISO is responsible for assisting in governance, creating procedures, identifying roles and responsibilities, risk assessment, awareness, and communicating the Information security program. The ISO, through the Office of Technology Services, is responsible for establishing strategies for implementing and enforcing security policies and for advising on security-related issues.
(a) **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 essential business functions continue to operate during and after a disaster. OTS is responsible for the College’s Disaster Recovery. Business Continuity Plans must be developed with requirements based on 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 college and administrative unit is responsible for their respective Business Continuity Plans.

(b) **Incident Response.** Incident Response is a predefined response process that establishes information security requirements if an unplanned computer system event occurs, including network intrusions, denial of service, computer virus outbreaks, and other outages that negatively impact the availability of College systems, applications, and or information assets. Information security incident response procedures must include, but are not limited to, the following: (1) specific roles and responsibilities; (2) key contact information; and (3) high-level guidelines for investigating, documenting, and reporting security incidents.

(c) **Third Party Access.** Access to College Information systems by third parties (i.e., contractors, partners, vendors, lessees) requires appropriate controls. All third parties that have access to College Information must comply with College information security policies and may be required to show proof of such compliance at any time.

(d) **Security Audits.** The ISO conducts periodic reviews and revisions of security controls, policies, and procedures. Additionally, the ISO periodically assesses Information technology systems and processes to ensure that evolving risks are appropriately addressed.

(e) **Privacy Officer.** The General Counsel is the College’s Privacy Officer. The Privacy Officer issues guidelines regarding use of social security numbers, educational records, health care information, customer information, and other confidential information, in accordance with all applicable laws. Each college and administrative unit is responsible for adhering to these guidelines. The Privacy Officer will revise guidelines whenever necessary to conform to changes in applicable law or regulations.

(d) **Training.** The College shall ensure that employees are properly trained as regards Information security.

**VIII.A.1.9. Policy Variance or Exception**
OTS has a process for variances and exceptions.

**VIII.A.1.10. Procedures**
The College’s Chief Information Security Officer may effectuate this Policy via Chancellor Procedures.
SECTION IX – SEXUAL MISCONDUCT

IX.A. Sexual Misconduct

IX.A.1.1. 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.23 The College will assist in filing a report with law enforcement if a complainant requests assistance.24 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.25 The College shall review and update this policy as required by law. 26

IX.A.1.2. Official with Authority27
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.28 Students may speak with the Title IX Coordinator confidentially concerning sexual misconduct.29 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.1.3. 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.30

(a) Clery Act/VAWA Sex Offenses.31 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

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24 Id.
25 Id. § 51.282(a)(1)(E)(i); 19 Tex. Admin. Code § 3.4(a).
27 Title IX Regulations, Preamble, at 50–51.
31 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.
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.32

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.33

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.34

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.35

32 20 U.S.C. § 1092(f)(6)(A) (citing 34 U.S.C. § 12291(a)(10)) (“The term ‘dating violence’ means violence committed by a person-- (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.”)
33 Id. § 1092(f)(6)(A) (citing 34 U.S.C. § 12291(a)(8)) (“The term ‘domestic violence’ includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.).
34 Id. § 1092(f)(6)(A)(v) (“The term ‘sexual assault’ means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.”).
35 Id. § 1092(f)(6)(A) (citing 34 U.S.C. § 12291(a)(30)) (“The term ‘stalking’ means engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.”).
(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.36

(c) **Consent.**37 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.38

(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;39 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.40

(e) **Respondent.** Respondent means an individual who has been reported to be the alleged perpetrator of conduct that could constitute sexual misconduct.41

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36 34 C.F.R. § 106.30 (“A ‘complainant’ is a person who is alleged to be the victim of sexual harassment irrespective of whether a formal complaint has been filed.”).

37 Title IX Regulations, Preamble, at 363 (“The Department believes that the definition of what constitutes consent for purposes of sexual assault within a recipient’s educational community is a matter best left to the discretion of recipients,…”).

38 Consent must be defined in “a statement of policy.” 20 U.S.C. § 1092(f)(8)(B)(i)(1)(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.”).

39 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).

40 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.”).

41 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).
(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 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.42

(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.43

(i) **Title IX Sexual Harassment:** Title IX 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.44 The alleged behavior must occur in a College educational program or activity and within the United States.45

**IX.A.1.4. 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.

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42 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).

43 34 C.F.R. § 106.30.

44 Title IX Regulations, Preamble, at 31–32.

45 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.”).
(a) Reporting Sexual Misconduct 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.

