



## **POLICIES & PROCEDURES MANUAL**

### **PURPOSE**

The Angelina College Policies and Procedures Manual contains the policies and regulations governing College District operations. The Board of Trustees and the administration make every effort to maintain policies, regulations, and procedures contributing to the success, strength, and stability of Angelina College. New policies and procedures and changes to existing policies and procedures are adopted to accommodate current best practices and continuous improvement; to comply with changes in laws, regulations, or accreditation standards; or to respond to operational issues.

### **ORGANIZATION**

As adoptions or changes occur, two identical versions of the Manual will be maintained. The official copy will be in the College President's office, and an electronic copy will be available for day-to-day use on the College District's website.

Each policy and regulation is identified according to an alphabetical code in the upper right corner of the page. The issue date of the policy or regulation is noted in the lower left corner with a place for the adoption date for policies. There are seven sections, each devoted to a separate area of College District governance:

- A – Basic District Foundations
- B – Local Governance
- C – Business and Support Services
- D – Personnel
- E – Instruction
- F – Students
- G – Community and Governmental Relations

### **LOCAL POLICIES**

Local policies govern the College District and meet the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) governance requirements. Only the Board of Trustees may adopt or amend a Local Policy. Local policies are identified by the designation "LOCAL" directly below the alphabetical code in the upper right corner of each page.

### **LEGAL POLICIES**

The legally referenced policies track the language of the U.S. and Texas Constitutions, federal statutes, the Texas Education Code and other Texas law, Attorney General opinions, Texas Higher Education Coordinating Board rules, the Texas Administrative Code, and other sources of authority defining governance of public community college districts in the state of Texas. Policy statements that cite court cases or Attorney General opinions stand only for the specific statements in the policy and do not otherwise implicate the entire opinion. Such citations are provided only for reference; no other meaning is implied or intended. All legally referenced policies have the designation "LEGAL" in the upper right corner of each page directly below the alphabetical code.

### **REGULATIONS**

The Board of Trustees delegates to the College President the express authority to adopt regulations and procedures for the operation and administration of the College District. Regulations and procedures are not formally adopted by the Board of Trustees. Administrative regulations or

procedures are identified by the designation “REGULATION” directly below the alphabetical code in the upper right corner of each page.

## EXHIBITS

Exhibits are pages with forms, notices, and more information that are used by the College District; some exhibits are promulgated by legal authority. Although not formally adopted by the Board, exhibits are included in the College District’s manual to assist in the implementation of policy and regulations. Exhibits have the designation “(EXHIBIT)” directly below the code in the upper right corner. Multiple exhibits under the same code are usually preceded by a cover page listing the various exhibits.

## BOTTOM NOTES

Bottom notes indicate the adoption date of a policy, or the issuance, or review date of regulations and procedures. The complete Policy and Procedures manual was reviewed and recoded by The Board of Trustees in March 2005.

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## **DISTRICT LEGAL STATUS AND HISTORY**

### **SECTION ONE: LEGAL STATUS**

- 1.01** Angelina College is a public county junior college pursuant to Education Code 130.004(a). The College derives its legal status from the Constitution of the state of Texas (Texas Constitution, Art. VII), and from the Texas Education Code as passed and amended by the Texas Legislature.
- 1.02** All authority not vested in the Texas Higher Education Coordinating Board or the Texas Education Agency by Texas law is reserved and retained locally in the College or in the Board of Trustees (Education Code 130.002).

### **SECTION TWO: HISTORY**

- 2.01** The Angelina County Junior College District was established by an election held September 24, 1966. The organization of the College District was promulgated and sponsored by the Education Committee of the Angelina County Chamber of Commerce.
- 2.02** At its regular meeting on December 12, 1966, the Board elected Dr. Jack W. Hudgins as the first President of Angelina College. Construction of the original seven building campus started in November of 1967. Angelina College opened its doors to students in the fall of 1968.
- 2.03** Upon the retirement of Dr. Hudgins, in January 1991, the Board elected Dr. Larry Phillips as the second President of Angelina College. During Dr. Phillips' tenure, the College District experienced significant enrollment growth, facility expansion, and opened four off-campus instructional centers in Jasper, Houston, Nacogdoches, and Polk counties. Dr. Phillips' also formed partnerships to host the Small Business Development Center, Procurement Technical Assistance Center, Buckner Family Place, and the Angelina Arts Alliance on the Lufkin campus.
- 2.04** Upon the retirement of Dr. Phillips, on June 1, 2015, the Board elected Dr. Michael J. Simon as the third President of Angelina College.

**COLLEGE DISTRICT NAME**

**COLLEGE DISTRICT NAME**

- 1.01** Pursuant to Texas Education Code 130.0051(a), the Board of Trustees of the Angelina County Junior College District adopted a resolution changing the official name of the district to “Angelina College” on April 10, 2017.
- 1.02** The College District shall use the new name in all official actions, communications, and records.

## NAMING OF COLLEGE DISTRICT FACILITIES AND PROGRAMS

### NAMING ACTIONS

- 1.01** Naming actions shall not detract from the College District's values, dignity, integrity, or reputation, nor shall any naming action create a conflict of interest, the appearance of a conflict of interest, or confer special privileges. Naming actions may be made for a person or family associated with the College District who has rendered distinguished service to the College District or who has made a significant contribution to society. Naming actions may also be made for donors who have made significant financial contributions to the College District.
- 1.02** When a facility naming action is in recognition of a donation, the contribution must be not less than 50 percent of total construction costs for new facilities or 35 percent of the replacement value of existing facilities. When a program naming action is in recognition of a donation, the contribution must not be less than 10 times the annual operating budget of the program at the time of the naming action. The College president shall enter into a Gift Agreement on behalf of the College District with any donor receiving a naming action.
- 1.03** Naming actions require that the individual or family has a prominent relationship with the College District and/or the region, with a positive image and demonstrated integrity. The naming action will generally remain for the life of the named facility or program. In the event of changed circumstances, the College District reserves the right, on reasonable grounds, to revise the form of or withdraw the naming action.
- 1.04** Each naming action for a College District facility or program must be approved by the Board of Trustees during a regular meeting of the Board. The College president shall recommend the naming of any facility or program to the Board of Trustees. Facilities include all buildings, classrooms, laboratories, building wings, atria, auditoria, concert halls, athletic and arts facilities, and prominent outdoor spaces. Programs include academic divisions and schools; academic chairs, fellowships, professorships, teaching centers operated but not owned by the College District; and instruction, community service, and student service programs.
- 1.05** The Board delegates to the College president authority to name small outdoor spaces (e.g., a park bench located on campus grounds) or small indoor spaces (e.g., a single administrative or faculty office). The College president shall notify the Board of his/her naming decision during the next regular Board meeting.



## **GEOGRAPHIC BOUNDARIES AND SERVICE**

### **AREAS**

The service areas of the college districts are listed as described in Education Code 130.162–130.211.

**ANGELINA COUNTY JUNIOR COLLEGE DISTRICT SERVICE AREA.** The service area of the Angelina County Junior College District includes the territory within:

1. Angelina, Houston, Nacogdoches, Polk, Sabine, San Augustine, Trinity, and Tyler Counties;
2. The Wells and Alto independent school districts, located in Cherokee County;
3. The Burkeville and Newton independent school districts, located in Newton County;
4. The Jasper Independent School District, located in Jasper County;
5. The Shepard and Coldspring-Oakhurst consolidated independent school districts, located in San Jacinto County;
6. The part of the Brookeland Independent School District that is located in Jasper and Newton Counties;
7. The part of the Colmesneil Independent School District that is located in Jasper County; and
8. The part of the Trinity Independent School District that is located in Walker County.

## **DISTRICT GOALS AND OBJECTIVES**

### **SECTION ONE: STATEMENT OF MISSION AND VISION**

- 1.01** The MISSION of Angelina College is to provide quality educational opportunities and services to aid students in the service area in reaching their full potential.
- 1.02** The VISION of Angelina College is to be the first choice in value and quality education leading to diverse career pathways throughout its service area.
- 1.03** The College District's mission and vision are predicated on the belief that education is vital to maintaining a democratic society, to transmit culture and extend knowledge, and to developing engaged citizens empowered to improve their lives and their communities. The College District is committed to engaging in an active relationship with the communities it serves to ensure the relevance and vitality of its educational programs and services as well as to enhance the economic, cultural, and social environments of those communities. The College District assists a diverse student population to prepare for a rapidly changing and highly technological world through quality educational programs and excellent student services.

### **SECTION TWO: CORE VALUES**

- 2.01** The CORE VALUES of Angelina College are the following:

- Integrity - We value academic honesty and ethical behavior.

Integrity is evidenced by defending academic freedom, fostering civic responsibility, exhibiting academic honesty and ethical behavior, and celebrating the courage to act.

- Diversity - We value diverse perspectives, cultures, and experiences.

Diversity enriches the learning and working environment and enables people with different perspectives, cultures, and experiences to thrive on campus and to prepare for success in a pluralistic society.

- Learning - We value learning as the core of our mission.

Learning through the unfettered search for knowledge and its free exposition and through experiences promoting the acquisition of relevant skills and abilities is at the core of every college endeavor.

- Excellence - We value the ongoing pursuit of excellence.

Excellence is achieved through teamwork, continuous improvement of every facet of the institution, sustainable practices, sound financial planning, prudent use of resources, and ongoing development of personnel.

- Engagement - We value service to our communities.

Engagement through partnerships, active citizenship, and community service supports and strengthens the social, cultural, and economic environment of the service area.

### SECTION THREE: STRATEGIC GOALS

**3.01** The College has adopted the following five strategic goals:

Goal One: Expanding Access to Higher Education Opportunities

Angelina College will increase awareness of the educational opportunities and services offered by the college, continuously improve processes and services to make enrollment convenient and efficient, and expand access to all credit and noncredit programs.

Goal Two: Promoting Student Success

Angelina College will assist students in identifying and achieving their educational goals including program completion, academic transfer, basic skills improvement, career preparation, and personal and professional growth.

Goal Three: Pursuing Excellence through Continuous Improvement

Angelina College will cultivate a learning and working environment committed to evidence-based decision making, identifying and implementing best practices, and continuously improving programs and services.

Goal Four: Engaging in Community Service

Angelina College will provide programs and services to support learners' career and personal enrichment goals, to meet the human capital needs of employers, to contribute to the social and cultural environment of the region, and to support economic development in the college's service area.

Goal Five: Investing Responsibly in Quality

Angelina College will manage resources in a prudent manner while investing to enhance educational offerings and the physical environment to meet student and community needs and expectations

## **Equal Employment and Educational Opportunity Statement**

### **SECTION ONE POLICY STATEMENT**

- 1.01** Angelina College is committed to provide an employment and educational environment that provides equal opportunity to all members of the College community. In accordance with federal and state law, the College prohibits unlawful discrimination including harassment, on the basis of race; color; national origin; gender, including sexual harassment; disability, age, religion, citizenship, or veteran status. The Board of Trustees hereby also prohibits discrimination on the basis of sexual orientation, gender identity, and gender expression.
- 1.02** Retaliation against a person who reports a potential violation under this policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be tolerated. Retaliation includes but is not limited to threats, intimidation, reprisals and/or adverse actions related to an individual's employment or education. The College will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an investigation pursuant to this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to file a complaint with the College.

### **SECTION TWO REPORTING**

- 2.01** Any student of the College who feels he or she has been subject to unlawful discrimination, harassment, or retaliation should contact the Office of the Dean of Student Affairs.

Dean of Student Affairs / Title IX Coordinator  
Office: Administration Building room 104  
Email: shudman@angelina.edu  
Phone at (936) 633-5293

- 2.02** Any employee of the College who feels he or she has been subject to unlawful discrimination, harassment, or retaliation should contact the Office of Human Resources.

Office of Human Resources  
Administration Building room 201A)  
Phone: (936) 633-4511  
Email: hr@angelina.edu

- 2.03** Any guest or vendor of the College who feels he or she has been subject to unlawful discrimination, harassment, or retaliation should contact the Office of the College President.

Office of the President  
Administration Building room 103  
Phone: (936) 671-7253  
Email: tneal@angelina.edu

### SECTION THREE PUBLICATION

- 3.01** The College shall publish this policy in its entirety in the following locations:
- 3.01.1** Angelina College Policy and Procedure Manual
    - Physical copy located in the Office of the College President
    - Online copy located on College's website
  - 3.01.2** On a webpage linked directly to the Angelina College homepage (www.angelina.edu)
  - 3.01.3** Angelina College Student Handbook
  - 3.01.4** Angelina College Catalog
- 3.02** The College shall publish *Subsection 1.01* of this Policy on the following documents:
- 3.02.1** Admission and employment application forms
  - 3.02.2** Recruitment materials intended for prospective students, students, applicants, or employees

## TITLE IX: PROHIBITED DISCRIMINATION AND HARASSMENT

### SECTION ONE: POLICY STATEMENT AND TITLE IX COORDINATOR

- 1.01** Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et. seq.) protects individuals from discrimination and harassment based on sex in any educational program or activity operated by recipients of federal funds. Sexual harassment, including sexual violence, is a form of sex discrimination.

**1.02 Title IX Policy Statement**

It is the policy of Angelina College to provide an educational and working environment for its students, faculty, and staff that is free from sex discrimination, sexual harassment, sexual assault, sexual misconduct, domestic violence and dating violence, and stalking. In accordance with federal and state law, the College prohibits discrimination on the basis of sex (including gender) and prohibits sexual harassment, sexual assault, sexual misconduct, interpersonal violence, and stalking.

The College will not tolerate sex discrimination, sexual harassment, sexual misconduct or physical abuse, threats of violence, physical assault, or any form of sexual violence, including but not limited to sexual assault, acquaintance rape, domestic violence, dating violence, or stalking (collectively or singly referred to as "prohibited conduct"). Individuals who alone, or in concert with others, participate or attempt to participate in prohibited conduct described in this policy are subject to disciplinary action by the College, notwithstanding any action that may or may not be taken by civil or criminal authorities.

The College encourages affected individuals to promptly report incidents of sex and gender discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence, and stalking as provided in this policy. The College also encourages individuals

who may have witnessed instances of prohibited conduct to report such information as outlined in this policy.

Responsible Employees of the College (as defined below) are required to promptly report incidents of prohibited conduct. The College will respond to all reports made under this policy. The College will conduct a prompt, fair, and impartial investigation and resolution for complaints and, where appropriate, issue remedial measures and/or sanctions.

### **1.03 Title IX Coordinator**

The College's Title IX Coordinator, Tifini Whiddon, may be contacted by email at [twhiddon@angelina.edu](mailto:twhiddon@angelina.edu) or by phone (936) 633-4511. The Title IX Coordinator's responsibilities include coordination of the College's efforts to comply with and carry out its responsibilities under Title IX, including any investigation of any complaint communicated to the College alleging its noncompliance with Title IX or alleging any actions that would be prohibited by Title IX. The Title IX Coordinator shall promptly respond in a purposeful way to any reports of sexual discrimination including sexual harassment of which the college has actual knowledge as follows:

- Contact the complainant within 10 business days and discuss the availability of supportive measures, with or without the filing of a formal complaint, and consider the complainant's wishes as to supportive measures; and
- Inform the complainant of the right to a formal complaint investigation consistent with Title IX and the informal resolution process. Any College student, employee, guest, or vendor may contact the Title IX Coordinator to file a complaint, to ask questions about sexual harassment, or to discuss concerns or incidents impacting the campus climate. Students may also contact the U.S. Department of Education, Office for Civil Rights (800-421-3481) to complain of sex discrimination or sexual harassment including sexual violence. Not less than once every three months, the Title IX Coordinator shall submit to the College President a written report on the reports received for the institution's reporting period including information regarding:
  - The investigation of those reports;
  - The disposition, if any, of any disciplinary processes arising from those reports; and
  - The reports for which the College determined not to initiate a disciplinary process, if any. The Title IX Coordinator shall immediately report to the College President an incident reported to the coordinator if the coordinator has cause to believe that the safety of any person is in imminent danger as a result of the incident.

### **1.04 Title IX Coordinator's Contact Information**

Tifini Whiddon, Director of Human Resources  
Office: Angelina College, Administration Building, Room 201  
3500 S. First St., Lufkin, TX 75901  
Phone: 936-633-4511  
Email: [twhiddon@angelina.edu](mailto:twhiddon@angelina.edu)

## **SECTION TWO: PROCESS**

## **2.01 File a Report/Complaint**

Reports/Complaints about prohibited behavior can be made at any time. Students, employees, guests, and vendors may file a report/complaint with the Title IX Coordinator or any Responsible Employee (see definition of “Responsible Employee” below). After the written notice of a formal complaint has been given to the College, both the complainant and the respondent will receive written notice. Formal complaints may be resolved in one of three ways: through the formal grievance process (see sections 2.01.1 – 2.03.3); through informal resolution (see section 2.05); or through mandatory dismissal (see section 2.06). “Actual Knowledge” means notice or report of sexual harassment or allegations of sexual harassment to the College’s Title IX Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College.

### **2.01.1 Formal Complaint**

A formal complaint is a document filed by the complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment. The procedures for filing a formal complaint are as follows:

- At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the College.
- A formal complaint should be filed in writing, either hard copy or electronically, and contain the name and address of the person filing the complaint. The complaint should briefly describe the alleged violation. Filing of the complaint with the Title IX Coordinator may be done in person, by mail, by email, or by any means that results in the Title IX Coordinator receiving the person’s verbal or written report. If an individual does not wish to file a written complaint, and the matter has not been adequately resolved, the Title IX Coordinator may initiate the complaint. Forms for filing written complaints are available on the College campus, in the Human Resources Office of the Administration building, Room 201, and on the College website.
- A complaint should be filed as promptly as possible after the conduct occurs.
- An investigation shall follow the filing of the complaint. If the complaint is against the College President, the Board shall appoint an investigating officer. If the complaint is against the Title IX Coordinator, the Coordinator shall immediately forward the complaint to the College President, and the College President will appoint an investigating officer. In all other instances, the investigation shall be conducted by a qualified individual designated by the Title IX Coordinator. The investigation shall be thorough; all interested persons, including the complainant and the respondent, will be afforded an opportunity to submit written or oral evidence relevant to the complaint.

### **2.01.2 Formal Complaint Notice Requirements**

Upon filing of a formal complaint, the college shall provide written notice to the known parties including:

- Notice of the allegations of sexual harassment including sufficient details to prepare a response before any initial interview including:
  - the identities of the parties involved, if known;
  - the conduct allegedly constituting sexual harassment;
  - the date and location of the alleged incident, if known;
  - The college's investigation procedures, including any informal resolution process;
  - A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation;
  - Notice to the parties they may have an advisor of their choice and may inspect and review any evidence; and
  - Notice to the parties of any provision in the College's code of conduct or policy that prohibits knowingly making false statements or knowingly submitting false information.

If, in the course of an investigation, the investigator decides to investigate allegations about the complainant or respondent that are not included in the notice initially provided, written notice of the additional allegations shall be provided to known parties.

### **2.01.3 Supportive Measures**

The college will treat the complainant and respondent equitably by offering supportive measures. These nondisciplinary and nonpunitive measures will be offered as appropriate, as reasonably available, and without cost to the complainant or the respondent. Supportive measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party. "Supportive Measures" shall include, but not be limited to, measures designed to protect the safety of all parties, to protect the college's educational environment, or to deter sexual harassment. These measures may include: counseling; extensions of deadlines or course-related adjustments; modifications of work or class schedule; escort services; mutual restrictions on contact between the parties; changes in work locations; leaves of absence; increased security and monitoring; and other similar measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

### **2.01.4 Education Program or Activity**



The College must respond when sexual harassment occurs within an “education program or activity” against a person in the United States. Title IX applies only to conduct that occurs in the United States. An “education program or activity” is broadly defined to include locations, events, or circumstances over which the College exercised substantial control as to both respondent and the context in which the sexual harassment occurred. If the alleged conduct does not constitute “sexual harassment”, does not occur within an “educational program or activity” or does not occur in the United States, the institution must dismiss the complaint for purposes of Title IX. However, the College is permitted to address such allegations through its code of conduct policy. The College is responsible for reporting crimes that occur at on-campus locations that include:

- Student housing;
- Public property within campus bounds;
- Public property immediately adjacent to the campus; and
- Non-campus buildings and property owned and controlled by the College, or by a student organization officially recognized by the institution.

#### **2.01.5 Confidential Employees**

The College shall designate one or more employees as persons to whom students enrolled at the College may speak confidentially concerning sexual harassment, sexual assault, dating violence, and stalking and inform each student enrolled at the institution of the designated “confidential employees”.

A confidential employee designated under this section may not disclose any communication made by a student to the employee unless the student consents to the disclosure or the employee is required to make the disclosure under state or federal law.

Absent consent from the reporting student, an employee designated by the College as a person with whom students may speak confidentially concerning sexual harassment, sexual assault, dating violence, or stalking shall only state the type of incident reported and may not include any information that would violate a student’s expectation of privacy.

When multiple confidential employees receive information about the same incident, only a single report stating the type of incident is required.

## **2.02 Complaint and Investigation**

### **2.02.1 Written Notice**

Both parties will receive written notice of the formal complaint. The written notice must include sufficient detail of the allegations (including the identities of the parties involved, the conduct allegedly constituting sexual harassment, and the

date and location of the alleged incident) to permit parties to prepare for an initial interview. It also must inform the parties that they may have an advisor of their choice and inspect and review evidence obtained during the investigation. Other requirements of the written notice are as follows:

- It must include a statement “that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process”; and
- It must include a statement informing the parties of any provision of the institution’s code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

### **2.02.2 Reporting**

The College strongly encourages that a complaint be filed as promptly as possible after the conduct occurs. Delays in reporting can greatly limit the College’s ability to stop the alleged conduct, collect evidence, and/or take effective action against individuals or organizations accused of violating this policy.

Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment, in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX coordinator, or by any other means that results in the Title IX coordinator receiving the person’s verbal or written report. Such a report may be made at any time, including during non-business hours by the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

A report of alleged violations of this policy may be made by a person who believes he/she experienced prohibited conduct (a complainant); and/or a person who has information that prohibited conduct may have been committed (a reporter). The report must include all information concerning the incident known to the reporting person that is relevant to the investigation, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident.

A person commits an offense if the person is required to make a report and knowingly fails to make the report or with the intent to harm or deceive, knowingly makes a report that is false. The College shall terminate the employment of an employee whom the institution determines in accordance with the institution’s disciplinary procedure to have committed the offense.

The College shall provide an option for a student enrolled at or an employee of the institution to electronically report an allegation of sexual harassment, sexual

assault, dating violence, or stalking committed against or witnessed by the student or employee, regardless of the location at which the alleged offense occurred. The electronic reporting option must:

- Allow for anonymous reporting; and
- Be easily accessible on the College's website home page through a clearly identifiable link

### **2.02.3 Investigation and Standard of Evidence**

The College may temporarily remove a student from campus on an interim basis during the pendency of a complaint in limited "emergency" circumstances where there is an immediate threat to physical health or safety. Before the College can take this emergency measure, however, the institution must do the following:

- Undertake an individualized safety and risk analysis to determine whether there is an immediate threat to the physical health or safety of any person arising from the allegations of sexual harassment;
- Make an affirmative determination that such an immediate threat exists based on its individualized safety and risk analysis; and
- Provide the respondent with notice and an opportunity to challenge the emergency decision immediately following the respondent's removal.

The College may place an employee on administrative leave during the pendency of a complaint. Whether such leave is paid or unpaid is at the institution's discretion. The College will handle reports of prohibited conduct consistently and ensure prompt and equitable resolution of such reports. The purpose of an investigation, which includes interviewing the parties and witnesses, is to gather and assess evidence. The standard of evidence that will be used in investigating and adjudicating complaints made under this policy is the "preponderance of the evidence" standard. This standard is met if the allegation is deemed more likely to have occurred than not. All investigators shall have appropriate and ongoing training regarding issues related to sexual harassment, sexual discrimination, dating violence, domestic violence, sexual assault, sexual misconduct and stalking, as well as, on how to conduct an investigation that protects the safety of complainants and promotes accountability.

To ensure a complete and thorough investigation and to protect the parties, the investigator shall:

- Ensure that the burden of proof, and the burden of gathering evidence sufficient to reach a determination regarding responsibility, rest on the investigator and not on the parties. The investigator cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are

made and maintained in connection with the provision of treatment to the party, unless the recipient obtains that party's voluntary, written consent to do so for a grievance process under this section.

- Provide an equal opportunity for the parties to present witnesses and evidence;
- Not restrict either party's ability to discuss the allegations under investigation or to gather and present relevant evidence;
- Allow the parties to be accompanied with an advisor of the party's choice;
- Provide written notice of the date, time, location, participants, and purpose of any interview, meeting, or hearing at which a party is expected to participate;
- Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the investigator does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the investigator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten days to submit a written response, which the investigator will consider prior to completion of the investigative report. The investigator must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
- Be impartial and objectively evaluate all relevant evidence without relying on sex stereotypes;
- Not have conflicts of interest or bias for or against complainants or respondent; and
- Not make credibility determinations based on the individual's status as complainant, respondent, or witness.

#### **2.02.4 Formal Complaint Investigations Report**

The investigator shall prepare an investigative report that summarizes relevant evidence and share the report with the parties and their advisors for review and response within 60 days of the initiation of the formal complaint. If the investigation requires longer than 60 days, both parties will be notified.

Before completing the investigative report, the investigator must send each party and their advisors the investigative report for review and allow the parties 10 days to submit a written response for the investigator's consideration.

The investigator's written report shall include an objective evaluation of all relevant evidence using a preponderance of evidence standard to determine responsibility.

## **2.03 Hearing**

Following the investigation, a live hearing will take place.

Unless the investigation is resolved through an informal resolution agreement or a formal complaint dismissal, a live hearing is required to be conducted under Title IX.

### **2.03.1 Pre-Hearing Entitlements**

Both the complainant and the respondent may have an advisor present. The advisor may be an attorney, but does not have to be. If either the complainant or respondent do not have access to an advisor, the college will provide one at no cost. Both parties must have access to evidence obtained, including the investigator's report, and equal opportunity to refer to such evidence during the hearing.

### **2.03.2 Hearing Processes and Procedures**

The decision-maker of the hearing must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow up questions. Cross-examination must be conducted directly, orally, and in real time by the party's advisor of choice, never by the party personally.

At the request of either party, the college must provide for the live hearing to occur with the parties located in separate rooms, with technology that enables all parties and the decision-maker to simultaneously see and hear the witness answering questions.

The decision-maker has the responsibility to determine the relevancy of the questions and explain in real time any decision not to permit a question.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

### **2.03.3 Conclusion of Hearing**

After the hearing, the decision-maker must issue a written determination, within 10 days, of responsibility based on a preponderance of evidence. If written determination cannot take place within 10 days, both parties will be notified. The written determination must include:

- Identification of the allegations;
- Description of the procedural steps taken throughout the case;
- Findings of facts supporting the determination;
- Conclusions regarding application of the Title IX policy;
- A statement and rationale as to the determination for each allegation;
- A statement of any disciplinary sanctions and whether any remedies will be provided to the complainant; and
- A description of the procedures and permissible grounds for appeal.

The College must make an audio or video recording of the hearing, or a transcript, and make it available to the parties for inspection and review.

A copy of the written determination shall be provided to both parties simultaneously. The range of disciplinary sanctions and remedies may include, but may not be limited to, supportive measures, short term suspension, long term suspension, expulsion for students, and/or termination for employees. The Title IX Coordinator is responsible for the effective implementation of sanctions and remedies. If the investigation results in a recommendation that a student be suspended or expelled, procedures outlined in Board policy and state law governing student suspension and expulsion will be followed.

If the investigation results in a recommendation that an employee be suspended with or without pay or terminated, procedures outlined in Board policy and/or state law will be followed.

Records relating to complaints filed and their resolution shall be maintained by the Title IX Coordinator for seven years.

The decision becomes final on the date the parties receive the results of an appeal, if any appeal is filed, or on the date the opportunity for an appeal expires.

## **2.04 Appeals Process**

The College must offer both parties an appeal from:

- A determination regarding responsibility, and
- An institution's dismissal of a formal complaint or any allegation therein.

Additionally, the complainant or respondent may appeal the decision-maker's determination, within 10 days, based on any of the following:

- Procedural irregularity that affected the outcomes;

- New evidence that was not reasonably available at the time that could affect the outcome; and/or
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias against either party that affected the outcome. A preponderance of evidence of a conflict of interest or bias must be proven by the appellant.

#### **2.04.1 How to File an Appeal**

The request to appeal shall be made in writing to the Title IX Coordinator within 10 days after the date of the written determination. Appeals shall be audio or video recorded and that documentation shall be kept with the case files for 7 years.

Appeals shall be heard by an attorney, a hearing officer appointed by the Board, or the Board. The appeal decision-maker may not be the Title IX Coordinator, the investigator, or the decision-maker from the original determination.

The appeal decision-maker will issue a written decision within 30 days after the appeal is filed.

The appeal decision-maker will describe the result of the appeal and the rationale for the result.

The appeal decision-maker shall:

- Review the evidence gathered by the investigator, the investigator's report, and the original decision-maker's determination;
- Notify both parties in writing of the filing of an appeal and give them 10 days after the appeal is filed to submit further evidence in writing;
- Not have a conflict of interest or bias for or against complainant or respondent and receive the required training;
- Issue a written decision and the rationale for the decision within 30 days after the appeal is filed;
- Describe the result of the appeal and the rationale for the result in the decision; and
- Provide the written decision simultaneously to both parties and to the Title IX Coordinator.

#### **2.05 Informal Resolution Process**

At any time during the formal complaint process and prior to reaching a determination regarding responsibility, the college may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and determination of responsibility. The informal resolution process may be facilitated by a trained educational professional, consultant, or other individual selected by the Title IX Coordinator under the following conditions:

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- The parties are provided a written notice disclosing the allegations, the requirements of the informal resolution process, information on when it may preclude the parties from resuming a formal complaint arising from the same allegations;
- At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the investigation of the formal complaint and be informed of any consequences resulting from participating in the informal resolution process;.
- The parties voluntarily and in writing consent to the informal resolution process; and
- The informal resolution process cannot be used to resolve allegations that an employee sexually harassed a student.

If the matter is resolved to the satisfaction of the parties, the facilitator shall document the nature of the complaint and the proposed resolution, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. Within 20 days after the complaint is resolved in this manner, the Title IX Coordinator shall contact the complainant to determine if the resolution of the matter remains acceptable. If the matter is not resolved, or if the individual does not believe the resolution remains acceptable within 20 days after the informal resolution document is executed, the individual or the Title IX Coordinator may proceed with the formal complaint process.

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- At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the investigation of the formal complaint and be informed of any consequences resulting from participating in the informal resolution process;.
- The parties voluntarily and in writing consent to the informal resolution process; and
- The informal resolution process cannot be used to resolve allegations that an employee sexually harassed a student.

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acceptable within 20 days after the informal resolution document is executed, the individual or the Title IX Coordinator may proceed with the formal complaint process.

## **2.06 Mandatory Dismissals**

Mandatory dismissals are required when the definition of any element of the jurisdictional framework under Title IX is not met, such as:

- Conduct alleged does not constitute “sexual harassment” under the regulations;
- Conduct alleged does not occur in the institution’s “education program or activity;”
- Conduct alleged does not occur against a person “in the United States;”
- Complainant is not participating in or attempting to participate in the “education program or activity” of the institution.

Such dismissal does not preclude action under another provision of the College code of conduct.

The College may also dismiss the formal complaint, if at any time during the investigation or hearing:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the formal complaint or any allegations;
- The respondent is no longer enrolled or employed by the College; or
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.

## **SECTION THREE: RECORDKEEPING**

### **3.01 Recordkeeping**

The College will maintain certain documents relating to Title IX activities for seven years. Institutions must maintain records of:

- Sexual harassment investigations, including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the College’s education program or activity;
- Any appeal and the result therefrom;
- Any informal resolution; and
- All materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

Furthermore, the College must create, and maintain for seven years, records of any actions (including any supportive measures) taken in response to a report or formal complaint of sexual harassment. In each instance, the College must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the institution's education program or activity.

If the College does not provide a complainant with supportive measures, the institution must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The College will revise applicable record retention policies, if necessary, and establish procedures for completing and retaining required documentation.

## **SECTION FOUR: GENERAL PRINCIPLES**

### **4.01 Retaliation**

No recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report of formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination.

### **4.02 Support Services**

Any student who requires assistance with classes, living arrangements, and/or College-provided support services and referrals as a result of an alleged violation of this policy is encouraged to visit the Office of Access and Inclusion (OAI) for additional information. OAI staff can assist students with the various reporting options and support services that may be available to them.

If a student believes he/she has experienced conduct prohibited under this policy, the student may also contact the Title IX Coordinator for additional assistance and information. A student who would like to report an alleged sexual harassment, sexual assault, domestic violence, dating violence and/or stalking to the police and would like the College Title IX Coordinator to accompany him/her to provide support during the reporting process, should contact the Title IX Coordinator, Tifini Whiddon, Human Resources Director, 936-633-4511, [twhiddon@angelina.edu](mailto:twhiddon@angelina.edu).

### **4.03 Use of Drugs and Alcohol**

Any student who files a complaint, or who acts as a third-party witness in an investigation under this policy, will not be subject to disciplinary action by the College for using and/or consuming alcohol or drugs at or near the time of the alleged incident, provided that any such alcohol or drug use did not, and do not, place the health or safety of any other person at risk.

#### **4.04 Confidentiality and Anonymity**

Individuals wishing to remain anonymous can file a complaint with the College Title IX Coordinator. However, electing to remain anonymous may greatly limit the College's ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals or organizations accused of violating this policy.

The College has an obligation to maintain an environment free of sex discrimination, thus many College employees have mandatory reporting and response obligations and may not be able to honor a complainant's request for confidentiality. In the event confidentiality cannot be maintained, the College will share information only as necessary and only with people who need to know to fulfill the purposes of this policy and applicable law, such as investigators, witnesses, administrators, and the respondent. The College will comply with the Family Educational Rights and Privacy Act (FERPA), and with other confidentiality laws as they apply to Title IX investigations.

#### **4.05 Ongoing Training**

The College's commitment to raising awareness of the harm resulting from the conduct prohibited in this policy includes offering ongoing education to both employees and students. In addition, the College Title IX Coordinator, investigators, decision-makers, and hearing officers receive training each academic year about offenses, investigatory procedures, due process requirements, conducting a hearing and College policies related to or described in this policy. The College is committed to protecting the safety of complainants and the due process of rights of all students, and promoting accountability. Ongoing training for all Title IX personnel, by law, must include:

- The definition of sexual harassment;
- The scope of the institution's education program or activity;
- How to conduct an investigation and grievance process, including hearings, appeals, and informal resolution process, as applicable; and
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Training must provide instruction on how to serve impartially and avoid prejudgment of the facts at issue, conflicts of interest, and bias, and that materials used in such training avoid sex stereotypes. Trauma-informed training is permitted if it does not create a bias in favor of complainants.

Additionally, the College must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Decision-makers must receive training on technology used at a live hearing.

Any materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

The College is required to publish all training materials on the website.

**4.06 Academic, Living, Travel, or Work Accommodation(s)**

In some instances, when a student reports an alleged violation of this policy to the College, the College may take emergency action to protect the emotional health or physical safety of the reporting student and/or of the larger College community. Specific arrangements will be made on a case by case basis to ensure appropriate accommodations are provided. Such arrangements will be facilitated through the Executive Director of Student Affairs and/or other appropriate College officials and all decisions will be based upon the evidence then available.

**4.07 Interim Measures and Final Sanctions for Students**

**4.07.1 Interim Measures**

If the College receives evidence indicating a respondent presents a continuing danger to people or property or poses an ongoing threat of disrupting the academic process, the appropriate College official may take immediate interim protective action against the respondent pending a final determination of an alleged violation of this policy. Such protective/interim measures may include, but are not limited to, suspending the right of the student to be present on campus (including living in campus residence halls) and to attend classes, and otherwise altering the status of the student. Other protective measures may be implemented given the respondent's relationship with the College.

- Notice and opportunity to challenge the decision immediately following the removal must be given to the respondent;
- Rights under ADA & Section 504 still apply

The final regulations permit the College to temporarily remove a student from campus on an interim basis during the pendency of a complaint in limited "emergency" circumstances where there is an immediate threat to physical health or safety. Before it can take this emergency measure; however, the College must do the following:

- Undertake an individualized safety and risk analysis to determine whether there is an immediate threat to the physical health or safety of any person arising from the allegations of sexual harassment;
- Make an affirmative determination that such an immediate threat exists based on its individualized safety and risk analysis; and
- Provide the respondent with notice and an opportunity to challenge the emergency decision immediately following the respondent's removal.

The final regulations do not limit the College's ability to place an employee on administrative leave during the pendency of a complaint. Whether such leave is paid or unpaid is at the institution's discretion.

#### **4.07.2 Final Sanctions**

In the event a final determination is made that the respondent is responsible for violating this policy, the College may impose any of the sanctions authorized in the Student Conduct and Discipline Program.

#### **4.08 Communication**

To facilitate effective communication and coordination regarding allegations of sexual harassment, sexual assault, dating violence, and stalking at the College, the institution shall enter into one or more memoranda of understanding with an entity from one or more of the following categories:

- Local law enforcement agencies;
- Sexual harassment, sexual assault, dating violence, or stalking advocacy groups; and
- Hospitals or other medical resource providers.

#### **4.09 Compliance and Reporting**

The College President shall annually certify in writing to the Coordinating Board, in October of each year that the College is in substantial compliance with Education Code Chapter 51, Subchapter E-2. The Coordinating Board shall make available to institutions a required template for the certification, which satisfies the requirements of this section.

If the Coordinating Board determines that the College is not in substantial compliance, the Coordinating Board may assess an administrative penalty against the institution. If the Coordinating Board assesses an administration penalty, it shall provide written notice of reasons for assessing the penalty. The College may appeal the penalty in the manner provided by Government Code Chapter 2001.

At least once annually, during the fall or spring semester, the College President shall submit to the institution's governing body and post on the institution's website a report concerning the reports of Sexual Harassment under 19 Administrative Code 3.5. The College President may not identify any person and must include:

- The number of reports received under Section 3.5;
- The number of investigations conducted as a result of those reports;
- The disposition, if any, of any disciplinary processes arising from those reports;
- The number of those reports for which the institution determined not to initiate a disciplinary process, if any, and
- Any disciplinary actions taken under 19 Administrative Code 3.8.

#### **4.10 Orientation on Title IX Policy**

The College shall require each entering freshmen or undergraduate transfer student to attend an orientation on the College's sexual harassment, sexual assault, dating violence, and

stalking policy before the first semester or term of enrollment at the College. The College shall establish the format and content of the orientation. The orientation may be provided online and the College shall include the statements described by 19 Administrative Code 3.4(a)(5). Education Code 51.2829(c); 19 TAC 3.4(c)

#### 4.11 Prevention and Outreach Program

The College shall develop and implement a comprehensive prevention and outreach program on sexual harassment, sexual assault, dating violence, and stalking for enrolled students and employees of the College. The program must:

- Address a range of strategies to prevent sexual harassment, sexual assault, dating violence, and stalking, including a public awareness campaign, a victim empowerment program, primary prevention, bystander intervention, and risk reduction; and
- Provide students with information regarding the protocol for reporting incidents of sexual harassment, sexual assault, dating violence, and stalking, including the name, office location, and contact information of the College's Title IX Coordinator, by:
  - Emailing the information to each student at the beginning of each semester or other academic term; and
  - Including the information in the institution's orientation, which may be provided online.

#### 4.12 Equal Access

The College shall, to the greatest extent practicable, ensure equal access for students enrolled at or employees of the institution who are persons with disabilities. The College shall make reasonable efforts to consult with the disability services office of the institution, advocacy groups for people with disabilities, and other relevant stakeholders to assist the institution with complying with the College's duties under this section.

### SECTION FIVE: DEFINITIONS

- 5.01** For purposes of Title IX compliance at Angelina College, the definitions below apply. Some of these terms are also defined under federal and/or Texas State law.

**Anecdotes:** An account regarded as unreliable or hearsay; a brief, revealing account of an individual person or an incident, a story with a point, such as to communicate an abstract idea about a person, place, or thing through the concrete details of a short narrative.

**Complaint:** A signed document or other report, including verbal reports, alleging a violation of this policy.

**Complainant:** A person who submits a complaint alleging a violation of this policy, or is identified as the person who has allegedly experienced a Title IX related incident.

**Consent:** A voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity. Consent to one act does not imply consent to another. Past consent does not imply future consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent.

Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation, or (f) any other factor that would eliminate an individual's ability to exercise his/her own free will to choose whether or not to engage in sexual activity.

An individual's manner of dress or the existence of a current or previous dating or sexual relationship between two or more individuals does not, in and of itself, constitute consent to engage in a particular sexual activity. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity.

**Dating Violence:** Abuse or violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

**Decision-maker:** reviews all the evidence and prepares an impartial written responsibility determination as to whether the alleged conduct occurred and provides an opportunity for the parties and their representatives to prepare written questions to be answered by the other party. The decision-maker shall not be the Title IX Coordinator or investigator.

**Domestic Violence:** Abuse or violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person with whom the complainant is cohabitating (or has cohabited) with a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the State of Texas, 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 State of Texas.

**Fondling:** The touching of the private body parts (including, but not limited to the genitalia, anus, groin, breast, inner thigh, or buttocks) of another person for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of the complainant's age or because of the complainant's temporary or permanent mental incapacity.

**Formal Complaint:** a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the college investigate the allegation of sexual harassment.

**Incapacitation:** A state of being that prevents an individual from having the capacity to give consent. For example, incapacitation could result from the use of drugs or alcohol, a person being asleep or unconscious, or because of an intellectual or other disability.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Investigator:** the person who carries out the investigation after the formal complaint is filed and conducts interviews of the witnesses, collects and documents evidence, and drafts an investigative report.

**Respondent:** The person designated to respond to a complaint. Generally, the respondent is the person alleged to be responsible for the prohibited conduct alleged in a complaint.

**Responsible Employee:** Pursuant to Title IX, a “responsible employee” is a College employee who has the authority to take action to redress an alleged violation of this policy and who has been given the duty of reporting such allegations to the College Title IX Coordinator or designee, or an employee whom an individual could reasonably believe has this authority or duty. At the Angelina College, responsible employees include, but are not limited to:

- Administrators
- Employees assigned an apartment in College student housing
- Student success coaches
- Coaches, and other athletic staff who interact directly with students
- Faculty members
- Police officers
- All supervisory staff

Responsible employees have a **duty** to promptly report incidents of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence, and stalking to the College Title IX Coordinator. Responsible Employees are not confidential reporting resources.

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant.

**Retaliation:** Any action that adversely affects the academic, employment, or other institutional status of a student or employee of the College, visitor, applicant for admission to or employment with the College, because an individual has, in good faith, brought a complaint under this policy, opposed an unlawful practice, participated in an investigation, or requested accommodations. Examples of retaliation include but are not limited to: denial of promotion, non-selection/refusal to hire, denial of job benefits, demotion, suspension, discharge, threats, reprimands, negative evaluations, harassment, or other adverse



treatment that is likely to deter reasonable people from pursuing their rights. Retaliation is strictly prohibited and will not be tolerated.

***Sex Discrimination:*** Conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects the individual or group's employment or education on the basis of sex (including gender).

***Sexual Assault:*** An offense that meets the definition of rape, fondling, incest, or statutory rape.

***Sexual Harassment:*** conduct on the basis of sex that satisfies one or more of the following:

- 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, otherwise known as "quid pro quo";
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Sexual harassment is a form of sex discrimination that can occur when:

- The submission to unwelcome physical conduct of a sexual nature, or to unwelcome requests for sexual favors or other verbal conduct of a sexual nature, is made as an implicit or explicit term or condition of employment or education;
- The submission to or rejection of unwelcome physical conduct of a sexual nature, or unwelcome requests for sexual favors or other verbal conduct of a sexual nature, is used as a basis for academic or employment decisions or evaluations;
- Unwelcome physical acts of a sexual nature, or unwelcome requests for sexual favors or other verbal conduct of a sexual nature, that have the effect of creating an objectively hostile environment that substantially interferes with employment or education on the basis of sex (including gender); or
- Such conduct is intentionally directed towards a specific individual and has the purpose or effect of unreasonably interfering with that individual's education, employment, or participation in College activities, or creating an intimidating, hostile, or offensive atmosphere.

Sexual harassment may include:

- Sexual violence, as defined under the Texas Penal Code, which includes rape, sexual assault, sexual battery, and sexual coercion.
- Physical conduct that, depending on the totality of the circumstances present, including frequency and severity, may constitute sexual harassment includes but is not limited to (a) unwelcome intentional touching; or (b) deliberate physical interference with or restriction of movement.
- Verbal conduct, including oral, written, or symbolic expression, that, depending on the totality of the circumstances present, including frequency and severity, may constitute sexual harassment includes, but is not limited to:

- explicit or implicit propositions to engage in sexual activity;
- gratuitous comments, jokes, questions, anecdotes, or remarks of a sexual nature about clothing or bodies;
- gratuitous remarks about sexual activities or speculation about sexual experiences;
- persistent, unwanted sexual or romantic attention;
- subtle or overt pressure for sexual favors;
- exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars, or other materials; or
- deliberate, repeated humiliation, or intimidation based upon sex.

This applies only to verbal conduct that is not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea.

***Sexual Misconduct:*** Behavior or conduct of a sexual nature that is unprofessional and/or inappropriate for the educational and/or working environment. Behaviors that may constitute sexual misconduct include, but are not limited to:

- repeatedly engaging in sexually oriented conversations, comments, or horseplay, including the use of language or the telling of jokes or anecdotes of a sexual nature in the workplace, office, or classroom, even if such conduct is not objected to by those present;
- gratuitous use of sexually oriented materials not directly related to the subject matter of a class, course, or meeting, even if not objected to by those present;
- failure to observe the appropriate boundaries of the supervisor/subordinate or faculty member/student relationship, including the participation of a supervisor, teacher, advisor, or coach in an unreported consensual romantic or sexual relationship with a subordinate employee or student; or
- engaging in any form of sexual exploitation. Sexual exploitation occurs when an individual takes non-consensual or abusive sexual advantage of another for his or her own benefit or to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, engaging in voyeurism; forwarding of pornographic or other sexually inappropriate material by email, text, or other channels to non-consenting students/groups; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted disease (STD) to another.

***Stalking:*** A course of conduct directed at a specific person that would cause a reasonable person to fear for the person's own safety or the safety of others or would cause that person to suffer substantial emotional distress. A "course of conduct" means two or more acts in which a person directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person or interferes with a person's property. A report must be filed on the first or an earlier occurrence and upon a second occurrence, a formal complaint can be filed. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the complainant. "Substantial emotional distress" means significant mental suffering or

anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

***Statutory Rape:*** Sexual intercourse with a person who is younger than 17 years of age and is not a spouse of the respondent.

***Symbolic Expression:*** A means of representing semi-structured data in human-readable text form, mostly composed of symbols and lists and extensively used in the Lisp programming language.

***Title IX Coordinator:*** the individual designated by the college who has responsibility to coordinate compliance with Title IX of the Education Amendments of 1972 and the Title VII of the Civil Rights Act of 1964. The Title IX Coordinator's responsibilities include, but are not limited to: developing materials and ensuring professional development occurs for staff involved in Title IX compliance; creating systems to centralize records; gathering relevant data; contacting the complainant (and/or parents or guardians, if applicable) once the college has actual knowledge of alleged sexual harassment; coordinating the implementation of supportive measures; signing a formal complaint to initiate a grievance process; and ensuring any remedies are implemented.

Revised: 09/14/20

## **APPLICABILITY**

### **APPLICABILITY OF COLLEGE POLICIES, REGULATIONS, AND PROCEDURES**

- 1.01** The College policies, regulations, and procedures contained in this manual are applicable to all employees, students, contractors, and visitors to the College regardless of the location where instruction or other college activity occurs, unless stated otherwise in the policy.
- 1.02** The applicability of the College policies, regulations, and procedures is the same regardless of the modality of instructional or college-service delivery (i.e., face-to-face, online, hybrid, hyflex, or off-campus).