2. Employees. A College employee who, in the course and scope of employment, witness 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.

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46 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).
47 34 C.F.R. § 106.8(a).
48 Tex. Educ. Code § 51.251(4) (An “employee” does not include a student enrolled at the College).
49 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).
50 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).
52 34 C.F.R. § 106.44(a).
53 Supportive Measures may be instituted regardless of whether a complaint was filed. 34 C.F.R. § 106.30.
55 34 C.F.R. § 106.44(c).
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.\(^{57}\) Informal resolution may not be used to resolve sexual misconduct allegations where an employee is a respondent.\(^{58}\)

(c) **Notices.** The College will provide written notices to the parties and their advisors once identified.\(^{59}\)

(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.\(^{60}\) The College may consolidate complaints in appropriate circumstances.\(^{61}\)

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.\(^{62}\)

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.\(^{63}\)

(e) **Investigation Report and Response.** The College will complete an investigation report after concluding the investigation and provide the report to the parties.\(^{64}\) The parties will have the opportunity to respond in writing to the investigation report.\(^{65}\)

(f) **Advisor.** Parties have the right to consult with an advisor of their choosing.\(^{66}\) The advisor may be any person, including an attorney, who is not a party or witness involved in the investigation.\(^{67}\) A party may be accompanied by his or her advisor to any meeting or

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57 34 C.F.R. § 106.45(b)(9)(i)–(ii).
58 Id. § 106.45(b)(9)(iii).
59 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).
60 Id. § 106.30.
61 Id. § 106.45(b)(4).
62 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).
63 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).
64 34 C.F.R. § 106.45(b)(5)(vii).
65 Id. § 106.45(b)(5).
66 Id. § 106.45(b)(5)(iv).
67 Id. § 106.45(b)(5)(iv), (b)(6)(i) (distinguishing between advisors and parties).
proceeding related to a complaint under this policy.68 The advisor may not obstruct any sexual misconduct proceeding but may advise his or her client as needed.69 Only the advisor may ask cross-examination questions if a hearing is held.70 The parties are not permitted to cross-examine each other.71 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.72

(g) Dismissal. The College may dismiss the complaint or any allegations under it, if at any time during the investigation or hearing the College determines that: (1) there is no actionable sexual misconduct;73 (2) a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the complaint or any allegations under it;74 (3) the respondent is no longer employed by the College;75 (4) specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the complaint or allegations under it;76 or (5) any other reason permitted by applicable law. The College shall send written notice of the dismissal simultaneously to the parties.77

(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.78

1. Evidentiary Standard. A preponderance of the evidence standard must be used in any result proceeding under this section.79

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;80 (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.

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68 Id. § 106.45(b)(5)(iv).
69 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").
70 Id. § 106.45(b)(6)(i).
71 Id.
72 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).
73 34 C.F.R. § 106.45(b)(3)(i).
74 Id. § 106.45(b)(3)(ii).
75 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).
76 34 C.F.R. § 106.45(b)(3)(ii).
77 Id. § 106.45(b)(3)(iii).
78 Id. § 106.45(b)(5)(vii).
79 Id. § 106.45(b)(1)(vii) (the College may select preponderance of the evidence or clear and convincing).
80 34 C.F.R. § 106.45(b)(6)(i).
3. **Decision.** If a hearing occurs, the decision-maker will render a decision following the hearing. 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.

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. The Chancellor’s decision will be final.

(i) **Potential Sanctions and Remedies.** The College shall determine the appropriate sanctions and or remedies if the investigation or hearing reveals sexual misconduct. The sanction and or remedy may vary depending on the respondent’s status.

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.

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.

3. **Third Parties:** The College will take appropriate action, including immediate severance and termination of any contractual or business relationships.

(j) **Retaliation Prohibited.** 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. No College community member may retaliate against a person

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81 Id. § 106.45(b)(7)(i) (“The decision-maker . . . must issue a written determination regarding responsibility.”).

82 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.

83 34 C.F.R. § 106.45(b)(1)(i)–(x).


85 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”).

86 Id.

87 Id.

88 Id.

89 Id.

90 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).

91 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.
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.92

(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.93 The College will not discipline good-faith student complainants or student witnesses of sexual misconduct for Board Policy violations disclosed during the proceedings.94

(l) **Privacy.** The College supports the parties’ privacy interest in sexual misconduct cases. Except for disclosures required by law, the College will release information regarding such cases only to the parties, their advisors, and to individuals responsible for preparing the College’s response.95

**IX.B. Convicted Sex Offender Registration**

**IX.B.1.1. 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 October 6, 2022*