## BOARD LEGAL STATUS

### GOVERNING BOARD NAME, POWER, AND AUTHORITY

- 1.01** The official name of the governing board of Angelina College shall be the “Board of Trustees.” *Education Code 130.082(b)*
- 1.02** The Board of Trustees shall constitute a body corporate and shall have the exclusive power to manage and govern the college district. *Education Code 1.001(a), 130.082(d), .084*
- 1.03** All authority not vested by Texas Education Code Chapter 130 or by other laws of the state in the Texas Higher Education Coordinating Board or in the Texas Education Agency is reserved and retained locally in the College District or the Board of Trustees as provided in the laws applicable. *Education Code 130.002*

## BOARD LEGAL STATUS - POWERS, DUTIES, RESPONSIBILITIES

### SECTION ONE: BOARD ROLE AND AUTHORITY

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

- Is expected to preserve institutional independence and to defend its right to manage its own affairs through its chosen administrators and employees.
- Shall enhance the public image of the College District under its governance.
- Shall interpret the community to the campus and interpret the campus to the community.
- Shall nurture the College District under its governance to the end that it achieves its full potential within its role and mission.
- Shall insist on clarity of focus and mission of the College District under its governance. *Education Code 51.352(a)*

**1.02** All authority not vested by Texas Education Code 130 or by other laws of the state in the Texas Higher Education Coordinating Board or in the Texas Education Agency shall be reserved and retained locally in the College District or in the Board as provided in the laws applicable. *Education Code 130.002*

### SECTION TWO: BOARD POWERS AND DUTIES

**2.01** State statute assigns specific powers and duties to the Board of Trustees. The Board has the legal power and duty to:

- **Policy Direction & Majority Requirement:** Provide the policy direction of the College District by acting and proceeding by and through resolutions or orders adopted or passed by the Board not inconsistent with State law. The affirmative vote of a majority of all members of the Board shall be required to adopt or pass a resolution or order. *Education Code 51.352(b), 130.082(d)*
- **Governing Law:** Be governed in the establishment, management, and control of the College District by the general law governing the establishment, management, and control of independent school districts insofar as the general law is applicable. *Education Code 130.084(a)*

## BOARD LEGAL STATUS - POWERS, DUTIES, RESPONSIBILITIES

- **Goals:** Establish goals consistent with the College District's role and mission. *Education Code 51.352(d)*
- **Levy Ad Valorem Taxes:** Cause the taxable property in the district to be assessed for ad valorem taxation and the ad valorem taxes in the district be collected, in accordance with any one of the methods set forth in Education Code 130.121, and any method shall remain in effect until changed by the Board.
- **Issue Bonds:** Issue negotiable coupon bonds for the construction and equipment of College District buildings and the purchase of the necessary sites therefor, and levy and pledge annual ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same come due, and to levy annual ad valorem taxes for the further maintenance of the College District. *Education Code 130.121(a), .122(a)*
- **Set Tuition and Fees:** Set and collect any amount of tuition, rentals, rates, charges, or fees the Board considers necessary for the efficient operation of the College District, except that a tuition rate must satisfy the requirements of Section 54.051(n). The Board may set a different tuition rate for each program, course, or course level offered by the College District, including a program, course, or course level to which a provision of Section 54.051 applies, as the Board considers appropriate to reflect course costs or to promote efficiency or another rational purpose. *Education Code 130.084*
- **Budget:** Approve an itemized current operating budget on or before September 1 of each year. *19 TAC 13.42*
- **Audit of Accounts:** Have the accounts of the College District audited in accordance with the approved financial reporting system. *Education Code 61.065*
- **Annual Reports:** Submit the required annual reports to the governor and comptroller. *Gov't Code 403.013*
- **Bequests and Donations:** Receive bequests and donations or other monies or funds coming legally into their hands. *Education Code 11.151(a)*
- **Endowment Fund:** Establish an endowment fund outside the state treasury in a depository selected by the Board. *Education Code 130.007*
- **Depositories:** Select one or more depositories for College District funds enumerated in Education Code 51.002.

## **BOARD LEGAL STATUS - POWERS, DUTIES, RESPONSIBILITIES**

- **Elections:** Order elections as required by law. *Education Code 130.082(f), 130.122(b)*
- **Eminent Domain:** Exercise the right of eminent domain to acquire property on which to construct college buildings or any other public use necessary for the district. *Education Code 11.155, 130.084; Atty. Gen. Op. M-700 (1970)*
- **College President:** Appoint the College President, evaluate the College President, and assist the College President in the achievement of performance goals. *Education Code 51.352(d)*
- **Appointments:** Appoint or employ agents, employees, and officials as deemed necessary or advisable to carry out any power, duty, or function of the Board; employ a dean, or other administrative officer; upon the College President's recommendation, employ faculty and other employees of the College District. *Education Code 130.082(d)*
- **Fees:** Fix and collect rentals, rates, charges, or fees from students and others for the occupancy, use, or availability of all or any of its property, buildings, structures, activities, operations, or facilities, in such amounts and in such manner as may be determined by the Board. *Education Code 130.123(c)*
- **Real Property:** Execute, perform, and make payments under a contract under the Public Property Finance Act for the use or purchase or other acquisition of real property or an improvement to real property. *Local Gov't Code 271.004*
- **Contract:** Execute, perform, and make payments under a contract with any person for the use or the purchase or other acquisition of any personal property, or the financing thereof. *Local Gov't Code 271.005*
- **Sue and be sued.** *Education Code 11.151(a); 130.084*
- **Formal Positions:** Ensure that its formal position on matters of importance to the College District is made clear to the Texas Higher Education Coordinating Board when such matters are under consideration by the Coordinating Board. *Education Code 51.352(d)*
- **Admission Standards:** Set campus admission standards consistent with the role and mission of the College District and considering admission standards of similar institutions nationwide having a similar role and mission, as determined by the Coordinating Board. *Education Code 51.352(*



## BOARD MEMBERS - ELIGIBILITY/QUALIFICATIONS

### SECTION ONE: BOARD MEMBER ELIGIBILITY

- 1.01** To be eligible to be a candidate for, or elected or appointed to, the College District's Board of Trustees, a person must:
1. Be a United States citizen.
  2. Be 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable.
  3. Have not been determined by a final judgment of a court exercising probate jurisdiction to be:
    - a. Totally mentally incapacitated; or
    - b. Partially mentally incapacitated without the right to vote.
  4. Have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities.
  5. Have resided continuously in the state for twelve (12) months and in Angelina County for six months immediately preceding the following date:
    - a. For an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot.
    - b. For a write-in candidate, the date of the election at which the candidate's name is written in.
    - c. For an appointee to an office, the date the appointment is made.
  6. On the date described by number 5, be registered to vote in Angelina County.

*Tex. Const. Art. XVI, Sec. 14; Election Code 141.001(a); Education Code 130.082(d), (g); Gov't Code 601.009; Att'y Gen. Op. GA-555 (2007)*

- 1.02** Each member of the board shall be a resident, qualified voter. *Education Code 130.082(d)*
- 1.03** Each member of the board shall take the proper oath of office before taking up the duties of office. *Education Code 130.082(d)*

The oath of office shall be:

"I, \_\_\_\_\_, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of board trustee for the Angelina County Junior College District of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God." *Tex. Const. Art. XVI, Sec. 1(a)*

The officer's statement shall be:

“I, \_\_\_\_\_, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.” *Tex. Const. Art. XVI, Sec. 1(b)*

## **SECTION TWO: DEFINITIONS**

**2.01** “Residence” means domicile, that is, one’s home and fixed place of habitation to which one intends to return after any temporary absence. A person does not lose the person’s residence by leaving the person’s home to go to another place for temporary purposes only. A person does not acquire a residence in a place to which the person has come for temporary purposes only and without the intention of making that place the person’s home. Residence shall be determined in accordance with the common-law rules, as enunciated by the courts of this state, except as otherwise provided by the Election Code. *Election Code 1.015(a)–(d)*

**2.02** “Qualified voter” means a person who:

1. Is 18 years of age or older;
2. Is a United States citizen;
3. Has not been determined by a final judgment of a court exercising probate jurisdiction to be:
  - a. Totally mentally incapacitated; or
  - b. Partially mentally incapacitated without the right to vote;
4. Has not been finally convicted of a felony or, if so convicted, has:
  - a. Fully discharged the person’s sentence, including any term of incarceration, parole, or supervision or completed a period of probation ordered by any court; or
  - b. Been pardoned or otherwise released from the resulting disability to vote.
5. A person is not considered to have been finally convicted of an offense for which the criminal proceedings are deferred without an adjudication of guilt;
6. Is a resident of this state; and
7. Is a registered voter.

*Election Code 11.002*

**2.03** A person determined to be totally mentally incapacitated by a court exercising probate jurisdiction is not subject to a voting disability or candidacy disqualification under this code if, subsequent to that determination, the person’s mental capacity has been completely restored by a final judgment of a court exercising probate jurisdiction. *Election Code 1.020(a)*

A person determined to be partially mentally incapacitated without the right to vote by a court exercising probate jurisdiction is not subject to a voting disability or candidacy disqualification under this code if, subsequent to that determination, the person's guardianship has been modified to include the right to vote or the person's mental capacity has been completely restored by a subsequent final judgment of a court exercising probate jurisdiction. *Election Code 1.020(a)*

## **ELECTIONS**

- 1.01** The election of Board members shall be on the first Saturday in May in even-numbered years.
- 1.02** The Board shall consist of seven members.
- 1.03** Board members shall be elected at large.

## VACANCIES AND REMOVAL FROM OFFICE

### SECTION ONE: VACANCIES AND REMOVAL FROM OFFICE

#### 1.01 Vacancy

Any vacancy occurring on the Board through death, resignation, or otherwise, shall be filled by a special election ordered by the Board or by appointment by resolution or order of the Board. The person appointed to fill the unexpired term shall serve until the next regular election of members to the Board, at which time the position shall be filled by election for a term appropriately shortened to conform with what regularly would have been the length of the term for that position.

#### 1.02 Special Election

A special election shall be conducted in the same manner as the general election on the next uniform election date that will afford enough time to hold the election in the manner required by law.

#### 1.03 Resignation

To be effective, a Trustee's resignation must be in writing and signed by the Trustee and must be delivered to the Board for acting on the resignation. The Board may not refuse to accept a resignation. If a Trustee submits a resignation, whether to be effective immediately or at a future date, a vacancy occurs on the date the resignation is accepted by the Board or on the eighth day after the date of its receipt by the Board, whichever is earlier.

#### 1.04 Nonresidence

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

#### 1.05 Holdover Doctrine

A Trustee shall continue to perform the duties of his/her office until his/her successor shall be duly qualified through the administration of the oath of office. 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 the nepotism provision. A holdover Trustee may not vote on the appointment of the Trustee's successor.

#### 1.06 Removal from Office

A Trustee may be involuntarily removed from office for cause by due process. It requires a petition in the county district court as provided by *Government Code 87.015*. Reasons for removal may include the following:

**1.06.1 Incompetency.** “Incompetency” means: (a) gross ignorance of official duties, (b) gross carelessness in the discharge of those duties, or (c) 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.

**1.06.2 Official Misconduct.** “Official misconduct” means intentional, unlawful behavior relating to official duties by a Trustee. The term includes an intentional or corrupt failure, refusal, or neglect of a Trustee to perform a duty imposed on the Trustee by law. A member who is convicted of a purchasing offense is considered to have committed official misconduct and is subject to removal.

**1.06.3 Conviction.** The conviction by a petit jury for any felony or a misdemeanor involving official misconduct operates as an immediate removal from office.

**1.06.4 Non-Attendance.** If a member is absent from more than half of the regularly scheduled board meetings for which the member is eligible to attend during a calendar year, not counting absences excused by a majority vote of the board, the member is subject to petition for removal.

## **SECTION TWO: APPOINTMENT PROCEDURE**

**2.01** At a public meeting of the Board when an impending or actual vacancy is officially recognized, the Board President shall invite the Trustees to nominate candidates for consideration to fill the vacancy.

**2.02** At the same meeting, the Board President shall appoint a committee comprising no more than three Trustees to (a) consider the qualifications of each nominee and (b) develop a resolution recommending a nominee for appointment to the Board. The committee may request relevant documentation and information from nominees, and the College President may assign a College employee to support the work of the committee.

**2.03** A member of the committee shall present the resolution to fill the vacancy at the next regular meeting. The committee will invite the nominee it plans to recommend to fill the vacancy to attend the Board meeting. The committee may present whatever information it deems necessary and prudent for the Board to consider its resolution.

**2.04** An affirmative vote by a majority of all Board members is required to appoint a Trustee. In which case, the Board President will administer the oath of office to the appointed Trustee, and he or she will immediately assume the Trustee position.

**2.05** If a majority of all Board members votes in the negative on the resolution, the Board President may invite a resolution from any Trustee to fill the position immediately with a

qualified candidate, or may invite additional nominations from Trustees for the committee to consider.

## **ORIENTATION AND TRAINING**

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

1. Selected materials on the responsibilities of being a contributing member of the Board.
2. Material pertinent to meetings and an explanation of its use.
3. Invitations to meet with the College President and other administrative personnel designated by the College President to discuss services the administration performs for the Board.
4. Access to a copy of the Board's policies and administrative regulations and other documents and information currently in use by other Board members.
5. Information regarding appropriate meetings and workshops.
6. A formal orientation on legal and budgetary oversight responsibilities of the Board.
7. Other information and activities as the Board or the College President deems useful in fulfilling the role of Board member.

**1.02 Public Information Coordinator**

The College President or designee shall fulfill the responsibilities of the public information coordinator and shall receive, on behalf of Board members, the training specified by Government Code 552.012.



**ETHICS  
CONFLICT OF INTEREST DISCLOSURES**

**BBFA  
(Exhibit)**

**EXHIBIT A**

**AFFIDAVIT DISCLOSING SUBSTANTIAL INTEREST IN A BUSINESS ENTITY OR  
REAL PROPERTY**

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ (name), as a local public official of the  
\_\_\_\_\_ College District, make this affidavit and on my oath state  
the following:

1. I, or a person(s) related to me in the first degree, have a substantial interest as defined in Local Government Code 171.002 in:

- ☐ a business entity, as defined in Local Government Code 171.001, that would experience a special economic effect distinguishable from its effect on the public by a vote or decision of the board.

or

- ☐ real property for which it is reasonably foreseeable that the board's action or my action will have a special economic effect on the value of the property distinguishable from its effect on the public.

2. The business entity or real property is:

\_\_\_\_\_  
(name/address of business or description of property)

\_\_\_\_\_ ("I" or name of relative and relationship) (have)(has) a  
substantial interest in this business entity or real property as follows: (check all that apply)

- ☐ Ownership of ten percent or more of the voting stock or shares of the business entity.
- ☐ Ownership of ten percent or more of the fair market value of the business entity.
- ☐ Ownership of \$15,000 or more of the fair market value of the business entity.
- ☐ Funds received from the business entity exceed ten percent of \_\_\_\_\_ (my, her, his) gross income for the previous year.
- ☐ Real property is involved and \_\_\_\_\_ (I, she, he) (have)(has) an equitable or legal ownership with a fair market value of at least \$2,500.

3. The statements in this affidavit are based on my personal knowledge and are true and correct.

3. Upon the filing of this affidavit with the board's official record keeper, I affirm that I shall abstain from participation in any decision involving this business entity or real property, unless permitted according to Local Government Code 171.004(c).

**ETHICS  
CONFLICT OF INTEREST DISCLOSURES**

**BBFA  
(Exhibit)**

Signature of official: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me on this \_\_\_\_\_ day of \_\_\_\_\_ (month),  
\_\_\_\_\_ (year).

\_\_\_\_\_, Notary Public, State of Texas

**ETHICS  
CONFLICT OF INTEREST DISCLOSURES**

**BBFA  
(Exhibit)**

**EXHIBIT B**

**AFFIDAVIT DISCLOSING INTEREST IN PROPERTY**

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ (name of affiant), (check one of the following:)

- ☐ as an officer of, or
- ☐ as a board candidate for,

\_\_\_\_\_ College District make this affidavit and on my oath state the following:

1. I have a legal or equitable interest in property to be acquired with public funds, either by purchase or condemnation. The property is fully described as follows:

\_\_\_\_\_.

2. The nature, type, and amount of interest, including percentage of ownership, I have in the property is:

\_\_\_\_\_.

3. I acquired my interest in the property on \_\_\_\_\_ (date).

4. The information stated in this affidavit is personally known by me to be correct and contains the information required by Government Code 553.002

Signature of affiant: \_\_\_\_\_

Office or public title: \_\_\_\_\_

Date: \_\_\_\_\_

**Note:** This affidavit must be filed with the county clerk(s) of the county or counties in which the property is located and of the county in which the public servant or candidate resides within ten days before the date on which the property is to be acquired by purchase or condemnation.

## ETHICS: PROHIBITED PRACTICES

### 1.01 PENAL CODE OFFENSES TARGETING PUBLIC SERVANTS

“Public servant” means a person elected, selected, appointed, employed, or otherwise designated as one of the following, even if the person has not yet qualified for office or assumed his or her duties: (a) An officer, employee, or agent of government; or (b) A candidate for nomination or election to public office.

*Penal Code 1.07(a)(41)*

### 1.02 BRIBERY

A person commits an offense if the person intentionally or knowingly offers, confers, or agrees to confer on another, or solicits, accepts, or agrees to accept from another:

- Any benefit as consideration for the recipient’s decision, opinion, recommendation, vote, or other exercise of discretion as a public servant;
- Any benefit as consideration for the recipient's decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding;
- Any benefit as consideration for a violation of a duty imposed by law on a public servant;
- Any benefit that is a political contribution as defined by *Election Code Title 15* or that is an expenditure made and reported in accordance with *Government Code Chapter 305*, if the benefit was offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion if such exercise of official discretion would not have been taken or withheld but for the benefit. *Penal Code 36.02(a)*

“Benefit” means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest. *Penal Code 36.01(3)*

### 1.03 ILLEGAL GIFTS

A public servant who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of government commits an offense if the public servant solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of his discretion. *Penal Code 36.08(d)*

A public servant who receives an unsolicited benefit that the public servant is prohibited from accepting under *Penal Code 36.08* may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax exempt charitable organization formed for educational, religious, or scientific purposes. *Penal Code 36.08(i)*

**1.03.1 EXCEPTIONS** *Penal Code 36.08* does not apply to:

- A fee prescribed by law to be received by a public servant or any other benefit to which the public servant is lawfully entitled or for which the public servant gives legitimate consideration in a capacity other than as a public servant;
- A gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient;
- A benefit to a public servant required to file a statement under *Government Code Chapter 572* or a report under *Election Code Title 15* that is derived from a function in honor or appreciation of the recipient if:
  - The benefit and the source of any benefit in excess of \$50 is reported in the statement; and
  - The benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are non-reimbursable by the state or political subdivision;
- A political contribution as defined by *Election Code Title 15*;
- An item with a value of less than \$50, excluding cash or a negotiable instrument as described by *Business and Commerce Code 3.104*;
- An item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity;
- Transportation and lodging expenses or meals in connection with a conference or similar event in which the public servant renders services, such as addressing an audience or engaging in a seminar, to the extent those services are more than merely perfunctory;
- Complimentary legal advice or legal services relating to a will, power of attorney, advance directive, or other estate planning document rendered to a public servant who is a first responder; and through a program or clinic that is operated by a local bar association or the State Bar of Texas and approved by the head of the agency employing the public servant, if the public servant is employed by an agency; or
- Food, lodging, transportation, or entertainment accepted as a guest and, if the donee is required by law to report those items, reported by the donee in accordance with that law. *Penal Code 36.07(b), .10(a)–(b)*

**1.04 HONORARIA AND EXPENSES**

A public servant commits an offense if the public servant solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for the public servant's official position or duties. This restriction does not prohibit a public servant from accepting transportation and lodging expenses in connection with a conference or similar event in which the public servant renders services, such as addressing an audience or engaging in a seminar, to the extent

those services are more than merely perfunctory, or from accepting meals in connection with such an event. *Penal Code 36.07(a)–(b)*

### **1.05 ABUSE OF OFFICE**

A public servant commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, the public servant intentionally or knowingly violates a law relating to the public servant's office or misuses government property, services, personnel, or any other thing of value belonging to the government that has come into the public servant's custody or possession by virtue of the public servant's office or employment. *Penal Code 39.02(a)*

"Law relating to a public servant's 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. *Penal Code 39.01(1)*

"Misuse" means to deal with property contrary to:

1. An agreement under which the public servant holds the property;
  2. An oath of office of a public servant;
  3. A law, including provisions of the General Appropriations Act specifically relating to government property, that prescribes the manner of custody or disposition of the property; or
  4. A limited purpose for which the property is delivered or received.
- Penal Code 39.01(2)*

### **1.06 MISUSE OF OFFICIAL INFORMATION**

A public servant commits an offense if, in reliance on information to which the public servant has access by virtue of the person's office and that has not been made public, the person:

1. Acquires or aids another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;
2. Speculates or aids another to speculate on the basis of the information; or
3. As a public servant, including as a school administrator, coerces another into suppressing or failing to report that information to a law enforcement agency.

A public servant commits an offense if with intent to obtain a benefit or with intent to harm or defraud another, the public servant discloses or uses information for a nongovernmental purpose that the public servant has access to by means of his office or employment and has not been made public.

"Information that has not been made public" means any information to which the public does not generally have access, and that is prohibited from disclosure under *Government Code Chapter 552. Penal Code 39.06(a)–(b), (d)*

### **1.07 OFFICIAL OPPRESSION**

A public servant acting under color of his office or employment commits an offense if the public servant:

1. Intentionally subjects another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful;
2. Intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing his conduct is unlawful; or
3. Intentionally subjects another to sexual harassment.

For purposes of this section, a public servant acts under color of the public servant's office or employment if he acts or purports to act in an official capacity or takes advantage of such actual or purported capacity.

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly. *Penal Code 39.03(a)–(c)*

### **1.08 NEPOTISM**

A public official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated from public funds or fees of office if:

1. The individual is related to the public official within the third degree by consanguinity or within the second degree by affinity; or
2. The public official holds the appointment or confirmation authority as a member of a local board and the individual is related to another member of the board within the third degree by consanguinity or within the second degree by affinity. *Gov't Code 573.002, .041; Atty. Gen. Op. JC-184 (2000)*

The nepotism law governs the hiring of an individual, whether the individual is hired as an employee or an independent contractor. *Atty. Gen. Op. DM-76 (1992)*

A public official may not approve an account or draw or authorize the drawing of a warrant or order to pay the compensation of an ineligible individual if the official knows the individual is ineligible. *Gov't Code 573.083*

A board member who has delegated to a college president final authority for personnel selection remains subject to the nepotism provisions. *Atty. Gen. Op. GA-415 (2006)*

### **1.08.1 PUBLIC OFFICIAL**

“Public official” means:

1. An officer of this state or of a district, county, municipality, precinct, school district, or other political subdivision of this state; or
2. An officer or member of a board of this state or of a district, county, municipality, college district, or other political subdivision of this state.

*Gov’t Code 573.001(3)*

### **1.08.2 CONSANGUINITY**

Two individuals are related to each other by consanguinity if:

1. One is a descendant of the other; or
2. They share a common ancestor.

An adopted child is considered to be a child of the adoptive parent for this purpose. *Gov’t Code 573.022*

### **1.08.3 AFFINITY**

Two individuals are related to each other by affinity if:

1. They are married to each other; or
2. The spouse of one of the individuals is related by consanguinity to the other individual.

The ending of a marriage by divorce or the death of a spouse ends relationships by affinity created by that marriage unless a child of that marriage is living, in which case the marriage is considered to continue as long as a child of that marriage lives. *Gov’t Code 573.024(a)–(b)*

## **1.09 FORMER BOARD MEMBER EMPLOYMENT**

A public junior college may not employ or contract with an individual who was a member of the board of trustees of the junior college before the first anniversary of the date the individual ceased to be a member of the board of trustees. *Education Code 130.089*

## **1.10 INCOMPATIBILITY OF OFFICE**

One person may not occupy two legally incompatible offices. Offices are legally incompatible when the faithful and independent exercise of one would necessarily interfere with the faithful and independent exercise of the other. A person may not serve in one branch of government while exercising any powers properly attached to either of the other branches of government. *Tex. Const. Art. II, Sec. 1; Turner v. Trinity Indep. Sch. Dist., 700 S.W.2d 1 (Tex. App.–Houston (14th Dist.) 1983); Atty. Gen. Op. GA-786 (2010)*



## **RESTRICTIONS ON PUBLIC SERVANTS—FEDERAL LAW**

### **2.01 BRIBERY—GENERAL**

The term “public official” means a person acting for or on behalf of the United States, or any department, agency, or branch thereof, in any official function, under or by authority of any such department, agency, or branch of government.

The term “person who has been selected to be a public official” means any person who has been nominated or appointed to be a public official, or has been officially informed that such person will be so nominated or appointed. *18 U.S.C. 201(a)(1)–(2); Dixon v. U.S., 465 U.S. 482, 499 (1984) (holding that employees of a private organization that administered federal housing grants for city were “public officials” because they had some degree of official responsibility for carrying out a federal program or policy); U.S. v. Franco, 632 F.3d 880 (5th Cir. 2011)*

A public official or person selected to be a public official commits an offense if the public official or person selected to be a public official, directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for:

1. Being influenced in the performance of any official act;
2. Being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or
3. Being induced to do or omit to do any act in violation of the official duty of such official or person. *18 U.S.C. 201(b)(2)*

### **2.02 BRIBERY—FEDERAL PROGRAMS**

The term “agent” means a person authorized to act on behalf of another person or a government and, in the case of an organization or government, includes a servant or employee, and a partner, director, officer, manager, and representative.

The term “government agency” means a subdivision of the executive, legislative, judicial, or other branch of government, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established, and subject to control, by a government or governments for the execution of a governmental or intergovernmental program.

If an organization, government, or agency receives, in any one year period, benefits in excess of \$10,000 under a federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of federal assistance, an agent of an organization, or of a state or local government, commits an offense if the agent:

1. Embezzles, steals, obtains by fraud, or otherwise without authority knowingly converts to the use of any person other than the rightful owner or intentionally misapplies, property that:
  - a. Is valued at \$5,000 or more, and
  - b. Is owned by, or is under the care, custody, or control of the organization, government, or agency; or
2. Corruptly solicits or demands for the benefit of any person, or accepts or agrees to accept, anything of value from any person, intending to be influenced or rewarded in connection with any business, transaction, or series of transactions of the district involving anything of value of \$5,000 or more.

This provision does not apply to bona fide salary, wages, fees, or other compensation paid, or expenses paid or reimbursed, in the usual course of business. *18 U.S.C. 666*

**BOARD MEMBERS: TECHNOLOGY RESOURCES AND ELECTRONIC  
COMMUNICATIONS**

**SECTION ONE: TECHNOLOGY RESOURCES**

**1.01 Definition**

For purposes of this policy, “technology resources” means electronic communication systems and electronic equipment.

**1.02 Availability of Access**

Access to the College’s technology resources, including the Internet, shall be made available to Board members primarily for official duties.

**1.03 Acceptable Use**

By accessing the College’s technology resources, a Board member acknowledges that (a) access to the College’s technology resources, including the Internet, is primarily for instructional and administrative purposes; (b) use not related to instructional and administrative purposes may result in suspension of access or termination of privileges, and (c) violations of law may result in criminal prosecution.

**1.04 Limited Personal Use**

Limited personal use of the College’s technology resources shall be permitted if the use:

- Imposes no tangible cost on the College; and
- Does not unduly burden the College’s technology resources.

**1.05 Monitored Use**

Electronic mail transmissions and other use of the College’s technology resources by a Board member shall not be considered private. The College President or designee shall be authorized to monitor the College’s technology resources at any time to ensure appropriate use.

**1.06 Disclaimer of Liability**

The College shall not be liable for a Board member’s inappropriate use of technology resources, violations of copyright restrictions or other laws, mistakes or negligence, or costs incurred. The College shall not be responsible for ensuring the availability of the College’s technology resources or the accuracy, appropriateness, or usability of any information found on the Internet.

**1.07 Records Retention**

A Board member shall retain electronic records, whether created or maintained using the College’s technology resources or using personal technology resources, in accordance with the College’s record management program.

## BOARD OFFICERS AND OFFICIALS

### SECTION ONE: OFFICERS

#### **1.01 Election of Board Officers**

Officers of the Board shall be elected at the first regular meeting of the Board following the regular election of members of the Board every two years, or at any other time thereafter in order to fill a Board Officer vacancy.

#### **1.02 Board President**

The Board shall elect one of its members as Board President. The Board President shall preside at meetings of the Board and perform other duties and functions as are prescribed by the Board. The Board President shall have a vote the same as other members.

#### **1.03 Board Vice President**

The Board shall elect one of its members as Board Vice President who shall preside at meetings and perform other duties and functions of the Board President in the absence of the Board President.

#### **1.04 Board Secretary**

The Board shall elect one of its members as Board Secretary who shall be the official custodian of the minutes, books, records, and seal of the Board, and who shall perform such other duties and functions as are prescribed by the Board.

The College President shall designate a College employee to serve as a clerk for the Board. The clerk shall not be a member of the Board. The clerk shall be responsible for creating, organizing, and distributing document packets for regular and special meetings of the Board; posting public notice of Board meetings as required by law; creating meeting minutes for all public meetings of the Board for review by the Board Secretary and approval by the Board; maintaining all records and files for the Board; and other duties related to the functioning of the Board as directed by the College President.

#### **1.05 Other Board Officers and Officials**

The Board shall be authorized to elect any other officers or official as deemed necessary or advisable.

## BOARD COMMITTEES

### SECTION ONE: TYPES OF COMMITTEES

#### **1.01 Committee of the Whole**

Except as hereinafter provided, the work of the Board shall be done by the members of the Board sitting as a committee of the whole. The Board may meet as a committee of the whole in compliance with the Open Meetings Act at such times and places as the Board President may elect to consider any business relating to the College.

#### **1.02 Standing Committees**

Standing committees comprising members of the Board may be created for specific functions. When so created, such committees shall continue until terminated by a vote of the Board. The committees shall meet in compliance with the Open Meetings Act at such times and places as committee members may choose to consider any business relating to the charge of the committee. Trustees shall be appointed to standing committees by the Board President. The Board has established the following Standing Committees:

**1.02.1 Policy Review Committee.** The function of the Policy Review Committee is to review and consider existing and proposed local policies prior to consideration and adoption of local policies by the Board. The committee may also provide guidance and advice to the College President regarding College regulations.

**1.02.2 Long-Range Planning Committee.** The function of the Long-Range Planning Committee is to consider strategic priorities for the long term direction and development of the College. The College President presents the College's proposed five-year strategic plan to the Long-Range Planning Committee for input and feedback prior to adoption of the plan by the Board.

**1.02.3 Finance Committee.** The function of the Finance Committee is, prior to approval or adoption by the Board, (a) to provide advice and guidance to the administration during the annual budget development process, (b) to review initiatives or projects that potentially involve material financial outcomes for the College, (c) to review the annual financial audit, and (d) to review and consider the College's investment and endowment policies and the qualified investment broker of the College.

**1.02.4 Student Affairs & Athletics Committee.** The function of the Student Affairs & Athletics Committee is to consider governance-level matters and policies relating to student programs, activities, and intercollegiate athletics as well as to advise the College President on the strategic direction of co-curricular and extracurricular programs and services to enhance the academic and personal growth and development of individuals attending Angelina College.

**1.03 Special Committees**

Special committees may be created by the Board for specific assignments. Special committee membership may include Board members, employees of the College, or community stakeholders appointed by the Board. When so created, such committees shall be terminated upon completing their assignments or by a vote of the Board.

**SECTION TWO: COMMITTEE AUTHORITY**

- 2.01** Committees may transact business binding on the College only within authority specifically granted to them and in compliance with the Open Meetings Act. To be continuously binding, all such business thus transacted shall be reported at the next regular meeting of the Board for approval and for entry into the minutes of the Board as a public record.

**BOARD INTERNAL ORGANIZATION: BOARD AND COLLEGE LEGAL COUNSEL**

**SECTION ONE: LEGAL SERVICES**

- 1.01** The Board may retain an attorney or attorneys, as necessary, to serve as the Board's legal counsel and representative(s) in matters requiring legal services.
- 1.02** The College President may appoint an in-house counsel and/or retain external attorneys as necessary to serve as the College's legal counsel and representative(s) in matters requiring legal services.

**SECTION TWO: ACCESS TO LEGAL COUNSEL**

- 2.01** The College President is authorized to communicate and collaborate with the Board's legal counsel and to request legal advice from the Board's legal counsel as necessary and appropriate.
- 2.02** Individual Board members shall channel requests or inquiries through the College President or Board President, as appropriate, when advice or information from the College's and/or the Board's legal counsel is sought.
- 2.03** Staff may consult with in-house counsel about matters relating to the College as appropriate. Staff requests for legal advice from the College's external counsel shall be submitted through the College President. A report of legal advice received shall be presented to the Board when deemed appropriate by the administration or upon request of the Board.

### **ADVISORY COMMITTEES**

- 1.01** Business and industry participation is a vital element in offering relevant workforce education programs. Local citizens will be recruited to assist the College faculty and administration with the planning and evaluating of workforce education programs and services. The advice given may be related to facilities and equipment, curriculum development and renewal, cooperative learning plans, professional development of instructors, and employment opportunities.
  
- 1.02** Associate Deans of Instruction are responsible for ensuring advisory committees are formed, and for guiding the committee chair to ensure the committee conducts its activities in compliance with rules published in the Guidelines for Instructional Programs in Workforce Education (GIPWE), which were adopted by the Texas Higher Education Coordinating Board. A record of all committee meeting minutes will be stored in the respective Associate Dean of Instruction's office.



## **BOARD MEETINGS**

### **MEETINGS**

- 1.01** Regular meetings of the Board shall be held in the Angelina College Administration Building Board Room on the second Monday of each month at 5:30 p.m. unless otherwise provided by the Board.
- 1.02** An agenda shall be prepared under the direction of the College President. For an item of business to appear on the agenda, the College President must be notified no later than noon of the day the agenda and notice have to be prepared, which normally will be the fifth day preceding the regular or special meeting. All decisions regarding the preparation of the Board agenda are left to the sound discretion of the College President and of the Board President.
- 1.03** Written notice of the date, hour, place, and subject of each meeting of the Board shall be given as prescribed by law.

Notice will be:

1. Posted on the bulletin board in the administration building; in the established posting location.
  2. Mailed or delivered to news media, including the student newspaper, requesting such notice and consenting to pay any and all expenses incurred by the college in providing special notice.
  3. Posted, delivered, or given at least 72 hours prior to the hour of the meeting.
  4. Posted on the internet web site.
- 1.04** Members of the Board shall be given notice of regular, or special meetings at least 72 hours prior to the hour of the meeting by the secretary in the office of the College President.
- 1.05** All meetings of the Board shall be opened in public, as prescribed by law.
- 1.06** A quorum for meetings of the Board will be four board members.

### **EMERGENCY MEETINGS**

- 2.01** Notice of all emergency meetings shall include the date, hour, place, and subject of the meeting.

- 2.02** Such notice will also express the nature of the emergency, or urgent public necessity, which requires an emergency meeting.
- 2.03** Such notice will be posted at least two hours before the meeting is convened.
- 2.04** The presiding officer or member calling such meeting shall notify all news media that have previously requested such notice.

## **CLOSED MEETINGS OR EXECUTIVE SESSIONS**

- 3.01** Closed meetings or executive sessions will not be held unless the Board has first been convened in open meeting for which notice has been given. If, during the open meeting, a closed or executive session is necessary, the presiding officer of the Board shall announce that a closed or executive session will be held and identify the section, or sections, under the Texas Government Code Chapter 551 which authorizes the holding of such closed or executive sessions.
- 3.02** The Board will not take any final action or final vote, or make any final decisions with regard to any matter considered in a closed or executive session. Such final actions, final votes, or final decisions with regard to any matter considered in closed session will be made only in a meeting which is open to the public and for which proper notice is given.
- 3.03** After any and all closed or executive sessions, the Board will reconvene the public meeting or session before adjourning.

## **CONDUCT OF MEETINGS**

- 4.01** Board meetings are held to transact the business of the College District and are open to the public except when closed meetings are permitted by law. Citizens shall be allowed to address the Board during the regular monthly Board meeting by requesting a place on the agenda according to policy. The Board shall set reasonable restraints on the number, length, and frequency of presentations.
- 4.02** When the Board agenda contains an item entitled “open forum” or “public forum”, individuals who desire to address the Board must first complete the request to address the Board card provided at the sign-in table at the Board meeting in order to be allowed to address the Board. The Board shall have exclusive authority to control the number of speakers, the length in time of each presentation, and to impose a requirement that groups and delegations select one spokesperson in order to maintain control and order over the conduct of the Board meeting.

- 4.03** If the Board President determines that a person has not attempted to resolve a matter administratively, the person shall be directed to the appropriate grievance policy and person for attempted resolution before bringing the matter to the Board. The Board hereby adopts Roberts' Rules of Order, Newly Revised as the standard and authority for the resolution of all questions of parliamentary procedure. Any conflict between Roberts' Rules of Order, Newly Revised and state law or Board policies and procedures of the College District shall be controlled by the state law and the policies and procedures of the College District.

## **VOTING AND MINUTES**

- 5.01** Voting shall be by voice or show of hands, as directed by the Board President. Any member may abstain from voting, and a member's vote or failure to vote shall be recorded.
- 5.02** Board action shall be carefully recorded by the secretary or clerk. When approved, these minutes shall serve as the legal record of official Board actions. The written minutes of all meetings shall be approved by vote of the Board and signed by the Board President and the Board Secretary.
- 5.03** The official minutes of the Board, excepting certified agendas of closed meetings, shall be retained on file in the office of the College President and shall be available for examination during regular office hours.

## **POLICY AND BYLAW DEVELOPMENT**

- 1.01** The College District recognizes the importance of a policies and procedures manual as a dynamic and changing document subject to periodic revision to meet the changing needs of students and community and reflecting changes in state and federal laws and regulations.
- 1.02** Board policies and policy amendments may be proposed or identified by the College President, the Board, employees, or the external community but shall be recommended for the Board's consideration only by a Board member or the College President.
- 1.03** The College President should lead the executive council in periodic administrative review of policies with each administrator being responsible for identifying duplicate, extraneous, out-of-date, or missing policies or procedures in their area.
- 1.04** Policy and procedures content revision and development will normally include the following steps:
1. Review by executive council;
  2. Review and input by appropriate faculty standing committee and educational program advisory council;
  3. Organization and codification;
  4. Final review by Board policy review committee, if Board policy;
  5. Legal review, if necessary;
  6. Board adoption, if Board policy;
  7. Distribution of policy to all divisions, administrative offices, and official policy books.
- 1.05** In addition to Board policies the official College District bulletin and the student handbook shall be considered enforceable College District regulations unless found to be in conflict with Board policy.
- 1.06** The Board shall have the sole right to adopt or amend Board policies by majority vote in one reading. When action, procedures, or interpretations are urgently required in an area not covered by Board policy, the College President shall have the power to act and inform the Board of such action subject to review by the Board at its discretion.

- 1.07** The College President is authorized to designate an administrator to act in behalf of the College President in the event emergency circumstances prevent the College President from being available when action is required.
- 1.08** The Board shall designate one copy of the policy manual as the official policy manual of the district. The official copy shall be kept in the College President's office, and the College President or designee shall be responsible for its accuracy and currency. If discrepancies occur between different copies of the manual distributed throughout the district, the version contained in the official policy manual shall be regarded as authoritative.
- 1.09** Amendments to by-laws and policies may be made by official Board action by a majority vote of all Board members present and voting. Additions, deletions, and amendments required by statutes of the state of Texas will be made in accordance with these statutes. By-laws and policies may be amended except in instances where these rules and regulations are established by statutes of the state.
- 1.10** In the absence of a specific local policy, the Board will follow the policy guidelines in the current "Policy Reference Manual for Texas Community Colleges" of the Texas Association of School Boards (TASB) and the appropriate part of the Texas Education Code, Election Code, or state Constitution referenced by the manual.
- 1.11** This will apply specifically to the following sections:
- BBC – Board Vacancies and Removal from Office
  - BBD – Orientation and Training
  - BBF – Ethics and Conflict of Interest
  - BBG – Compensation and Expenses
  - BD – Voting and Meetings

**GUIDELINES AND CRITERIA FOR THE ANGELINA COLLEGE  
CHAPTER 381 COMMUNITY AND ECONOMIC DEVELOPMENT  
INCENTIVE AND CHAPTER 312 TAX ABATEMENT PROGRAM**

WHEREAS, Chapter 381 of the Texas Local Government Code authorizes the College to develop, administer, and participate in projects for local economic development and to encourage commercial activity in the County; and

WHEREAS, Chapter 312 of the Texas Tax Code authorizes local taxing entities, like community colleges, to enter into agreements with property owners for certain tax abatements;

WHEREAS, Angelina College desires to provide financial incentives to select private businesses that contribute to economic development; and

WHEREAS, to be eligible to receive such financial incentives, a business must meet all of the criteria established by these Guidelines now and as they may be amended in the future in the sole discretion and determination of the College; and

WHEREAS, Angelina College desires to provide such incentives to projects whose properties are subject to Angelina College ad valorem taxes; and

WHEREAS, the Commissioner's Court of Angelina County, Texas has adopted Guidelines and Criteria for such Chapter 381 Community and Economic Development projects, which Guidelines and Criteria the Board of Trustees desires to adopt and incorporate into its own Guidelines and Criteria.

WHEREAS, Chapter 381 can be used in conjunction with tax abatements provided for under Chapter 312 of the Texas Tax Code or separately as a Chapter 381 Economic Development Agreement; and

WHEREAS, these guidelines and criteria shall not be construed to obligate Angelina College to provide an incentive under Chapter 381 to any applicant; and all applicants, requests, and/or projects shall be considered on a case-by-case basis; and

NOW THEREFORE, the Angelina College Board of Trustees does adopt these standards to define the Chapter 312 tax abatement and establish guidelines and criteria consistent with the Guidelines adopted by Angelina County, Texas, as follows:

**GENERAL CRITERIA**

Angelina College may provide Chapter 312 economic development incentives as tax abatements for a business or commercial development project ("Project") if that project:

1. Will enhance the economic vitality of Angelina County and the Angelina College service area;

2. Will result in a net increase or retention of jobs in the County or add to the tax base or will otherwise improve or enhance the economic welfare of the residents or businesses of the County; or
3. Demonstrates the potential to generate revenues to the County which outweigh costs associated with incentives.

In addition, the following criteria must be satisfied:

The Project **MUST**:

1. Show a clear demonstration of economic benefit through advancement of the County's and the College's economic goals which include expanding the tax base, creating quality jobs, increasing private capital investment in the community, spurring development in the targeted county locations, or encouraging development of targeted businesses or clusters desirable to enhance the county's economy,
2. Provide evidence that demonstrates the business' financial stability and capacity to complete the project; and
3. Be in compliance with all local, state, and federal laws.

In order to receive any Chapter 312 tax abatement from Angelina College, credible information must be made available by the applicant, including but not limited to capital investment and employment projections, to enable Angelina College to conduct an appropriate analysis of the proposed project at initiation and throughout the life cycle of the Chapter 381 agreement.

The decision to provide any Chapter 381 economic development incentives and Chapter 312 tax abatement will be considered on a case by case basis, in accordance with the criteria set forth in this document, and then at the discretion of the Angelina College Board of Trustees.

## **QUALIFICATION CRITERIA**

In order to be eligible for Chapter 381 incentives and for Chapter 312 tax abatement, a project must meet the following qualifying criteria:

- The project must meet or exceed the qualifying criteria established by the Commissioner's Court of Angelina County, Texas; and
- The applicant must make sincere and documented effort to hire local employees and contractors and must purchase products and materials used in construction from vendors in Angelina County, Texas to the extent available and providing best value.

Projects qualifying under these General and Qualification Criteria will be eligible for Chapter 381 economic development incentives and Chapter 312 tax abatements, the terms for which will be at the sole discretion of the Angelina College Board of Trustees.

## **APPLICATION/PROPOSAL PROCESS**

Applicants seeking a Chapter 312 tax abatement/economic development agreement with Angelina College may do so by submitting a written proposal to Angelina College.

The written proposal shall consist of a project description, general improvements to be undertaken; a general descriptive list of the improvements for which an incentive is requested; a list of the kind, number, and location of all proposed improvements of the property; a map and location of all proposed improvements of the property; a map and property description; and a time schedule for undertaking and completing the proposed improvements.

In the case of modernization, a statement of the assessed value of the facility separately stated for real and personal property shall be given for the tax year immediately preceding the proposal. The proposal may require such financial and other information as the participating municipality or County deems appropriate for evaluating the financial capacity and other factors related to the applicant.

## **FOR CHAPTER 381 AGREEMENTS**

A complete review of the Project and proposal will be conducted by Angelina College and/or its representatives. Depending on the nature of the Project, the form of tax abatement provided via Chapter 312 Agreement will be determined.

After approval and the giving of requested notice, Angelina College shall formally pass a resolution and execute an agreement with the owner of the Project, which shall include the following:

- Project description
- Percent of value to discount
- Terms of agreement
- Project milestones and deadlines for investment and job creation and retention
- Assignment provisions
- Recapture provisions with interest provided.

In all other respects, Angelina College adopts the criteria and requirements adopted by Angelina County.

An Agreement shall be effective on the January 1st valuation date immediately following the execution of the Chapter 312 Agreement and will be conditioned on the completion of the specific improvements to real property, job creation, and any other factors deemed appropriate by the College.



Adopted this the 19<sup>th</sup> day of October, 2020.



\_\_\_\_\_  
President, Board of Trustees  
Angelina College

Attest:



\_\_\_\_\_  
Secretary, Board of Trustees  
Angelina College

## **APPLICATION FOR TAX ABATEMENT**

### **1.01 Written Application**

Any current or potential owner or lessee of taxable property in the College District may request tax abatement by filing a written application with the College, through The President's office. The physical location and mailing instructions for the submission of application, are as follows:

Attn: Dr. Michael J. Simon  
Angelina College  
President's Office—Administration Building  
3500 First St.  
Lufkin, TX 75902

### **1.02 Annual Submission Deadline**

To be considered for approval in the then present year, an application must be submitted by October 31<sup>st</sup>. Failure to submit by the deadline may result in the application be considered in the following calendar year.

### **1.03 Contents**

The application shall be signed by the owner or lessee, as applicable, and accompanied by:

1. A general description of the proposed use and the general nature and extent of the modernization, expansion, or new improvements to be undertaken;
2. An application fee of \$500, payable to Angelina College (fee is non-refundable);
3. A descriptive list of the improvements which will be a part of the facility;
4. An estimate of the cost of the improvements;
5. An estimate of the number of employees during construction and thereafter to operate the facility;

6. A map and metes and bounds of the property;
7. A legal description of the property;
8. A time schedule for undertaking and completing the proposed improvements;
9. A proposed program for the recruitment of local employees in the construction and operation of the facility together with a statement affirming the Applicant's commitment to equal employment opportunity and hiring, at all levels, including a plan to implement and ensure such equal employment opportunity;
10. A certification prepared by the appropriate county Tax Assessor-Collector stating that  
all of Applicant's tax accounts within the College District are paid on a current basis;
11. Financial and other information the College deems necessary for evaluating the financial capacity of the Applicant;
12. Information pertaining to the reasons that the requested tax abatement is necessary to ensure the proposed project is built in the College District (i.e., documentation supporting assertion that "***but for***" a tax abatement, the stated project could not be constructed in the College District);
13. For a leased facility, the Applicant shall provide with the application the name and address of the lessor and a draft copy of the proposed lease or option to contract. In the event a lease or option contract has already been executed with the owner of the site, the document must include a provision whereby the abatement applicant may terminate such contract without penalty or loss of earnest money in the event the College does not grant a tax abatement;
14. A narrative addressing the points raised in the description of narrative accompanying the Application for Tax Abatement form;
15. Applicant shall include its history of environmental compliance;
16. Confirmation on whether the property is located within a reinvestment zone established under the Tax Increment Financing Act (TIFA), and if so, then

Applicant shall also provide a list of the members of the board of directors for the TIFA reinvestment zone, detailing their positions on the board, and, at minimum, contact information for the chair of the board and the secretary of the board; and

17. For abatement of property located within a municipality, Applicant shall provide a true and complete copy of the respective city ordinance or ordinances designating the reinvestment zone, including any amendments to the city ordinance or ordinances designating the reinvestment zone. For abatement of property located within a municipality and located within an enterprise zone, the Applicant shall provide a true and complete copy of the ordinance or ordinances designating the enterprise zone, including any amendments to the respective designation ordinance or ordinances, or when applicable, documentation from the Governor's Office showing the enterprise zone is active. Such ordinances or documentation shall show that the reinvestment zone or enterprise zone remain active at the time of the submission of Applicant's application.

Applicant further acknowledges and agrees that the respective zone must also still be active at the time of full execution of the Agreement on the date of the last Party executing thereto.

18. For abatement of property located within a county, Applicant shall provide a true and complete copy of the respective county ordinance or ordinances designating the reinvestment zone, including any amendments to the county ordinance or ordinances designating the reinvestment zone. For abatement of property located within a county and located within an enterprise zone, the Applicant shall provide a true and complete copy of the ordinance or ordinances designating the enterprise zone, including any amendments to the respective designation ordinance or ordinances, or when applicable, documentation from the Governor's Office showing the enterprise zone is active. Such ordinances or ordinances or documentation shall show that the reinvestment zone or enterprise zone remain active at the time of the submission of Applicant's application. Applicant further acknowledges and agrees that the respective zone must also still be active at the time of full execution of the Agreement on the date of the last Party executing thereto.

#### **1.04 Modernization**

In the case of modernization, Applicant shall include a statement of the assessed value of

the facility separately stated for real and personal property shall be given for the tax year immediately preceding the proposal. The proposal may require such financial and other information as the College deems appropriate for evaluating the financial capacity and other factors related to the applicant.

**1.05     Job Retention**

In the case of an application based on job retention, Applicant shall include a statement and sufficient information to verify the potential of job loss that would occur without the abatement.

**1.06     Review by College Administration**

Upon receipt of a complete application, the College Administration shall make an initial determination of whether the project qualifies for tax abatement under these Guidelines and Criteria established by the Angelina College Board of Trustees and issue their recommendation as to whether the proposed project qualifies under these Guidelines and Criteria to the Board, including requesting authorization from the Board regarding negotiating the tax abatement agreement. If an Agreement is subsequently approved by the Board, then the College shall provide a fully executed copy of the Agreement to the appropriate Tax Assessor-Collector with jurisdiction over the property outlined in the Agreement.

## **COLLEGE PRESIDENT: QUALIFICATIONS AND DUTIES**

### **SECTION ONE: COLLEGE PRESIDENT QUALIFICATIONS AND DUTIES**

- 1.01** The Board selects and employs the College President and delegates express authority to the College President to adopt administrative regulations and procedures for the operation and administration of the College District. While the College President is delegated express authority by the Board of Trustees to adopt administrative regulations and procedures, the College President remains responsible to the Board on all matters of College District operation. Within the framework of policies adopted by the Board, the College President shall exercise broad, discretionary authority in carrying out responsibilities of the position.
- 1.02** The College President has primary responsibility for the organization of the College District. The College President will, in turn, delegate responsibility and authority to such officers and staff members as is necessary in order to effect the orderly and efficient operation of the College District. The organizational chart outlines the relationships of College District personnel and the lines of authority.
- 1.03 Job Description**  
The College President will act as chief executive officer and leader of the College District, responsible for the overall operation, development, and promotion of the College District pursuant to the policies of the Board. The College President shall provide leadership in policy development, fiscal management, personnel management, educational program planning, and communication to further the public image of the College District and move the institution toward fulfilling its mission and goals. The College President will:
1. Recommend to the Board changes and development of policies needed to reflect new state or federal regulations, student and community needs, or efficient operation of the College District.
  2. Adopt administrative regulations and procedures for the operation and administration of the College District.
  3. Be informed and exert leadership toward the development of local, state, and national educational policies.
  4. Prepare and submit an annual budget to the Board, make recommendations to the Board for budget changes, and implement the College budget as approved and amended.

5. Develop and implement appropriate administrative procedures for the handling of offers of gifts to the College District and further institutional development within the overall mission and goals of the College District.
6. Make recommendations to the Board for the appointment of all administrative, faculty, professional, and contract personnel, appoint non-contract personnel for approved positions, suspend employees with or without pay, and accept resignations from any employee.
7. Maintains the orderly functioning of the College and takes appropriate action, within the limits of Board policy, as may be necessary to prevent any interference with such orderly operation of the College.
8. Develop, review, and implement procedures for the recruitment, selection, development, evaluation, promotion and termination of College employees.
9. Develop, review, and update job descriptions for all professional employees at the College District.
10. Provide for appropriate professional growth programs for College District employees.
11. Make recommendations to the Board for the adoption of programs of instruction and other educational and community services.
12. Review the educational program on a continuing basis and recommend changes which will improve the quality and scope of services offered by the College District.
13. Provide leadership in the development and implementation of a master plan for College District and campus development.
14. Represent the College to the community by interpreting the College District to the public, parents, media, and to the community organizations.
15. Be responsible for the formulation of all reports required by local, state, and federal agencies.
16. Provide the Board with the flow of information regarding the College District and its needs.
17. Maintain liaison with the leadership of other educational institutions to ensure articulation between the educational programs of cooperating institutions for the benefit of students and community.

18. Maintain communication with faculty and staff and act as spokesman to the Board President for the faculty and to the faculty for the Board.
19. Prepares agenda materials, with the approval of the Board officers, for board meetings and maintains a record of the proceedings.
20. Perform such other duties as the Board may assign.



## COLLEGE PRESIDENT COMPENSATION & EVALUATION

### SECTION ONE: GENERAL PRINCIPLES

- 1.01 The Board of Trustees appoints the College President (hereinafter “President”) to serve as the chief executive officer of the Angelina County Junior College District pursuant to *Texas Government Code § 659.026(a)(2)*.
- 1.02 The President’s contract of employment with the College District creates a property interest in the position only for the period of time stated in the contract.

### SECTION TWO: PERFORMANCE EVALUATION OF THE COLLEGE PRESIDENT

- 2.01 On or before the third Monday of April of each year of the contract, the President shall deliver to the Board of Trustees a written self-assessment of his/her performance of the duties and responsibilities of the presidency during the previous calendar year. The President’s self-assessment may also include information about the organizational and institutional performance of the College District during the previous calendar year.
- 2.02 On or before the third Monday of July of each year, the Board President shall provide to the President a written evaluation of the President’s performance of the duties and responsibilities of the presidency. The Board President will solicit input for the performance evaluation from all current Trustees. The Board President will discuss the written performance evaluation with the President to facilitate understanding.
- 2.03 The President may provide to the Board a written response to the annual performance evaluation for any reason, including if the President believes the assessment of his/her performance is inaccurate or is based on misunderstood or erroneous information.
- 2.04 The Board of Trustees may provide formal or informal performance feedback or suggestions to the President at any time. With the knowledge of the Board President, individual Trustees may also provide job performance feedback and/or suggestions to the President at any time.
- 2.05 Concurrently with the performance evaluation process, the Board will annually consider extending the President’s contract by one year effective at the end of the current year. The Board may extend the President’s contract during a regular meeting of the Board as long as the contract term does not exceed three years (*Texas Education Code § 51.948(b)(1)*).

### **SECTION THREE: ANNUAL COMPENSATION REVIEW**

- 3.01** The Board of Trustees may decide to adjust the President's compensation at any point subject to the terms of the President's contract. The Board President will consider the President's compensation annually during the performance evaluation process described in Section Two of this policy.
- 3.02** The Board President and President will annually review the President's compensation when they discuss the written evaluation of the President's performance described in Section 2.02 of this policy.
- 3.03** The President may provide to the Board available data about college CEO compensation from the Texas Higher Education Coordinating Board, the Texas Legislative Budget Board, the Texas Association of Community Colleges, or other credible sources to inform the annual compensation review.

## **COLLEGE PRESIDENT: EVALUATION**

- 1.01** The Board will evaluate the performance of the College President annually at the regular meeting in which other contracts and the annual personnel plans are considered. The evaluation will focus on three areas;
1. Accomplishment of College District goals for the preceding year;
  2. Performance of the College President's job description; and
  3. Fulfillment of the code of ethics and leadership responsibilities of the American Association of Community Colleges.
- 1.02** A written summary of the evaluation will be signed by the Board President and the College President and will note any areas needing special goals for improvement. Action may be taken on the contract terms of the College President following the evaluation session.
- 1.03** The Board may also use this annual review session to assess their own performance of their governance and policy-making role through self-evaluation and evaluation by the College President.
- 1.04** The primary purpose of all administrative evaluation will be to effect improvement in administrative leadership in order to achieve the goals of the College District.

## **ADMINISTRATIVE ORGANIZATION PLAN**

### **SECTION ONE: FUNCTION OF ADMINISTRATION**

- 1.01** The primary function of administration is to provide effective, efficient, and dynamic leadership that will ensure that the College District fulfills its mission and achieves its goals. The administration is fully committed to the concept that instruction, the teaching/learning interaction between faculty and learners, is the focal point of the College District, and the primary reason for its existence.
- 1.02** Administrators should do everything possible to create an atmosphere in which faculty and learners can optimally function. Administrators are expected to operate in accordance with the College District policies in carrying out their responsibilities. In this setting, it is the duty and responsibility of the faculty and the learners to communicate to the administrators any policies and procedures that appear to stand in the way of the optimum teaching/learning process and to recommend appropriate changes.

### **SECTION TWO: ADMINISTRATION ORGANIZATION**

- 2.01** The ultimate responsibility for the governing of the College District shall be vested in the College President and the Board of Trustees. The President is the chief administrative officer of the College District, subject to the policies and action of the Board. The Vice President of Academic Affairs, the Vice President of Business Affairs, the Executive Director of Institutional Advancement and Student Affairs, the Vice President of Workforce and Continuing Education, the Director of Information Technology, the Senior Director of Human Resources, and the Executive Director of Marketing and Strategic Enrollment are each responsible to the College President for their respective areas of operation. In the absence of the College President, the Vice President of Academic Affairs and the Vice President of Business Affairs are authorized to perform necessary functions and take necessary decisions normally taken by the College President.
- 2.02** At the head of each instructional school of the College District is a dean, who is responsible to the Vice President of Academic Affairs for the operation of that school. Each full-time faculty member reports to a dean. Adjunct instructors report to a Dean, Department Chair, or program director as appropriate.

### **SECTION THREE: SHARED GOVERNANCE STRUCTURE**

**3.01** The components of a shared responsibility for leadership and decision-making are as follows:

- Executive Council, which comprises the College President, Vice President of Academic Affairs, Vice President of Business Affairs, Vice President of Workforce and Continuing Education, Executive Director of Institutional Advancement and Student Affairs, and Executive Director of Marketing and Strategic Enrollment.
- The College District’s Standing Committees, which form a framework for shared governance; strategic planning and execution; assessment and continuous improvement; and compliance with THECB regulations and state and federal laws. The Executive Council annually appoints the chair and members of each Standing Committee, and monitors committee work through meeting minutes and reports.
- College President
- Board of Trustees

**3.02** Other lines of responsibility are indicated on the organizational chart. Each staff and faculty member is encouraged to follow the organizational chart to communicate concerns about any policy, procedure, action, or decision that appears to stand in the way of the optimum teaching/learning process and to recommend appropriate changes.

## **ADMINISTRATIVE ORGANIZATION PLAN: COUNCILS AND STANDING COMMITTEES**

### **SECTION ONE: EXECUTIVE COUNCIL**

- 1.01** The Executive Council meets as needed and as called by the College President to review general College District issues, operations, and planning and policy guidelines. The council serves a key communication role in coordinating the major operational units of the College District so that the overall goals and mission of the College District may be achieved with maximum efficiency and effectiveness.
- 1.02** The executive council includes the following administrative officers:
- College President
  - Vice President of Academic Affairs,
  - Vice President of Business Affairs,
  - Vice President of Workforce and Continuing Education,
  - Executive Director of Institutional Advancement and Student Affairs, and
  - Executive Director of Marketing and Strategic Enrollment.

### **SECTION TWO: STANDING COMMITTEES**

- 2.01** Shared responsibility and leadership are essential to accomplish the mission and goals of Angelina College. The following standing committees form a framework for shared governance; strategic planning and execution; assessment and continuous improvement; and compliance with SACSCOC accreditation standards, THECB regulations, and state and federal laws.
- 2.02** Standing committees develop recommendations and take decisions as necessary to foster a culture of evidence, of shared governance, and of continuous improvement within the college. The committees define adequacy of resources as appropriate to the college, and identify and address potential compliance and/or documentation issues. Standing committees may form subcommittees to address highly specialized topics; however, the subcommittees' function is to make recommendations to the primary committee, and they are not to take decisions independently.

The Executive Council appoints the chair and members of each Standing Committee annually, and monitors committee work through meeting minutes and reports.

**2.03** Faculty Forum. The faculty forum is a standing committee whose purpose is to facilitate communication between the faculty and the administration. The committee should present general faculty issues and viewpoints. All members will be full-time faculty. One member will be elected by each of the four instructional schools and one representative will be elected from the Continuing Education Division. Elected members serve three-year terms.

### **SECTION THREE: WORKING COMMITTEES & COUNCILS**

- 3.01** Each member of the executive council may form and charge working committees to facilitate the operation of his/her branch of the College District.
- 3.02** Academic Affairs Council. Chaired by the Vice President of Academic Affairs, the Academic Affairs Council meets monthly to discuss topics related to the operation of the Academic Affairs branch. The Academic Affairs Council comprises:
- Vice President of Academic Affairs;
  - Assistant Vice President of Academic Affairs;
  - All Academic Deans; and
  - Interim Dean of eLearning.

## **INTEGRITY AND SACSCOC COMPLIANCE**

### **SECTION ONE**

- 1.01** The Board of Trustees requires the Administration to ensure the integrity, accuracy, and currency of all reports submitted to SACSCOC, including but not limited to Compliance Certification, Fifth-Year and Focused Reports, and Substantive Change Notifications, as well as all reports submitted to other accrediting bodies, by providing adequate financial resources and exercising its authority pursuant to Board Policies in an appropriate and timely manner. Further, it is the clear expectation of the Board that all of the submissions to SACSCOC will be accurate reflections of the condition of the College.

### **SECTION TWO: PUBLICATION, APPROVAL, IMPLEMENTATION, AND ENFORCEMENT**

- 2.01** Publication: The Policy is published in the online Angelina College Policies & Procedures Manual and is available in the Office of the President.
- 2.02** Approval: The Policy was approved on November 14, 2016, by the Board of Trustees.
- 2.03** Implemented: The Board of Trustees will be notified by the President two years in advance of the submission of Compliance Certifications and Fifth-Year Reports and three months in advance of Substantive Change Notifications, and will be given timely progress reports when a certification, report, or notification is in development.
- 2.04** Enforced: The Policy will be enforced by action of the President.



## **COMPLIANCE WITH SACSCOC STANDARDS AND REQUIREMENTS**

### **SECTION ONE**

- 1.01** The President shall chair the SACSCOC COMPLIANCE COMMITTEE comprising the Vice President of Academic Affairs, the Vice President of Business Affairs, the Executive Director of Institutional Advancement and Student Affairs, and the Vice President of Workforce and Continuing Education. The Committee's charge shall be to determine compliance with Core Requirements, Comprehensive Standards, and Federal Requirements named in the SACSCOC Fifth-Year Review, including an analysis of the Quality Enhancement Plan's implementation status. The President shall provide a written report documenting the committee's findings to the Board of Trustees in September of each Academic Year.

### **SECTION TWO: PUBLICATION, APPROVAL, IMPLEMENTATION, AND ENFORCEMENT**

- 2.01** Publication: The Policy is published in the online Angelina College Policies & Procedures Manual and is available in the Office of the President.
- 2.02** Approval: The Policy was approved on November 14, 2016, by the Board of Trustees.
- 2.03** Implemented: The Policy will be implemented on an ongoing basis with a written findings report in September of each Academic Year.
- 2.04** Enforced: The Policy will be enforced by action of the Board of Trustees, which will receive the report in September of each Academic Year beginning in September 2017.

## FEDERAL STATE AND FEDERAL REVENUE SOURCES

### PERKINS GRANTS

Except as provided in 20 U.S.C. 2352(b) and (c) and 20 U.S.C. 2353, each eligible agency, including the Coordinating Board, shall distribute the portion of the funds made available under 20 U.S.C. 2322(a)(1) to carry out 20 U.S.C. 2352 for any fiscal year to eligible institutions or consortia of eligible institutions within the state.

Each eligible institution or consortium of eligible institutions shall be allocated an amount that bears the same relationship to the portion of funds made available under 20 U.S.C. 2322(a)(1) to carry out 20 U.S.C. 2352 for any fiscal year as the sum of the number of individuals who are Federal Pell Grant recipients and recipients of assistance from the Bureau of Indian Affairs enrolled in programs meeting the requirements of 20 U.S.C. 2355 offered by such institution or consortium in the preceding fiscal year bears to the sum of the number of such recipients enrolled in such programs within the state for such year.

20 U.S.C. 2352(a)(1)–(2)

### RETIREMENT CONTRIBUTIONS

If an employer, including a college district, applies for money provided by the United States or an agency of the United States and if any of the money will pay part or all of any employee's salary, the employer shall apply for any legally available money to pay state contributions required by Government Code 825.404 or 830.201 in accordance with Government Code 825.406.

An employer who fails to comply with Government Code 825.406 may not, after the failure, apply for or spend any money from a federal or private grant. The attorney general shall bring a writ of mandamus against the employer to compel compliance.

A person commits an offense if the person is an administrator of an employer and knowingly fails to comply with Government Code 825.406.

Gov't Code 825.406

### ADMINISTRATION OF FEDERAL AWARDS

The U.S. Office of Management and Budget (OMB), in 2 C.F.R. Part 200, establishes uniform administrative requirements, cost principles, and audit requirements for federal awards to non-federal entities, as described in 2 C.F.R. 200.101. Federal awarding agencies must not impose additional or inconsistent requirements, except as provided in 2 C.F.R. 200.102, and 200.211, or unless specifically required by federal statute, regulation, or Executive Order. 2 C.F.R.

200.100(a)(1)

The non-federal entity is responsible for complying with all requirements of the federal award. For all federal awards, this includes the provisions of the Federal Funding Accountability and Transparency Act (FFATA), which includes requirements on executive compensation, and also requirements implementing the Act for the non-federal entity at 2 C.F.R. Part 25 and 2 C.F.R. Part 170. [See also statutory

requirements for whistleblower protections at 10 U.S.C. 2409, 41 U.S.C. 4712, and 10 U.S.C. 2324, 41 U.S.C. 4304 and 4310] 2 C.F.R. 200.300(b)

“Non-federal entity” (NFE) means a state, local government, Indian tribe, institution of higher education (IHE), or nonprofit organization that carries out a federal award as a recipient or subrecipient. 2 C.F.R. 200.1

## **FINANCIAL MANAGEMENT**

Each state must expend and account for the federal award in accordance with state laws and procedures for expending and accounting for the state's own funds. In addition, the state's and the other non-federal entity's financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the federal statutes, regulations, and the terms and conditions of the federal award. See also 2 C.F.R. 200.450.

The financial management system of each non-federal entity must provide for the following (see also 2 C.F.R. 200.334, 200.335, 200.336, and 200.337):

1. Identification, in its accounts, of all federal awards received and expended and the federal programs under which they were received. Federal program and federal award identification must include, as applicable, the Assistance Listings title and number, federal award identification number and year, name of the federal agency, and name of the pass-through entity, if any.
2. Accurate, current, and complete disclosure of the financial results of each federal award or program in accordance with the reporting requirements set forth in 2 C.F.R. 200.328 and 200.329. If a federal awarding agency requires reporting on an accrual basis from a recipient that maintains its records on other than an accrual basis, the recipient must not be required to establish an accrual accounting system. This recipient may develop accrual data for its reports on the basis of an analysis of the documentation on hand. Similarly, a pass-through entity must not require a subrecipient to establish an accrual accounting system and must allow the subrecipient to develop accrual data for its reports on the basis of an analysis of the documentation on hand.
3. Records that identify adequately the source and application of funds for federally funded activities. These records must contain information pertaining to federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income, and interest and be supported by source documentation.
4. Effective control over, and accountability for, all funds, property, and other assets. The non-federal entity must adequately safeguard all assets and assure that they are used solely for authorized purposes. See 2 C.F.R. 200.303.
5. Comparison of expenditures with budget amounts for each federal award.
6. Written procedures to implement the requirements of 2 C.F.R. 200.305.
7. Written procedures for determining the allowability of costs in accordance with 2 C.F.R. Part 200, Subpart E and the terms and conditions of the federal award. 2 C.F.R. 200.302

## **INTERNAL CONTROLS**

The non-federal entity must:

1. Establish and maintain effective internal control over the federal award that provides reasonable assurance that the non-federal entity is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States or the “Internal Control Integrated Framework,” issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
2. Comply with the U.S. Constitution, federal statutes, regulations, and the terms and conditions of the federal awards.
3. Evaluate and monitor the non-federal entity's compliance with statutes, regulations, and the terms and conditions of federal awards.
4. Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
5. Take reasonable measures to safeguard protected personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or the non-federal entity considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and responsibility over confidentiality.

2 C.F.R. 202.303

## **ADVANCED PAYMENT**

The non-federal entity must be paid in advance, provided it maintains or demonstrates the willingness to maintain both written procedures that minimize the time elapsing between the transfer of funds and disbursement by the non-federal entity, and financial management systems that meet the standards for fund control and accountability as established in 2 C.F.R. Part 200. Advance payments to a non-federal entity must be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash requirements of the non-federal entity in carrying out the purpose of the approved program or project. The timing and amount of advance payments must be as close as is administratively feasible to the actual disbursements by the non-federal entity for direct program or project costs and the proportionate share of any allowable indirect costs. The non-federal entity must make timely payment to contractors in accordance with the contract provisions.

Standards governing the use of banks and other institutions as depositories of advance payments under federal awards are as follows:

1. The federal awarding agency and pass-through entity must not require separate depository accounts for funds provided to a non-federal entity or establish any eligibility requirements for depositories for funds provided to the non-federal entity. However, the non-federal entity must be able to account for funds received, obligated, and expended.
2. Advance payments of federal funds must be deposited and maintained in insured accounts whenever possible.

The non-federal entity must maintain advance payments of federal awards in interest-bearing accounts, unless the following apply:

1. The non-federal entity receives less than \$250,000 in federal awards per year.
  2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on federal cash balances.
  3. The depository would require an average or minimum balance so high that it would not be feasible within the expected federal and non-federal cash resources.
  4. A foreign government or banking system prohibits or precludes interest-bearing accounts. Interest earned amounts up to \$500 per year may be retained by the non-federal entity for administrative expense. Any additional interest earned on federal advance payments deposited in interest-bearing accounts must be remitted annually as described by 2 C.F.R. 200.305(b)(9).
- 1 C.F.R. 200.305(b)(1), (7)–(9)

## **BUDGETS AND PROGRAM PLANS**

Recipients are required to report deviations from budget or project scope or objective, and request prior approvals from federal awarding agencies for budget and program plan revisions, in accordance with 2 C.F.R. 200.308. 2 C.F.R. 200.308(b)

## **COST PRINCIPLES**

The cost principles described by 2 C.F.R. Part 200, Subpart E must be used in determining the allowable costs of work performed by the non-federal entity under federal awards. These principles also must be used by the non-federal entity as a guide in the pricing of fixed-price contracts and subcontracts where costs are used in determining the appropriate price. The principles do not apply to:

1. Arrangements under which federal financing is in the form of loans, scholarships, fellowships, traineeships, or other fixed amounts based on such items as education allowance or published tuition rates and fees.
2. For institutions of higher education, capitation awards, which are awards based on case counts or number of beneficiaries according to the terms and conditions of the federal award.
3. Fixed amount awards. See also 2 C.F.R. 200.1 Definitions and 200.201.
4. Federal awards to hospitals (see Appendix IX to 2 C.F.R. Part 200).
5. Other awards under which the non-federal entity is not re-quired to account to the federal government for actual costs incurred.

The application of these cost principles is based on the fundamental premises that:

1. The non-federal entity is responsible for the efficient and effective administration of the federal award through the application of sound management practices.
2. The non-federal entity assumes responsibility for administering federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the federal award.

3. The non-federal entity, in recognition of its own unique combination of staff, facilities, and experience, has the primary responsibility for employing whatever form of sound organization and management techniques may be necessary in order to assure proper and efficient administration of the federal award.
  4. The application of these cost principles should require no significant changes in the internal accounting policies and practices of the non-federal entity. However, the accounting practices of the non-federal entity must be consistent with these cost principles and support the accumulation of costs as required by the principles and must provide for adequate documentation to support costs charged to the federal award.
  5. In reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, the cognizant agency for indirect costs should generally assure that the non-federal entity is applying these cost accounting principles on a consistent basis during their review and negotiation of indirect cost proposals. Where wide variations exist in the treatment of a given cost item by the non-federal entity, the reasonableness and equity of such treatments should be fully considered. See the definition of indirect (facilities & administrative (F&A)) costs in 2 C.F.R. 200.1.
  6. For non-federal entities that educate and engage students in research, the dual role of students as both trainees and employees, including pre- and post-doctoral staff, contributing to the completion of federal awards for research must be recognized in the application of these principles.
  7. The non-federal entity may not earn or keep any profit resulting from federal financial assistance, unless explicitly authorized by the terms and conditions of the federal award. See also 2 C.F.R. 200.307.
- 2 C.F.R. 200.400, .401 (a)

### **COST SHARING**

Cost sharing related to federal awards is subject to 2 C.F.R. 200.306. 2 C.F.R. 200.306

### **PROGRAM INCOME**

Non-federal entities are encouraged to earn income to defray program costs where appropriate. Such income is subject to 2 C.F.R. 200.307. 2 C.F.R. 200.307

### **PERIOD OF PERFORMANCE**

If a federal awarding agency or pass-through entity approves an extension, or if a recipient extends under 2 C.F.R. 200.308(e)(2), the period of performance will be amended to end at the completion of the extension. If a termination occurs, the period of performance will be amended to end upon the effective date of termination. If a renewal award is issued, a distinct period of performance will begin. 2 C.F.R. 200.309

### **CONFLICT OF INTEREST**

The non-federal entity must disclose in writing any potential conflict of interest to the federal awarding agency or pass-through entity in accordance with applicable federal awarding agency policy. 2 C.F.R. 200.112

## **PROCUREMENT**

The non-federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-federal entity. 2 C.F.R. 200.318(c)(1)

## **RESTRICTED CONTRACTS**

Federal awarding agencies and recipients are subject to the regulations implementing Never Contract with the Enemy in 2 C.F.R. Part 183. The regulations in 2 C.F.R. Part 183 affect covered contracts, grants and cooperative agreements that are expected to exceed \$50,000 within the period of performance, are performed outside the United States and its territories, and are in support of a contingency operation in which members of the Armed Forces are actively engaged in hostilities. 2 C.F.R. 200.215

## **PROPERTY STANDARDS**

### **REAL PROPERTY**

Subject to the requirements and conditions set forth in 2 C.F.R. 200.311, title to real property acquired or improved under a federal award will vest upon acquisition in the non-federal entity. Except as otherwise provided by federal statutes or by the federal awarding agency, real property will be used for the originally authorized purpose as long as needed for that purpose, during which time the non-federal entity must not dispose of or encumber its title or other interests. When real property is no longer needed for the originally authorized purpose, the non-federal entity must obtain disposition instructions from the federal awarding agency or pass-through entity. The instructions must provide for one of the following alternatives:

1. Retain title after compensating the federal awarding agency as described by 2 C.F.R. 200.311(c)(1).
  2. Sell the property and compensate the federal awarding agency as described by 2 C.F.R. 200.311(c)(2).
  3. Transfer title to the federal awarding agency or to a third party designated/approved by the federal awarding agency. The non-federal entity is entitled to be paid as described by 2 C.F.R. 200.311(c)(3).
- 2 C.F.R. 200.311

## **EQUIPMENT**

Subject to the requirements and conditions set forth in this section, title to equipment acquired under a federal award will vest upon acquisition in the non-federal entity. Unless a statute specifically authorizes the federal agency to vest title in the non-federal entity without further responsibility to the federal government, and the federal agency elects to do so, the title must be a conditional title. Title must vest in the non-federal entity subject to the following conditions:

1. Use the equipment for the authorized purposes of the project during the period of performance, or until the property is no longer needed for the purposes of the project.
2. Not encumber the property without approval of the federal awarding agency or pass-through entity.
3. Use and dispose of the property in accordance with 2 C.F.R. 200.313(b), (c), and (e).

Procedures for managing equipment, including replacement equipment, whether acquired in whole or in part under a federal award, until disposition takes place will, as a minimum, meet the requirements of 2 C.F.R. 200.313(d).

2 C.F.R. 200.313(a), (d)

## **SUPPLIES**

Title to supplies will vest in the non-federal entity upon acquisition. If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the project or program and the supplies are not needed for any other federal award, the non-federal entity must retain the supplies for use on other activities or sell them, but must, in either case, compensate the federal government for its share. The amount of compensation must be computed in the same manner as for equipment under 2 C.F.R. 200.313(e)(2).

As long as the federal government retains an interest in the supplies, the non-federal entity must not use supplies acquired under a federal award to provide services to other organizations for a fee that is less than private companies charge for equivalent services, unless specifically authorized by federal statute.

2 C.F.R. 200.314

## **FEDERALLY OWNED PROPERTY**

Title to federally owned property remains vested in the federal government. The non-federal entity must submit annually an inventory listing of federally owned property in its custody to the federal awarding agency. Upon completion of the federal award or when the property is no longer needed, the non-federal entity must report the property to the federal awarding agency for further federal agency utilization.

Exempt property means property acquired under a federal award where the federal awarding agency has chosen to vest title to the property to the non-federal entity without further responsibility to the federal government, based upon the explicit terms and conditions of the federal award. The federal awarding agency may exercise this option when statutory authority exists. Absent statutory authority and specific terms and conditions of the federal award, title to exempt federally owned property acquired under the federal award remains with the federal government. 2 C.F.R. 200.312(a), (c)



### **INTANGIBLE PROPERTY**

Title to intangible property acquired under a federal award vests upon acquisition in the non-federal entity. The non-federal entity must use that property for the originally authorized purpose and must not encumber the property without approval of the federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in 2 C.F.R. 200.313(e). The non-federal entity may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under a federal award. The federal awarding agency reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for federal purposes, and to authorize others to do so. The non-federal entity is subject to applicable regulations governing patents and inventions, including governmentwide regulations issued by the U.S. Department of Commerce at 37 C.F.R. Part 401.  
2 C.F.R. 200.315

### **PROPERTY TRUST RELATIONSHIP**

Real property, equipment, and intangible property, that are acquired or improved with a federal award, must be held in trust by the non-federal entity as trustee for the beneficiaries of the project or program under which the property was acquired or improved. The federal awarding agency may require the non-federal entity to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with a federal award and that use and disposition conditions apply to the property. 2 C.F.R. 200.316.

### **INSURANCE COVERAGE**

The non-federal entity must, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired or improved with federal funds as provided to property owned by the non-federal entity. Federally owned property need not be insured unless required by the terms and conditions of the federal award. 2 C.F.R. 200.310

### **PROCUREMENT GENERALLY**

The non-federal entity must have and use documented procurement procedures, consistent with state, local, and tribal laws and regulations, and the standards of this section, for the acquisition of property or services required under a federal award or subaward. The non-federal entity's documented procurement procedures must conform to the procurement standards identified in 2 C.F.R. 200.317 through 200.327. 2 C.F.R. 200.318(a)

### **ELIGIBLE CONTRACTORS**

The non-federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also 2 C.F.R. 200.214. 2 C.F.R. 200.318(h)

### **CONTRACTING WITH CERTAIN BUSINESSES**

The non-federal entity must take all necessary affirmative steps, including those described by 2 C.F.R. 200.321, to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. 2 C.F.R. 200.321(a)

### **COMPETITION**

All procurement transactions for the acquisition of property or services required under a federal award must be conducted in a manner providing full and open competition consistent with the standards of 2 C.F.R. 200.319 and 200.320. 2 C.F.R. 200.319(a)

### **METHODS OF PROCUREMENT**

The non-federal entity must have and use documented procurement procedures, consistent with the standards of 2 C.F.R. 200.320 and 2 C.F.R. 200.317, 200.318, and 200.319 for any of the methods of procurement used for the acquisition of property or services required under a federal award or sub-award. 2 C.F.R. 200.320

### **INFORMAL PROCUREMENT METHODS**

When the value of the procurement for property or services under a federal award does not exceed the simplified acquisition threshold (SAT) or a lower threshold established by a non-federal entity, formal procurement methods are not required. The non-federal entity may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include:

1. Micro-purchases: The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micropurchase threshold. To the maximum extent practicable, the non-federal entity should distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-federal entity considers the price to be reasonable based on research, experience, purchase history, or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the non-federal entity. The micropurchase method is subject to the requirements of 2 C.F.R. 200.320(a)(1).
  2. Small purchases: The acquisition of property or services, the aggregate dollar amount of which is higher than the micropurchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-federal entity. The small purchases method is subject to the requirements of 2 C.F.R. 200.320(a)(2).
- 2 C.F.R. 200.320(a)

### **FORMAL PROCUREMENT METHODS**

When the value of the procurement for property or services under a federal financial assistance award exceeds the SAT, or a lower threshold established by a non-federal entity, formal procurement methods are required. Formal procurement methods require following documented

procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with 2 C.F.R. 200.319 or the noncompetitive procurement procedures below. The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the non-federal entity determines to be appropriate:

1. Sealed bids: A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions. The sealed bid method is subject to the requirements of 2 C.F.R. 200.320(b)(1).
  2. Proposals: A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. Proposals are awarded in accordance with the requirements described by 2 C.F.R. 200.320(b)(2).
- 2 C.F.R. 200.320(b)

#### **NONCOMPETITIVE PROCUREMENT**

There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

1. The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold;
  2. The item is available only from a single source;
  3. The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
  4. The federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-federal entity; or
  5. After solicitation of a number of sources, competition is determined inadequate.
- 2 C.F.R. 200.320(c)

#### **DOMESTIC PREFERENCE**

As appropriate and to the extent consistent with law, the non-federal entity should, to the greatest extent practicable under a federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States, including but not limited to iron, aluminum, steel, cement, and other manufactured products. The requirements of 2 C.F.R. 300.022 must be included in all subawards including all contracts and purchase orders for work or products under this award. "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

“Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.  
2 C.F.R. 200.322

### **CONTRACT PROVISIONS**

The non-federal entity's contracts must contain the applicable provisions described in Appendix II to 2 C.F.R. Part 200. 2 C.F.R. 200.327

### **TIME AND MATERIALS CONTRACTS**

The non-federal entity may use a time and materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to a non-federal entity is the sum of:

1. The actual cost of materials; and
2. Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

1 C.F.R. 200.318(j)

### **CONTRACT COST AND PRICE**

The non-federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-federal entity must make independent estimates before receiving bids or proposals.

The non-federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Costs or prices based on estimated costs for contracts under the federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-federal entity under 2 C.F.R. Part 200, Subpart E. The non-federal entity may reference its own cost principles that comply with the federal cost principles.

The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

2 C.F.R. 200.324

### **COST EFFECTIVENESS**

The non-federal entity's procedures must avoid acquisition of un-necessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the federal government, the non-federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements. The non-federal entity is encouraged to use federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs. The non-federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

3 C.F.R. 200.318(d)–(g)

### **PROCUREMENT OF CERTAIN SERVICES AND EQUIPMENT**

Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to procure or obtain; extend or renew a contract to procure or obtain; or enter into a contract, or extend or renew a contract, to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services, as described by 2 C.F.R. 200.316, as a substantial or essential component of any system, or as critical technology as part of any system. 2 C.F.R. 200.318(a)

### **PROCUREMENT OF RECOVERED MATERIALS**

A non-federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Re-source Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of re-covered materials identified in the EPA guidelines. 2 C.F.R. 200.323

### **BONDING REQUIREMENTS**

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-federal entity in accordance with 2 C.F.R. 200.326. 2 C.F.R. 200.326

## **OVERSIGHT**

### **BY NON-FEDERAL ENTITIES**

Non-federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. 2 C.F.R. 200.318(b)

### **BY OTHER GOVERNMENTAL ENTITIES**

The non-federal entity must make available, upon request of the federal awarding agency or pass-through entity, technical specifications on proposed procurements where the federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-federal entity desires to have the review accomplished after a solicitation has been developed, the federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

The non-federal entity must make available upon request, for the federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:

1. The non-federal entity's procurement procedures or operation fails to comply with the procurement standards in 2 C.F.R. Part 200;
2. The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
3. The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;
4. The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
5. A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.

The non-federal entity is exempt from the pre-procurement review if the federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of 2 C.F.R. Part 200.

The non-federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis. The non-federal entity may self-certify its procurement system. Such self-certification must not limit the federal awarding agency's right to survey the system. Under a self-certification procedure, the federal awarding agency may rely on written assurances from the non-federal entity that it is complying with these standards. The non-federal entity must cite specific

policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

4 C.F.R. 200.325

## **SETTLEMENT OF CONTRACTUAL AND ADMINISTRATIVE ISSUES**

The non-federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-federal entity of any contractual responsibilities under its contracts. The federal awarding agency will not substitute its judgment for that of the non-federal entity unless the matter is primarily a federal concern. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction. 2 C.F.R. 200.318(k)

## **TRAVEL COSTS**

Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the non-federal entity. Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the non-federal entity's non-federally funded activities and in accordance with non-federal entity's written travel reimbursement policies. Notwithstanding the provisions of 2 C.F.R. 200.444, travel costs of officials covered by that section are allowable with the prior written approval of the federal awarding agency or pass-through entity when they are specifically related to the federal award. Charges for travel costs are subject to 2 C.F.R. 200.475. 2 C.F.R. 200.475(a)

## **RECORDS**

### **RECORDS RETENTION**

#### **GENERALLY**

Financial records, supporting documents, statistical records, and all other non-federal entity records pertinent to a federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the federal awarding agency or pass-through entity in the case of a subrecipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-federal entities with the exception of those situations described by 2 C.F.R. 200.334. 2 C.F.R. 200.334

## **PROCUREMENT**

The non-federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. 2 C.F.R. 200.318(i)

## **METHODS FOR COLLECTION, TRANSMISSION, AND STORAGE OF INFORMATION**

The federal awarding agency and the non-federal entity should, whenever practicable, collect, transmit, and store federal award-related information in open and machine readable formats rather than in closed formats or on paper in accordance with applicable legislative requirements. A machine-readable format is a format in a standard computer language (not English text) that can be read automatically by a web browser or computer system. The federal awarding agency or pass-through entity must always provide or accept paper versions of federal award-related information to and from the non-federal entity upon request. If paper copies are submitted, the federal awarding agency or pass-through entity must not require more than an original and two copies. When original records are electronic and cannot be altered, there is no need to create and retain paper copies. When original records are paper, electronic versions may be substituted through the use of duplication or other forms of electronic media provided that they are subject to periodic quality control reviews, provide reasonable safeguards against alteration, and remain readable. 2 C.F.R. 200.336

## **ACCESS TO RECORDS**

### **BY GOVERNMENTAL ENTITIES**

The federal awarding agency, Inspector General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives, must have the right of access to any documents, papers, or other records of the non-federal entity which are pertinent to the federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the non-federal entity's personnel for the purpose of interview and discussion related to such documents. The rights of access are not limited to the required retention period but last as long as the records are retained.

Only under extraordinary and rare circumstances would such access include review of the true name of victims of a crime. Routine monitoring cannot be considered extraordinary and rare circumstances that would necessitate access to this information. When access to the true name of victims of a crime is necessary, appropriate steps to protect this sensitive information must be taken by both the non-federal entity and the federal awarding agency.

2 C.F.R. 200.337

### **BY THE PUBLIC**

No federal awarding agency may place restrictions on the non-federal entity that limit public access to the records of the non-federal entity pertinent to a federal award, except for protected personally identifiable information (PII) or when the federal awarding agency can demonstrate that such records will be kept confidential and would have been exempted from disclosure pursuant to the Freedom of Information Act, 5 U.S.C. 552, or controlled unclassified information pursuant to Executive Order 13556 if the records had belonged to the federal awarding agency. The Freedom of Information Act (FOIA), 5 U.S.C. 552, does not apply to those records that remain under a non-federal entity's control except as required under 2 C.F.R. 200.315. Unless required by federal, state, local, and tribal statute, non-federal entities are not



required to permit public access to their records. The non-federal entity's records provided to a federal agency generally will be subject to FOIA and applicable exemptions. 2 C.F.R. 200.338

## **PERFORMANCE REPORTS MONITORING REQUIRED**

The non-federal entity is responsible for oversight of the operations of the federal award supported activities. The non-federal entity must monitor its activities under federal awards to assure compliance with applicable federal requirements and performance expectations are being achieved. Monitoring by the non-federal entity must cover each program, function, or activity. See also 2 C.F.R. 200.332. 2 C.F.R. 200.329(a)

## **REPORTING GENERALLY**

The federal awarding agency must use OMB-approved common information collections, as applicable, when providing financial and performance reporting information. As appropriate and in accordance with above-mentioned information collections, the federal awarding agency must require the recipient to relate financial data and accomplishments to performance goals and objectives of the federal award. Also, in accordance with above-mentioned common information collections, and when required by the terms and conditions of the federal award, recipients must provide cost information to demonstrate cost-effective practices (e.g., through unit-cost data). In some instances (e.g., discretionary research awards), this will be limited to the requirement to submit technical performance reports (to be evaluated in accordance with federal awarding agency policy). Reporting requirements must be clearly articulated such that, where appropriate, performance during the execution of the federal award has a standard against which non-federal entity performance can be measured. 2 C.F.R. 200.329(b)

## **NONCON-STRUCTION PERFORMANCE REPORTS**

The federal awarding agency must use standard, governmentwide OMB-approved data elements for collection of performance information, including performance progress reports, Research Performance Progress Reports.

The non-federal entity must submit performance reports at the interval required by the federal awarding agency or pass-through entity to best inform improvements in program outcomes and productivity. Intervals must be no less frequent than annually nor more frequent than quarterly except in unusual circumstances, for example where more frequent reporting is necessary for the effective monitoring of the federal award or could significantly affect program outcomes. Reports submitted annually by the non-federal entity and/or pass-through entity must be due no later than 90 calendar days after the reporting period. Reports submitted quarterly or semiannually must be due no later than 30 calendar days after the reporting period.

Alternatively, the federal awarding agency or pass-through entity may require annual reports before the anniversary dates of multiple year federal awards. The final performance report submitted by the non-federal entity and/or pass-through entity no later than 120 calendar days after the period of performance end date. A subrecipient must submit to the pass-through entity, no later than 90 calendar days after the period of performance end date., all final performance reports as required by the terms and conditions of the federal award. See also 2 C.F.R. 200.344. If a justified request is submitted by a non-federal entity, the federal agency may extend the due date for any performance report.

As appropriate in accordance with above-mentioned performance reporting, these reports will contain, for each federal award, brief information on the following unless other data elements are approved by OMB in the agency information collection request:

1. A comparison of actual accomplishments to the objectives of the federal award established for the period. Where the accomplishments of the federal award can be quantified, a computation of the cost (for example, related to units of accomplishment) may be required if that information will be useful. Where performance trend data and analysis would be informative to the federal awarding agency program, the federal awarding agency should include this as a performance reporting requirement.
2. The reasons why established goals were not met, if appropriate.
3. Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

2 C.F.R. 200.329(c)

### **CONSTRUCTION PERFORMANCE REPORTS**

For the most part, onsite technical inspections and certified percentage of completion data are relied on heavily by federal awarding agencies and pass-through entities to monitor progress under federal awards and subawards for construction. The federal awarding agency may require additional performance reports only when considered necessary. 2 C.F.R. 200.329(d)

### **SIGNIFICANT DEVELOPMENTS**

Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such cases, the non-federal entity must inform the federal awarding agency or pass-through entity as soon as the following types of conditions become known:

1. Problems, delays, or adverse conditions which will materially impair the ability to meet the objective of the federal award. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.
2. Favorable developments which enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.

2 C.F.R. 200.329(e)

### **SITE VISITS**

The federal awarding agency may make site visits as warranted by program needs. 2 C.F.R. 200.329(f)

### **WAIVER**

The federal awarding agency may waive any performance report required by 2 C.F.R. Part 200 if not needed. 2 C.F.R. 200.329(g)

### **REAL PROPERTY REPORTS**

The federal awarding agency or pass-through entity must require a non-federal entity to submit reports at least annually on the status of real property in which the federal government retains an interest in accordance with 2 C.F.R. 200.330. 2 C.F.R. 200.330

## **AUDITS**

A non-federal entity that expends \$750,000 or more during the non-federal entity's fiscal year in federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of 2 C.F.R. Part 200. A non-federal entity that expends less than \$750,000 during the non-federal entity's fiscal year in federal awards is exempt from federal audit requirements for that year, except as noted in 2 C.F.R. 200.503, but records must be available for review or audit by appropriate officials of the federal agency, pass-through entity, and Government Accountability Office (GAO). 2 C.F.R. 200.501(a), (d)

## **COLLECTION OF AMOUNTS DUE**

Any funds paid to the non-federal entity in excess of the amount to which the non-federal entity is finally determined to be entitled under the terms of the federal award constitute a debt to the federal government. If not paid within 90 calendar days after demand, the federal awarding agency may reduce the debt by:

1. Making an administrative offset against other requests for re-imbursements;
2. Withholding advance payments otherwise due to the non-federal entity; or
3. Other action permitted by federal statute.

Except where otherwise provided by statutes or regulations, the federal awarding agency will charge interest on an overdue debt in accordance with the Federal Claims Collection Standards, 31 C.F.R. Parts 900 through 999. The date from which interest is computed is not extended by litigation or the filing of any form of appeal.

2 C.F.R. 200.346

## **MANDATORY DISCLOSURE**

The non-federal entity or applicant for a federal award must disclose, in a timely manner, in writing to the federal awarding agency or pass-through entity all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Non-federal entities that have received a federal award including the term and condition outlined in Appendix XII to 2 C.F.R. Part 200 are required to report certain civil, criminal, or administrative proceedings to the System for Award Management (SAM) (currently Federal Awardee Performance and Integrity Information System or FAPIIS). Failure to make required disclosures can result in any of the remedies described in 2 C.F.R. 200.339. (See also 2 C.F.R. Part 180, 31 U.S.C. 3321, and 41 U.S.C. 2313) 2 C.F.R. 200.113

## **NONCOMPLIANCE**

If a non-federal entity fails to comply with the U.S. Constitution, federal statutes, regulations, or the terms and conditions of a federal award, the federal awarding agency or pass-through entity may impose additional conditions, as described in 2 C.F.R. 200.208. If the federal awarding agency or pass-through entity determines that noncompliance cannot be remedied by imposing additional conditions, the federal awarding agency or pass-through entity may take one or more of the following actions, as appropriate in the circumstances:

1. Temporarily withhold cash payments pending correction of the deficiency by the non-federal entity or more severe enforcement action by the federal awarding agency or pass-through entity.

2. Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
3. Wholly or partly suspend or terminate the federal award.
4. Initiate suspension or debarment proceedings as authorized under 2 C.F.R. Part 180 and federal awarding agency regulations, or in the case of a pass-through entity, recommend such a proceeding be initiated by a federal awarding agency.
5. Withhold further federal awards for the project or program.
6. Take other remedies that may be legally available.

2 C.F.R. 200.339

### **OPPORTUNITIES TO OBJECT**

Upon taking any remedy for non-compliance, the federal awarding agency must provide the non-federal entity an opportunity to object and provide information and documentation challenging the suspension or termination action, in accordance with written processes and procedures published by the federal awarding agency. The federal awarding agency or pass-through entity must comply with any requirements for hearings, appeals, or other administrative proceedings to which the non-federal entity is entitled under any statute or regulation applicable to the action involved. 2 C.F.R. 200.342

### **SUSPENSION AND DEBARMENT**

Non-federal entities are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 C.F.R. Part 180. The regulations in 2 C.F.R. Part 180 restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities. 2 C.F.R. 200.214

### **TERMINATION OF FEDERAL AWARD**

The federal award may be terminated in whole or in part as follows:

1. By the federal awarding agency or pass-through entity, if a non-federal entity fails to comply with the terms and conditions of a federal award;
2. By the federal awarding agency or pass-through entity to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities;
3. By the federal awarding agency or pass-through entity with the consent of the non-federal entity, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated;
4. By the non-federal entity upon sending to the federal awarding agency or pass-through entity written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the federal awarding agency or pass-through entity determines in the case of partial termination that the reduced or modified portion of the federal award or subaward will not accomplish the purposes for which the federal award was made, the federal awarding agency or pass-through entity may terminate the federal award in its entirety; or
5. By the federal awarding agency or pass-through entity pursuant to termination provisions included in the federal award. When a federal award is terminated or partially terminated,

both the federal awarding agency or pass-through entity and the nonfederal entity remain responsible for compliance with the requirements in 2 C.F.R. 200.344 and 200.345.  
2 C.F.R. 200.340(a), (d)

#### **U.S. EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS**

The U.S. Department of Education adopts the OMB Guidance in 2 C.F.R. Part 200, except for 2 C.F.R. 200.102(a) and 2 C.F.R. 200.207(a). Thus, 2 C.F.R. Part 3474 gives regulatory effect to the OMB guidance and supplements the guidance as needed for the Department. 2 C.F.R. 3474.1(a)

#### **DIRECT GRANT PROGRAMS**

The regulations in 34 C.F.R. Part 75 apply to each direct grant program of the U.S. Department of Education. 34 C.F.R. 75.1(a)

#### **STATE-ADMINISTERED PROGRAMS**

The regulations in 34 C.F.R. Part 76 apply to each state-administered program of the U.S. Department of Education. 34 C.F.R. 76.1(a)

#### **GENERAL EDUCATION PROVISION ACT**

The regulations in 34 C.F.R. Part 81 govern the enforcement of legal requirements under applicable programs administered by the U.S. Department of Education and implement Part E of the General Education Provisions Act (GEPA). 34 C.F.R. 81.1

#### **U.S. DEPARTMENT OF AGRICULTURE**

Title 2 C.F.R. Part 400 adopts the OMB guidance in 2 C.F.R. Part 200, Subparts A–F, as supplemented by 2 C.F.R. Part 400, as U.S. Department of Agriculture (USDA) policies and procedures for uniform administrative requirements, cost principles, and audit requirements for federal awards. It thereby gives regulatory effect for the USDA to the OMB guidance, as supplemented by 2 C.F.R. Part 400. 2 C.F.R. 400.1

#### **U.S. DEPARTMENT OF DEFENSE**

U.S. Department of Defense (DOD) components must conform the format of new grants and cooperative agreements to the standard award format specified in 2 C.F.R. Part 1120. The standard format provides locations within the award for:

1. General terms and conditions, including the administrative and national policy requirements discussed in 2 C.F.R. 1104.105(a) and (b), respectively; and
2. Any award-specific terms and conditions discussed in 2 C.F.R. 1104.110. 2 C.F.R. 1104.100

On an interim basis pending completion of the update of the DOD Grant and Agreement Regulations (DODGARs) to implement OMB guidance published in 2 C.F.R. Part 200, the provisions of 2 C.F.R. Parts 1126 through 1138 govern the administrative requirements to be included in the general terms and conditions of DOD components' new grants and cooperative agreements awarded to institutions of higher education.

2 C.F.R. Part 1122 governs the national policy requirements to be included in DOD components' new grants and cooperative agreements awarded to all types of entities.

2 C.F.R. 1104.105(a)(1), (b)

On an interim basis pending completion of the update of the DODGARs to implement OMB guidance published in 2 C.F.R. Part 200, the guidance in 2 C.F.R. Part 200 governs administrative requirements to be included in any award-specific terms and conditions used to supplement the general terms and conditions of a new grant or cooperative agreement awarded to an institution of higher education. 2 C.F.R. 1104.110(a)

On an interim basis pending completion of the update of the DODGARs to implement OMB guidance published in 2 C.F.R. Part 200, DOD components' internal pre-award, time-of-award, and post-award procedures will continue to comply with requirements in 32 C.F.R. Parts 21 and 22 and other applicable defense grant and agreement regulatory system policies. 2 C.F.R. 1104.115

#### **U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES**

The U.S. Department of Health and Human Services (HHS) adopts the OMB Guidance in 2 C.F.R. Part 200, and has codified the text, with HHS-specific amendments in 45 C.F.R. Part 75. Thus, 2 C.F.R. Part 300 gives regulatory effect to the OMB guidance and supplements the guidance as needed for HHS. 2 C.F.R. 300.1

#### **U.S. DEPARTMENT OF JUSTICE**

The U.S. Department of Justice adopts the OMB Guidance in 2 C.F.R. Part 200, except as otherwise may be provided by 2 C.F.R. Part 2800. Unless expressly provided otherwise, any reference in 2 C.F.R. Part 2800 to any provision of law not in 2 C.F.R. Part 2800 shall be understood to constitute a general reference and thus to include any subsequent changes to the provision. 2 C.F.R. 2800.101

#### **U.S. DEPARTMENT OF LABOR**

The U.S. Department of Labor (DOL) adopts the OMB Guidance in the uniform administrative requirements, cost principles, and audit requirements for federal awards to non-federal entities, 2 C.F.R. Part 200, Subparts A–F, as supplemented by 2 C.F.R. Part 2900, as the DOL policies and procedures for financial assistance administration. Part 2900 satisfies the requirements of 2 C.F.R. 200.110(a) and gives regulatory effect to the OMB guidance as supplemented by Part 2900. The DOL also has programmatic and administrative regulations located in 20 and 29 C.F.R. 2 C.F.R. 2900.4

## **APPROPRIATIONS AND REVENUE SOURCES: INVESTMENTS – ENDOWMENT FUNDS**

Angelina College ("Angelina College" or the "College") shall adopt rules governing the investment of College endowment funds and said rules shall clearly specify the scope of authority of officers and employees of the Board of Trustees that are designated to invest funds.

This policy will be reviewed and adopted by resolution at least annually.

Qualified brokers authorized to engage in investment transactions with the College shall be reviewed and adopted annually by the Board of Trustees.

### **INVESTMENT POLICY**

**1.01** The endowment funds investment policy shall provide guidelines for the management, investment, and expenditure of endowment funds of Angelina College so that available resources will be maximized. This policy is subject to provisions of the Uniform Prudent Management of Institutional Funds Act, Chapter 163 of the Property Code ("UPMIFA"). Angelina College is an "institution of higher education", as such term is defined in UPMIFA. As used herein, "endowment funds" shall have the same meaning given said term in UPMIFA.

### **STANDARD OF CARE**

**2.01** In the administration of the powers to appropriate appreciation, to make and retain investments, to develop and apply investment and spending policies, and to delegate investment management of institutional funds, the Board of Trustees shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. The Board of Trustees shall consider both the long-term and short-term needs of the institution in carrying out its purposes, its present and anticipated financial requirements, the expected return on its investments, price level trends, and general economic conditions.

### **INVESTMENT OBJECTIVE**

**3.01** The Angelina College Endowment Funds Assets are held with the intent to provide earnings to support the scholarships or other donor purposes over the long-term. Accordingly, the primary investment objectives for its assets are to:

1. Preserve the real purchasing power of the principal, and
2. Provide a stable source of perpetual financial support to scholarships in accordance with the endowment spending policy.

In regards to the investment of College endowment funds, the performance objective is to meet or exceed the following indexes depending on the type of investment:

- o Equity Investments - S&P 500 index,
- o Fixed Income Investments - Lehman Brothers Aggregate Bond Index, and
- o Cash Equivalents - 30-day Treasury Bill Index

as measured for the year immediately preceding at December 31.

## **AUTHORIZED INVESTMENTS**

**4.01** Authorized endowment investments shall include the following:

1. Cash equivalents: Treasury bills, money market funds, commercial paper, banker's acceptances, repurchase agreements, and certificates of deposit.
2. Fixed income: U.S. Government and agency securities, corporate notes and bonds, mortgage backed bonds, preferred stock, mutual funds that invest in securities allowed in this statement.
3. Equity securities: Common stocks, convertible notes and bonds, convertible preferred stocks, American depositary receipts of non-U.S. companies, and mutual funds that invest in securities allowed in this statement.

**4.02** Prohibited endowment investments shall include the following:

Collateralized mortgage obligations, commodities and futures contracts, private placements, options, limited partnerships, venture-capital investments, and derivative securities.

## **ASSET ALLOCATION**

**5.01** The target asset allocation and permitted ranges for the endowment's assets are as follows:

	Target Allocation	Permitted Ranges
Cash Equivalents	5%	0% to 20%
Fixed Income Investments	50%	30% to 70%
Equity Investments	45%	25% to 55%
TOTAL	100%	



- 5.02** The asset allocation will be reviewed semi-annually by the investment officer(s). Should the overall asset allocation fall outside the ranges established above, cash flows will be analyzed over the next quarter to determine if the portfolio can be re-balanced with contributions or disbursements. If this process fails to re-balance the portfolio, the investment officer(s) will instruct the authorized broker(s) to re-balance the asset allocation in accordance with the established guidelines. The investment officer(s) will report to the Board of Trustees on any such instruction to re-balance the asset allocation promptly after such instruction is given. In situations where mutual funds owned by the endowment in its portfolio invest in prohibited investments, the authorized broker should inform the College investment officer(s) prior to making an investment in the fund.
- 5.03** Understanding that risk is present in all types of securities and investment styles, the Board of Trustees recognizes that some risk is necessary to produce long-term investment results that are sufficient to meet the Endowment Funds' objectives. However, the investment officer(s) authorized broker is to make reasonable efforts to control risk and ensure that the risk assumed is commensurate with the objectives.
- 5.04** The Board of Trustees may appropriate for expenditure, for the uses and purposes for which the endowment is established, the net appreciation, realized and unrealized, in the fair market value of the assets over the historic dollar value of the fund.
- 5.05** All gifts that are given with restrictions by the donor must be spent in accordance with those restrictions.

#### **SPENDING GUIDELINE**

- 6.01** The long-term objective of the spending guidelines is to maintain the purchasing power of the endowment with the goal of providing a reasonable, predictable, stable, and sustainable level of income to support scholarship distributions. The designated annual spending rate is 5% as applied to a 36-month moving average of market value less current year contributions as measured at August 31 of each year.
- 6.02** The market price of acquired investments shall be monitored by the business office on a monthly basis.

#### **INVESTMENT OFFICER**

- 7.01** The College's Vice President of Business Affairs or Controller shall serve as the investment officer of the College and invest the College's funds in authorized investments.
- 7.02** The investment officer shall possess the experience, training and capabilities necessary to perform requirements of the position, and shall comply with training requirements under the PFI.

- 7.03** Any investment officer of the College who has a personal business relationship with an entity seeking to sell an investment to the College shall file a statement disclosing that personal business interest either at the time of employment with the College or immediately at such time as the personal business relationship with an entity doing business with the College shall arise. Any investment officer who is related within the second degree by affinity or consanguinity, as determined under Chapter 573, to an individual seeking to sell an investment to the College shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the Board of Trustees of Angelina College.
- 7.04** A monthly investment summary report shall be prepared by the investment officer. A report shall be submitted at least quarterly to the Board of Trustees and the President of the College. The quarterly report shall:
1. Describe in detail the investment position of the College on the date of the report.
  2. Be signed by each investment officer of the College.
  3. Contain a summary statement of the endowment fund, prepared in compliance with generally accepted accounting principles, that states the:
    - a. beginning market value for the reporting period,
    - b. additions and changes to the market value during the period (including fully accrued interest for the reporting period), and
    - c. ending market value for the period.
  4. State the book value and market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested.
  5. State the maturity date of each separately invested asset that has a maturity date.

#### **INVESTMENT ADVISORS**

- 8.01** The Board of Trustees may utilize investment advisors, in addition to the College's depository, to assist in the placement of College investments. A written copy of this investment policy shall be presented to any person acting as an investment advisor or seeking to sell to the College an authorized investment. The qualified representative of the business organization seeking to sell an authorized investment shall execute a written instrument substantially to the effect that the registered principal has:
1. Received and thoroughly reviewed the investment policy of the College.

2. Acknowledged that the organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the College and the organization that are not authorized by the College's endowment investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the College's entire portfolio or requires an interpretation of subjective investment standards.

**8.02** The investment officer may not buy any securities from a person who has not delivered to the College a signed certification form.

**8.03** The investment advisor is responsible for making all investment decisions regarding the assets assigned to him/her. The investment advisor will comply with all applicable laws, rules and regulations, and with the terms of endowment investment policy as outlined herein.

#### **ANNUAL AUDIT**

**9.01** In conjunction with the annual financial audit, the Board of Trustees will request a compliance audit of management controls on investments and adherence to the College's established endowment investment policy. Additionally, the independent auditor shall conduct a formal review of the quarterly reports and report the results to the Board of Trustees. The results of the compliance audit shall be reported to the State Auditor.

**9.02** Angelina College ("Angelina College" or the "College") shall adopt rules governing the investment of college funds and said rules shall clearly specify the scope of authority of officers and employees of the Board of Trustees that are designated to invest funds.

**9.03** This policy will be reviewed and adopted by resolution at least annually according to Government Code 2256.005 (e). Hereafter, Chapter 2256 of the Texas Government Code (Public Funds Investments) shall be referred to as the "PFI".

**9.04** Qualified brokers authorized to engage in investment transactions with the College shall be reviewed and adopted annually by the Board of Trustees.

#### **INVESTMENT POLICY**

**10.01** The funds management and investment policy of Angelina College shall be to:

1. Assure the safety of the College's funds.
2. Maintain sufficient liquidity to provide adequate and timely working funds.
3. Attain a rate of return consistent with safety and liquidity considerations.
4. Match the maturity of investment instruments to the daily cash flow requirements.

5. Diversify investments as to maturity, instruments, and financial institutions as permitted under State law.
6. Actively pursue portfolio management techniques.
7. Avoid investment for speculation.
8. The dollar amount invested in any single investment should be sufficient to assure a ready resale market if liquidation is required.

#### **AUTHORIZED INVESTMENTS**

**11.01** Authorized investments shall comply with the PFI, and shall include the following:

1. Obligations of the United States or its agencies and instrumentalities.
2. Direct obligations of this state or its agencies and instrumentalities.
3. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities. These obligations must be rated not less than A or its equivalent by at least one nationally recognized investment rating firm.
4. Corporate bonds, debentures, or similar debt obligations rated by Moody's Investors Service or Standard & Poor's Corporation in one of the two highest long-term rating categories, without regard to gradations within those categories. Section 2256.020(3)
5. Properly collateralized or FDIC insured Certificates of Deposit, including Certificates of Deposit authorized under Section 2256.010(b).
6. Investment pools as approved by resolution of the Board of Trustees. The pools:  
(1) May only invest in obligations permitted by the PFI and approved by the Board of Trustees, (2) Must provide an offering circular containing information required by the Act, (3) Must provide investment transaction confirmations, (4) Must provide a monthly report containing information required by the Act, and (5) Must have an advisory board as specified by the Act. If the pool was created to function as a money market mutual fund, it must mark its portfolio to market daily and stabilize at a \$1.00 net asset value.
7. No load money market mutual funds, registered with and regulated by the Securities and Exchange Commission, with a dollar-weighted average stated

maturity of 90 days or fewer, and having as an objective the maintenance of a stable net asset value of \$1.00/share. Amounts invested shall not exceed limitations as provided by the PFI. Prior to entering into an investment with such a fund, the fund must provide the College with a prospectus and other information required by federal law. The College may not own more than 10% of the total assets of a money market mutual fund described by this clause (g).

8. Other no load mutual funds registered with the Securities and Exchange Commission, with an average weighted maturity of less than two years, invested exclusively in obligations allowed under the PFI, and continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than AAA or its equivalent. The mutual funds must comply with information and reporting requirements for investment pools as described in the Act. Invested amounts must be limited to 15% of the College's monthly average fund balance, excluding bond proceeds, reserves, and debt service funds. Neither bond proceeds, reserves, nor debt service funds may be invested in mutual funds described by this clause (h). The College may not own more than 10% of the total assets of a mutual fund described by this clause (h).
9. Commercial paper which has a stated maturity of 270 days or fewer from the date of its issuance, and is rated not less than A-1 or P-1 or an equivalent rating by at least (A) two nationally recognized credit rating agencies, or (B) one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state.
10. A fully collateralized repurchase agreement which has a defined termination date; is secured by obligations de-scribed in Section 2256.009(a)(1) of the PFI; requires the securities being purchased by Angelina College to be pledged to Angelina College, held in the College's name, and deposited at the time the investment is made with Angelina College or with a third party selected and approved by Angelina College; and is placed through a financial institution doing business in Texas.

**11.02** The maximum allowable stated maturity of any individual investment, pool, or mutual fund owned by the College shall be as provided for in the PFI as enacted or as it may be amended from time to time. If no maximum allowable stated maturity is provided for a particular investment owned by the College, the maximum allowable stated maturity, or average dollar-weighted maturity if applicable, for such investment shall be for a term no greater than 10 years; provided, that in connection with the purchase of investments related to the refunding of bonds, the maturity of the investments escrow will be no greater than the term of the refunded bonds.

**11.03** The market price of acquired investments shall be monitored on a monthly basis by comparing the cost basis of a sample of purchased securities as stated on each month end transaction detail with prices of the same investments through a nationally recognized financial source such as Bloomberg.com.

Investments must be settled on a delivery versus payment basis with the exception of investment pools and mutual funds.

#### **INVESTMENT OFFICER**

**12.01** The College's Vice President of Business Affairs or Controller shall serve as the investment officer of the College and invest the College's funds in legally authorized and adequately secured investments in accordance with the PFI.

The investment officer shall possess the experience, training and capabilities necessary to perform requirements of the position, and shall comply with training requirements under the PFI.

**12.02** Any investment officer of the College who has a personal business relationship with an entity seeking to sell an investment to the College shall file a statement disclosing that personal business interest either at the time of employment with the College or immediately at such time as the personal business relationship with an entity doing business with the College shall arise. Any investment officer who is related within the second degree by affinity or consanguinity, as determined under Chapter 573, to an individual seeking to sell an investment to the College shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the Board of Trustees of Angelina College.

**12.03** The investment officer is expected to display prudence in the selection of securities, as a way to eliminate default risk. No individual transaction shall be undertaken where there is uncertainty as to the maturity and/or rate of return of the investment.

**12.04** Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. Investment of funds shall be governed by the following investment objectives, in order of priority:

1. Preservation and safety of principal.
2. Liquidity.
3. Yield.

**12.05** In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

1. The investment of all funds, or funds under the College's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment.
2. Whether the investment decision was consistent with the written investment policy and investment strategy of the College.

**12.06** A monthly investment summary report shall be prepared by the investment officer. A report shall be submitted at least quarterly to the Board of Trustees and the President of the College. The quarterly report shall:

1. Describe in detail the investment position of the College on the date of the report.
2. Be signed by each investment officer of the College.
3. Contain a summary statement of each pooled fund group, prepared in compliance with generally accepted accounting principles, that states the:
  - a. beginning market value for the reporting period,
  - b. additions and changes to the market value during the period (including fully accrued interest for the reporting period), and
  - c. ending market value for the period.
4. State the book value and market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested.
5. State the maturity date of each separately invested asset that has a maturity date.
6. State the account or fund or pooled group fund in the College for which each individual investment was acquired.
7. State the compliance of the investment portfolio of the College as it relates to the investment policy and the PFI.

## **INVESTMENT ADVISORS**

**13.01** In accordance with the PFI, Section 2256.005(k), a written copy of this investment policy shall be presented to any person acting as an investment advisor or seeking to sell to the College an authorized investment. The qualified representative of the business organization seeking to sell an authorized investment shall execute a written instrument substantially to the effect that the registered principal has:

1. Received and thoroughly reviewed the investment policy of the College.
2. Acknowledged that the organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the College and the organization that are not authorized by the College's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the College's entire portfolio or requires an interpretation of subjective investment standards.

**13.02** The investment officer may not buy any securities from a person who has not delivered to the College a signed certification form as provided in accordance with the PFI, Section 2256.005(l).

**13.03** The investment advisor is responsible for making all investment decisions regarding the assets assigned to him/her. The investment advisor will comply with all applicable laws, rules and regulations, and with the terms of investment policy as outline herein.

**13.04** The Board of Trustees may utilize investment advisors, in addition to the College's depository, to assist in the placement of College investments.

**13.05** Bids for Certificates of Deposit may be solicited by any combination of one or more of the following methods:

1. Oral bids;
2. Written bids; and
3. Electronic bids.

**13.06** In conjunction with the annual financial audit, the Board of Trustees will request a compliance audit of management controls on investments and adherence to the College's established investment policies in accordance with the PFI, Section 2256.005(m). Additionally, the independent auditor shall conduct a formal review of the quarterly reports and report the results to the Board of Trustees. The results of the compliance audit shall be reported to the State Auditor.



## **INVESTMENT STRATEGIES**

**14.01** Investment strategies for funds are as follows:

### **CURRENT FUNDS**

**15.01** Current Funds include educational and general funds, auxiliary funds, and restricted funds. Current funds shall be invested with the primary objective of preservation and safety of principal. Certificates of Deposit are most appropriate for these funds to insure that maturing investments are available to meet current cash demands and are suitable for achieving the strategy's objective for investing Current Funds. A liquidity base should be established to provide for known short term disbursement requirements, and remaining maturities should be selected based on return offered.

### **LOAN FUNDS**

**16.01** Loan Funds are intended to provide short term student loans for each semester. Loan Funds invested must mature to meet loan demands. Certificates of Deposit are most appropriate for these funds to insure that maturing investments are available to meet current cash demands, and are suitable for achieving the strategic objective for investing Loan Funds.

### **ENDOWMENT FUNDS**

**17.01** Endowment Funds - See "Investment Policy - Endowment Funds."

### **PLANT FUNDS**

**18.01** Plant Funds are utilized for new construction, as well as renewal and replacement of existing facilities. Plant Funds shall be invested with the primary objective of preservation and safety of principal. Certificates of Deposit are most appropriate for these funds to insure that maturing investments are available to meet current cash demands. Other short term instruments may be utilized to reduce market risk and generate superior returns. These types of investments are suitable for achieving the strategic objective for investing Plant Funds.

### **DEBT SERVICE FUNDS**

**19.01** Angelina College shall maintain as its primary objective, the safety of principal with regard to all monies collected or allocated for debt service. Secondly, Angelina College will seek to maximize the return on such funds while insuring sufficient funds are available for timely payment of its debt obligations. In order to accomplish this, Angelina College will invest such funds in amounts and maturity dates that most likely will meet the debt service requirements of the College. Investment of moneys collected or allocated for debt service also shall be subject to covenants contained in the financing documents approved by the Board of Trustees authorizing the issuance of obligations for which debt service shall be due and owing. The investments selected for Debt Service Funds shall be suitable for achieving this strategic objective.

**DEBT SERVICE RESERVE FUND**

**20.01** Investments of the debt service reserve fund shall have as their primary objective the ability to generate revenue while maintaining a low degree of price volatility. Except as may be required by the financing documents specific to an individual bond issue, securities should be of high quality, with short to intermediate term maturities. A laddering strategy may be used to insure availability of funds with minimum sacrifice of yield and is suitable to achieving the strategic objective for investing debt service reserve funds.

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**CERTIFICATION**

**21.01** In compliance with the Texas Government Code (Public Funds Investment Act) Sec. 2256.005 (k) - (l),

(“Broker/Financial Institution Representative”) acknowledges that the qualified representative and all sales personnel conducting investments transactions with Angelina College (“AC”) have received and have thoroughly reviewed the AC Endowment Investment Policy. Broker/Financial Institution Representative acknowledges that Broker/Financial Institution Representative has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the college and the organization that are not authorized by the college's endowment investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the college's entire portfolio or requires an interpretation of subjective investment standards.

(Firm)

(Signature of Registered Principal)

(Name)

(Title)

(Date)

## **APPROPRIATIONS AND REVENUE SOURCES: INVESTMENTS**

### **GIFTS POLICY**

#### **SECTION ONE: GIFTS**

- 1.01** All bequests of property for the benefit of the College District shall vest the property in the Board of Trustees. When not specified by the grantor, funds or other property donated, or the income thereby generated, may be expended in any manner authorized by statute. The College President shall have the authority to accept gifts and donations on behalf of the Board.
- 1.02** Final authority for the acceptance of gifts of real property rests with the Board of Trustees.
- 1.03** The College District shall not accept gifts that discriminate against any person on the grounds of sex, race, color, religion, national origin, or disability.
- 1.04** All gifts and grants accepted must contribute to the College District's basic mission and purpose and enhance overall College District resources without undue budgetary expenditures or constraints.

#### **SECTION TWO: SOLICITATION**

- 2.01** The College President must give prior approval for the solicitation or acceptance of all grants or gifts, and must approve all external fund raising activities.
- 2.02** Solicitations involving only the campus community must be approved by the Executive Director of Institutional Advancement and Student Affairs

### **ENDOWMENT POLICY**

#### **SECTION ONE: PURPOSE**

- 1.01** The purpose of the endowment is to create a corpus from which the earnings are to be distributed to support the mission and goals of the College District including scholarships consistent with donor intentions.
- 1.02** An endowment may be established for any purpose which may be reasonably construed to support the mission and goals of the College District.

## SECTION TWO: ESTABLISHING AN ENDOWMENT

### 2.01 Minimum Funding Level

A donor(s) may establish an endowment with a minimum initial donation of \$10,000. The donor(s) may accumulate the endowment gift over a one-year period with earnings during the accumulation period to be added to the corpus. Earnings during the accumulation period may not be used to reduce the donors' commitment to fund the endowment at the minimum level. Once funded, earnings will be distributed both to make awards under terms of the Donor Agreement and to increase the corpus of the endowment as allowed by economic conditions and existing Board policies.

### 2.02 Establishing of Endowment

Upon receiving a minimum of \$10,000, the College District will permanently endow a scholarship for the donor(s). Guidelines for the use of the endowment will be agreed upon and an Angelina College Summary of Donor's Intentions will be completed in the Office of Student Financial Aid.

### 2.03 Failure to Meet the Minimum Funding Level

Donors will be contacted at the end of one year if the minimum funding level is not achieved. If, at that time, the donor is unable to fully endow the scholarship, monies already donated will be transferred to the general permanent endowment fund and the intent to endow the scholarship will be voided.

A donor wishing to contribute less than \$10,000 should be encouraged to make his/her contribution to the Angelina College Alumni and Friends Endowment Fund.

### 2.04 Memorial Contributions

An endowment to be funded by the receipt of memorial contributions will be restricted by the individual who establishes it initially.

## SECTION THREE: RECIPIENT RESTRICTIONS

### 3.01 The donor has the following options in specifying certain criteria for selection of an award recipient. A donor may specify:

- A preference among equally qualified applicants be given for recipient selection. However, College District policies prohibit discrimination against recipients being considered for an award on the basis of race, color, national origin, gender, religion, age, veteran status, or disability.
- Selection of a recipient be tied to the recipient's academic performance, financial need, or geographic area of residence.

- Applicant eligibility be limited to an employer's employees and their spouses or dependents provided that final selection of recipient is made in accordance with policies of the College District.
- A recipient be a student in a particular Angelina College department or area of study.
- A recipient has completed a specified number of semester hours of college work.
- A recipient have a minimum required grade point average.
- Eligibility be limited to U.S. citizens and permanent residents.

**3.02** If a donation is received without restriction, the Board may designate that the donation be established in the form of a quasi-endowment. Donations of this nature will be treated as permanent capital, but principal as well as income may be expended upon approval of the Board.

#### **SECTION FOUR: RECIPIENT SELECTION**

**4.01** Donors may recommend or suggest scholarship recipients. However, the Internal Revenue Service will not recognize a contribution for charitable tax deduction if the donor retains control over the gift funds or how they are used. Therefore, a donor may not participate in the selection of scholarship or award recipients, name a non-Angelina College employee to the scholarship committee, or structure the criteria so narrowly as to limit selection to a small population comprised solely or primarily of individuals related to the donor or that the donor would choose without this restriction.

**4.02** Angelina College will make the final recipient selection. Recipient selection will be based upon the requirements listed on the Angelina College Summary of Donor's Intentions.

#### **SECTION FIVE: INVESTMENTS**

**5.01** All endowed funds will be invested in accordance with the College District's Investment Policy. The Angelina College Investment Policy is approved by the Board of Trustees, regulated by the State of Texas, and is designed to preserve the endowment.

**5.02** The endowment is to be managed by professional investment managers, professional endowment managers, bank trust departments or a combination thereof, as designated by the Board.

**5.03** Endowment managers shall be provided with a copy of the Board approved endowment scholarship policy and endowment investment policy, and shall sign the appropriate certification before managing College District funds.

## **SECTION SIX: DISTRIBUTION POLICY**

- 6.01** The distribution policy of the Endowment Fund and Restricted Funds (Fund 41, 45 and 60) shall be as follows:
- Restricted funds must be awarded or spent according to the written intentions of the original donor who established the account or in accordance with subsequent written modifications made by the donor's assignee or executor.
  - The Endowment Investment policy references the Endowment Spending Policy.
  - Funds not awarded or spent will accumulate in the account's corresponding restricted account. Only funds associated with an endowment or from a previously approved restricted account will receive applicable interest earnings. Any earning on other restricted funds will be available for student scholarships.

## **SECTION SEVEN: TERMINATION OF ENDOWMENT**

- 7.01** In the event that distributions from an endowment's interest earnings can no longer be awarded for the original purpose (for example, the endowment was intended to provide scholarships for a major which no longer exists), an alternative use for the endowment to further the objective of the College District may be established, in the spirit of the donor's original intent.
- 7.03** The College may disburse any remaining funds from non-endowed scholarship, club, and other third party accounts that have been inactive for three or more years with no future distributions anticipated in a manner similar to the original intent of the account or for general scholarships, unless otherwise instructed by donor.
- 7.02** In the event that Angelina College closes or otherwise ceases to exist, all endowed funds will be either returned to the donor, their heirs, or transferred to a non-profit entity whose objective and mission is consistent with the mission of the College District.

## **ANNUAL OPERATING BUDGET: BUDGET PLANNING**

Budget planning shall be an integral part of overall program planning so that the budget effectively reflects the College District's programs and activities and provides the resources to implement them. In the planning process, general educational goals, specific program goals, and alternatives for achieving program goals are considered by each budget manager prior to submission. Budget planning and evaluation are continuous processes and should be a part of each month's activities.

### **BUDGET PREPARATION**

- 1.01** The College President or designee shall supervise the development of a budget calendar and a specific plan for budget preparation that ensures appropriate input from all levels of operation within the College District. The budget shall conform to Texas Higher Education Coordinating Board requirements and meet the standards of the Southern Association of Colleges and Schools Commission on Colleges.
- 1.02** The College President or designee shall have:
1. Responsibility for the preparation of a budget covering estimated receipts and proposed expenditures of the College District for the ensuing fiscal year.
  2. Responsibility for ensuring that proper records are kept and that copies of all forms, budget, and other reports are filed with the proper authorities at the proper times.
- 1.03** The College President may designate the vice president of business services as deputy officer. The deputy budget officer shall assist in professional and technical aspects of the budget preparation.
- 1.04** The budget must be itemized in detail according to classification and purpose of expenditure and shall be in the format required by the "Annual Financial Reporting Requirements for Public Community and Junior Colleges in Texas," and Coordinating Board rules.

### **BUDGET MEETING**

- 2.01** r the proposed budget has been prepared, the Board President shall call a Board meeting, giving public notice in a manner complying with the Open Meetings Law and stating the purpose of adopting a budget for the succeeding year.
- 2.02** axpayer of the College District may be present and participate in the hearing.
- 2.03** nual public hearing on the proposed budget shall be conducted as follows:

1. Board President shall request at the beginning of the hearing that all persons who desire to speak on the budget give their names to the secretary. Only those who sign in with the secretary shall be heard.
2. Prior to the beginning of the hearing, the Board President may establish time limits for speakers and may determine the number of speakers for group presentations.
3. Speakers shall confine their remarks to the appropriation of funds as contained in the proposed budget.
4. Officer or employee of the College District shall be required to respond to questions from speakers at the hearing.

#### **AVAILABILITY OF PROPOSED BUDGET**

- 3.01** After it is presented to the Board and prior to adoption, a copy of the proposed budget shall be available for inspection during regular business hours.

#### **BUDGET ADOPTION**

- 4.01 Itemized budget covering the operation of the College District shall be approved on or before September 1 of each year for the fiscal year beginning on September 1 of each year.
- 4.02 Adopted budget provides authority to expend funds for the purposes indicated and in accordance with state law, Board policy, and the College District's approved purchasing procedures. The expenditure of funds shall be under the direction of the College President or designee who shall ensure that funds are expended in accordance with the adopted budget and any rules or guidelines in which the College District is serving as fiscal agent.
- 4.03 Funds in the College District may be spent in any manner other than as provided for in the budget adopted by the Board.
- 4.04 College District shall not lend its credit or gratuitously grant public money or things of value in aid of any individual, association, or corporation.
- 4.05 College District shall not grant any extra compensation, fee, or allowance to a public officer, agent, servant, or contractor after service has been rendered or a contract entered into and performed in whole or in part. Nor shall the College District pay or authorize the payment of any claim against the College District under any agreement or contract made without authority of law.



4.06 Contract for the acquisition, including lease, of real or personal property is a commitment of the College District's current revenue only, provided the contract contains either or both of the following provisions:

1. Retains to the Board the continuing right to terminate the contract at the expiration of each budget period during the term of the contract.
2. Is conditioned on a best efforts attempt by the Board to obtain and appropriate funds for payment of the contract.

4.07 Copies of the annual operating budget shall be furnished to the Coordinating Board (two copies), the Governor's Budget and Planning Office, Legislative Budget Board, and Legislative Reference Library by December 1st of each year. Additional copies shall be delivered to the Legislators or State Offices and Officials as required.

#### **BUDGET AMENDMENTS**

**5.01** The Board shall have the authority to amend the approved budget or to adopt a supplementary emergency budget to cover necessary unforeseen expenses.

### **SALARY AND WAGE RATES**

- 1.01** Salary and wage rates are established by the College President subject to approval by the Board.
- 1.02** Changes to contracts are made only by recommendation of the College President to the Board.
- 1.03** Pay grades for classified support personnel may be adjusted based upon recommendation by the classified employee salary administration committee and approval by the President.

### **EMPLOYMENT OF PERSONNEL**

- 2.01** As a condition of employment, employees shall complete payroll forms as necessary to comply with federal and state laws, institutional policies, and other mandates.

### **FULL-TIME**

- 3.01** Full-time classified support personnel shall be employed only when the following conditions have been met:
  - 1. The College President has formally approved the job description for a new position or a modified position.
  - 2. The Senior Director of Human Resources has confirmed that the hiring process is in compliance with other applicable institutional policies as well as federal and state laws.
  - 3. The College President or his designee has made a formal offer to the potential employee after consultation with the appropriate dean, director, or executive officer.
  - 4. The offer is approved through written payroll authorization with appropriate signatures.
  - 5. The employment is approved by action of the Board.

### **PART-TIME**

- 4.01** Part-time classified support personnel shall be employed only when the following conditions have been met:
  - 1. The President has formally approved the job description and determined the appropriate wage rate on the part-time employee wage scale.
  - 2. The Senior Director of Human Resources has confirmed that the hiring process is in compliance with other applicable institutional policies as well as federal and state laws.

3. The supervisor or Senior Director of Human Resources has made a formal offer to the potential employee after consultation with the College President.
4. The offer is approved through a Form 8 with appropriate signatures.
5. The employment is approved by action of the Board.

**FACULTY, ADMINISTRATORS, AND OTHER CONTRACTED PERSONNEL**

**5.01** Faculty, administrators, and other contracted personnel shall be employed only when the following conditions have been met:

1. The College President has formally approved the job description for a new position or a modified position.
2. The Senior Director of Human Resources has confirmed that the hiring process is in compliance with other applicable institutional policies as well as federal and state laws.
3. The College President or designee has made a formal offer to the potential employee after consultation with the appropriate dean, director, or executive officer.
4. The offer is finalized with a Form 8 with appropriate signatures.
5. The employment is approved by action of the Board.

**PAYROLL PERIODS**

**6.01** All salaried employees, other than part time faculty, shall be paid in 12 monthly installments made on or before the 23rd day of each month as denoted in the official payroll calendar.

**6.02** Upon beginning employment, all full-time contract employees shall have their pay prorated from their hire date to the end of the academic year or contract period (see “Contract Period”).

**6.03** Part time faculty shall be paid in four installments per semester as denoted in the official payroll calendar.

**6.04** Part-Time Community Services (non-credit) teachers shall be paid at the completion of their course or service or more frequently in longer courses if approved by the Vice President of Workforce and Continuing Education.

**6.05** Full-time and part time classified support personnel shall be paid semi-monthly as denoted in the official payroll calendar.

**6.06** All student employees shall be paid semi-monthly as denoted in the official payroll calendar.

**6.07** Payroll checks shall not be released prior to the designated pay date and time.

### **OVERTIME**

**7.01** Employees who are exempt from provisions of the Fair Labor Standards Act shall not receive overtime pay.

**7.02** Employees subject to provisions of the Fair Labor Standards Act shall be eligible to receive overtime pay, but shall work overtime hours only with approval of their supervisor and the College President.

### **CONTRACT PERIOD AND PRO-RATED PAY**

**8.01** Employees hired after the academic year has started or who resign, retire, or leave after the year has started, will have salary contract amount pro-rated to actual hours worked according to the following guidelines.

**8.02** 12-month employees shall receive a prorated payment calculated on actual hours worked using 1,920 hours (240 days) as a basis, plus accrued vacation subject to final audit and policy limitations.

**8.03** 10.5-month faculty shall receive a prorated payment calculated on actual hours worked using 1,470 hours (210 days) as a basis.

**8.04** 10.5-month employees, other than faculty, shall receive a prorated payment calculated on actual hours worked using 1,680 hours (210 days) as a basis.

**8.05** 9-month employees shall receive a prorated payment calculated on actual hours worked using 1,190 hours (170 days) as a basis.

**8.06** Computation of “Actual Hours Worked” will include paid holidays, but does not include Christmas Break or Spring Break.

**8.07** Payment for accrued vacation hours is not subject to withholding for TRS retirement, but is subject to withholding for ORP retirement.

### **RETIREMENT**

**9.01** Retirees are required to enroll in the insurance program separate from active employees. a person retires in the middle of an insurance year, he/she must re-enroll as a retiree.

**9.02** All employees who retire or resign must complete a proper clearance form and obtain signatures from appropriate campus offices.

**9.03** The College District will establish payroll deductions as required by federal and/or state laws, College District policy, and/or election of the individual employee.

**PAYROLL DEDUCTIONS**

**10.01** College District employees are exempt from FICA OASDI withholding, but are subject to the FICA Medicare withholding unless exempted by date of employment.

**10.02** Anyone who is employed by the College District shall receive all compensation through the regular payroll system.

**OTHER**

**11.01** Individuals only performing contracted services for the college are not employees, but are independent contractors subject to the provisions outlined in the purchasing section of the policy. Such contracts must be approved by the College President or Vice President of Business Affairs prior to the agreement. Generally, if an individual is subject to the control or direction of another with respect to work objectives, but not with respect to the means and methods for accomplishing the objectives, he/she is considered an independent contractor and not an employee. (IRS code SEC.3401 Reg 31.3401)

**W-2'S AND 1099'S**

**12.01** W-2's are distributed in January of each year as per IRS guidelines.

**12.02** 1099's are distributed in January of each year as per IRS guidelines.

## PURCHASING AND ACQUISITION

### SECTION ONE: PROCUREMENT METHODS

#### 1.01 Procurement Methods

The College District may contract or agree with another local government, the state or a state agency, including the State Purchasing and General Services Commission, to perform governmental functions and services. Requirements for interlocal contracts include:

1. Authorization by the governing body of each party to the contract,
2. Statement of the purpose, terms, rights and duties of the Contracting parties, and
3. Specifications that each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party. Design/build is a method of project delivery in which the school district contracts with a single entity to take responsibility for both the design and construction of a project. The use of a design/build contract must be through a request for proposals or similar competitive methodology for selection of the vendor to provide the facility and/or financing.

### SECTION TWO: INSTITUTIONAL LIMITS

#### 2.01 Institutional Purchasing Limits

Except as specifically noted in Angelina College Policy and Procedure CF (Local), the following guidelines apply to all rentals, leases, purchases, lease-purchases and contracts:

1. Purchases costing from \$0 to \$9,999 shall require no verbal or written quotes. However, all purchases should be made from the lowest responsible vendor. Purchasers are encouraged to obtain a minimum of three comparable quotes.
2. Purchases costing from \$10,000 to \$49,999 shall require competitive written quotes solicited from at least three vendors.
4. Purchases costing \$50,000 or more must use either formal sealed request for quotation (RFQ), formal sealed request for proposal (RFP), Interlocal Agreement or Sole Source. At least three vendors must be solicited, a formal bid opening conducted, and statutorily required advertising performed.
5. All purchases costing \$50,000 or more require approval by the Board.
6. If originally bid, change orders greater than 25 percent of the total cost must be bid. Change orders greater than \$50,000 require subsequent Board action.

#### 2.02 Emergency Purchases

In case of emergency purchases where the cost is \$50,000 or more, the Vice President of Business Affairs must be notified, in writing, by the department requesting the purchase. The College President and the Board finance committee shall consider, and if appropriate, approve

any emergency purchase over \$50,000. Approval will be granted only if the purchase is necessary to conduct classes or other essential school activities.

### **2.03 Subsequent Purchases**

If not provided for in the original bid contract, subsequent purchases of \$50,000 or more are to be treated as separate contracts and must also be bid. Such purchases cannot be made from the same vendor, even at the same bid price(s), without competitive bids.

### **2.04 Split Purchases**

Purchases that would be considered one project under normal purchasing practices, such as paving contiguous parking lots surrounding buildings at a campus, may not be split. The competitive bidding law applies to the aggregate purchase. Bidding requirements may not be circumvented by purchasing related items, or equivalent items from separate vendors, under separate purchase orders (component parts) that cannot serve in and of themselves the purpose and function for which the purchase is being made. Separate, sequential and component purchases are illegal.

### **2.05 Sole Source Purchases**

Purchases may be exempt from competitive procurement if they meet established criteria for a sole source purchase. Documentation must be obtained from the vendor which identifies the item or product to be purchased, and confirms that competition in providing the item or product is precluded by the existence of a patent, copyright, secret process, or monopoly.

### **2.06 Exceptions from Competitive Bidding**

The following purchases are exempted from competitive bidding requirements.

1. Purchases of produce and motor fuel.
2. Purchases from the State Bid Contract of the General Services Commission.
3. Purchases from the Texas Department of Corrections.
4. Purchases from the Texas Industries for the Blind and Handicapped.
5. Purchases through cooperative bidding pools under inter-local agreements, wherein the administrator for the cooperative is responsible for complying with competitive bidding statutes.
6. Emergency purchases necessary to repair or replace damaged equipment that is destroyed or severely damaged, because the time delay imposed by the competitive bidding process would prevent or substantially impair the conduct of classes or other essential school activities.
7. Items available from only one source, in compliance with the State's sole source purchasing regulations..
8. Professional services rendered, including services of an architect, attorney, certified public accountant, engineer, or fiscal agent. Additionally, the College may, at its option, contract for professional services rendered by a financial consultant or a technology consultant in the manner provided by Texas Government Code Section 2254.003, in lieu of the methods provided by this section.

## **2.07 Rejection of Bids**

The Board may reject any and all bids, reject all bids and readvertise for any reason, or reject all bids and decide not to rebid.

## **SECTION THREE: CONTRACT AWARD**

### **3.01 Awarding a Contract to Other than the Low Bidder**

There is no requirement that a contract for personal property be awarded to the lowest bidder; however, a decision to award a contract to a bidder other than the lowest bidder should reflect the exercise of sound discretion by the district. Texas Education Code 44.031 states that in determining contract awards to vendors, the College District may consider:

1. Purchase price.
2. The reputation of the vendor and of the vendor's goods and services.
3. The quality of the vendor's goods and services.
4. The extent to which the goods or services meet the college district's needs.
5. The vendor's past relationship with the college district.
6. The impact on the ability of the college district to comply with laws relating to historically underutilized businesses.
7. The total long-term cost to the college district to acquire the goods or services.
8. Any other relevant factor specifically listed in the request for bids or proposals.

## **SECTION FOUR: CONTRACTED SERVICES**

### **4.01 Contracted Services**

The College District may contract with certain individuals to perform services, on an "as needed" basis. The College District provides no training to these individuals to enable them to perform their function in a particular method or manner. Their services are not an integral part of the College District's operations. Work is performed on a part time, nonrecurring basis.

Independent contractors are paid by the job, although disbursements may be split at the convenience of the College District. Contractors do not perform services exclusively for the College District. Contractors are not subject to dismissal for reasons other than nonperformance of contract Specifications. Termination of their relationship with the College District prior to completion of contract requirements may subject independent contractors to a penalty.

The College District's relationship with an independent contractor is governed by the contract signed by both parties. Disbursements exceeding \$600 in any calendar year shall be reported to the contractor and the Internal Revenue Service according to information provided by the contractor on the W-9 form.



All contracts must be approved in advance by the College President or Vice President of Business Affairs, or the appropriate dean as applicable.

## **SECTION FIVE: ETHICAL STANDARDS**

### **5.01 Ethical Standards**

College District officials and employees cannot accept anything of value from a vendor, such as personal gifts or gratuities, which may be construed to have been given to influence the purchasing process.

If a Board member or member of their immediate family has a financial interest in a business entity(s), they are required to disclose this relationship through the execution of an affidavit. Board members should abstain from voting on award of contracts to businesses in which they or their immediate family members have a financial interest.

An employee may not participate directly or indirectly in a procurement when the employee knows that:

1. The employee or any member of the employee's immediate family a financial interest pertaining to the procurement;
2. A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or
3. Any other person, business or organization with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

## **SAFETY PROGRAM**

### **SAFETY: INCLEMENT WEATHER AND CAMPUS CLOSINGS**

There may be occasions when weather conditions prevent the normal operations of the College District. Should this condition occur, the following procedures are in effect:

1. Class cancellations will generally be determined by 6 a.m. for day classes and 3:00 p.m. for evening classes and teaching centers. Both radio and television announcements will be made only if classes are canceled. The decision to cancel classes due to weather conditions will always be based on student's safety after consultation with the Texas Department of Public Safety or Department of Transportation and other public agencies. Any cancellation announcements will also be on the web page and voicemail greeting of the main College number (936-639-1301).
2. Only the College President, or designee, shall determine class cancellations and disseminate official announcements concerning cancellations.
3. Cancellation of classes does not automatically mean that all operations at the College District are suspended. In the event of a suspension of classes, all employees shall report for work unless weather conditions absolutely render unsafe any reasonable attempt to report. In such cases, the employees unable to report shall, as soon as possible, notify his/her immediate supervisor.
4. Should the entire College District operation be forced to come to a halt, minimum physical plant and campus security staff will be required to maintain and secure the College District.

### **SECTION TWO: SAFETY (LARGE EVENTS/GATHERINGS ON COLLEGE PROPERTY)**

- 2.01** All large events or gatherings on Angelina College property that are either (a) open to the public and/or (b) will have non-Angelina College employees in attendance, must engage with the Angelina College Police department to ensure the following:
- Any event with 75 to 200 attendees must have a minimum of one uniformed Police Officer in attendance.
  - Any event with 201 to 400 attendees must have a minimum of two uniformed Police Officers in attendance.
  - Any event with more than 400 attendees must have a minimum of three uniformed Police Officers in attendance.
  - In addition to the uniformed Police Officers required above, if a host of any event with 50 or more attendees intends to serve alcohol at the event must have at least one additional uniformed Police Officer in attendance.

- 2.02** On a case-by-case basis, in consultation with the Angelina College Chief of Police, the College President may require the attendance of more or fewer uniformed Police Officers for any event.
- 2.03** For any non-Angelina College sponsored event, all officers will be compensated by the event hosting party at the then regular Angelina College officer off-duty hourly rate.

## **SAFETY PROGRAM: EMERGENCY PLANS**

### **SECTION ONE SAFETY AND EMERGENCY PROCEDURES GUIDELINES**

- 1.01** The College President shall be responsible for approving procedures to respond to campus emergencies. These procedures shall always place emphasis on the safety of students, faculty and staff; observe federal, state, and local laws; and be periodically reviewed by the campus environmental, health and safety (EH&S) team.
- 1.02** The College shall follow its Angelina College Emergency Operations Plan in the event of a disaster or crisis. The College's Emergency Operations Plan (EOP) incorporates the "Standard Response Protocol" (SRP) produced and copyrighted by the "I Love You Guys Foundation" of Bailey, Colorado. Angelina College has also adopted an Athletics / Activity Emergency Annex that provides additional instructions for outdoor sports and/or activity emergencies.
- 1.03** The College shall provide regular training and encourage faculty and staff to review the Emergency Operations Plan, Athletics / Activity Emergency Annex and the Standard Response Protocol.

### **SECTION TWO REPORTING PROCEDURES**

- 2.01** A student or employee who witnesses a medical emergency, life threatening incident or disaster should follow the following procedures:
- Call the Angelina College Police Department at **936-676-2563** and report the location of the emergency, disaster or threat.
  - Call **911** if the threat or crisis is particularly severe or imminent.

### **SECTION THREE CAMPUS EMERGENCY NOTIFICATION PROCEDURES**

- 1.01** The College will utilize one or more, as deemed appropriate, of the following notification systems in the event of an emergency:
- The RAVE Alert system to send text and/or email messages
  - Social media
  - The campus telephone to project a message through the phone's external speaker.

### **SECTION FOUR EMERGENCY HOLD PROCEDURES**

- 4.01** In the event a hallway or corridor needs to be cleared, a "Hold" command may be issued. Follow the Standard Response Protocol for a "Hold" command.

**SECTION FIVE CGC  
(REGULATION)**

**EMERGENCY EVACUATION PROCEDURES**

- 5.01** If fire or smoke is detected on campus or in an off campus instructional center, dial **911** for the local fire department and then dial **936-676-2563** for campus police and follow the Standard Response Protocol for an Evacuation.

**SECTION SIX  
EMERGENCY SHELTER PROCEDURES**

- 6.01 WEATHER RELATED INCIDENT:** When weather conditions are sufficiently hazardous to warrant limited activities, students and employees will be notified through the RAVE Alert system and social media. (See CG)
- 6.02 TORNADO WEATHER RELATED INCIDENT:** In case of a tornado, students and employees should follow the Standard Response Protocol action for a shelter in place weather-related incident. Students and employees will be notified, if feasible, through the RAVE Alert system and the campus telephone system.
- 6.03 HAZMAT INCIDENT:** If a hazardous materials incident occurs that threatens safety on campus, students and employees will be notified by text, email, social media and the campus phone system. Students and employees should follow the Standard Response Protocol action for a HazMat incident.

**SECTION SEVEN  
SECURE PROCEDURES**

- 7.01** If there is a potential threat in the vicinity of the campus, students and employees will be notified, as soon as practical and safe, via text, email, social media and/or the campus phone system. Students and employees should follow the Standard Response Protocol “Secure” command.

**SECTION EIGHT  
LOCKDOWN PROCEDURES**

- 8.01** In the event a threat is located on campus or at an off campus instructional center, students and employees will be notified via text, email, social media and/or the campus phone system.
- 8.02** If a student or employee witness suspicious or threatening behavior on campus or at an off campus instructional center, dial **936-676-2563** for campus police **911**, if the threat or crisis is particularly severe or imminent.

**SECTION NINE  
BOMB THREAT**

- 9.01** If a student or employee observes suspicious object or potential bomb threat on campus or in an off campus instructional center, they should vacate the area and dial **936-676-2563** for campus police.

**SECTION TEN  
PSYCHOLOGICAL CRISES AND VIOLENT OR CRIMINAL BEHAVIOR**

- 10.01** If a student of employee observes a psychological crisis, when an individual is threatening harm to himself/herself or others, on campus or in an off campus instructional center they should not intervene and call campus police at **936-676-2563**.
- 10.02** If a student of employee observes a criminal act or suspicious person on campus or in an off campus instructional center, they should immediately call and report the incident to campus police at **936-676-2563**.

**SECTION ELEVEN  
STUDENT CONDUCT**

- 11.01** If a student or employee observes behavior that breaches the Student Code of Conduct (see FLB) on campus or in an off campus instructional center, they should contact the Dean of Students at **936-633-3213** or the campus police at **936-676-2563**.

**SECTION TWELVE  
PHYSICAL PLANT**

- 12.01** If a student or employee observes an issue at the physical plant or with the College infrastructure (electrical, light fixtures, plumbing failure, flooding, a gas leak, improper ventilation, etc.), they should contact the physical plant office at extension **5280**. If the issue is after 4:00 p.m. or on a weekend, please call **936-240-3215**.

**SECTION THIRTEEN  
MEDIA**

- 13.01** Official comments to media during any emergency will be given only by the College President or his/her designee.

**SECTION FOURTEEN  
COMPLIANCE**

- 14.01** The College District complies with Title II of the Crime Awareness and Campus Security Act of 1990, which requires that information on campus security and crime statistics be distributed online to all current and prospective students and employees. Campus crime is reported in the Uniform Crime Report (UCR) and submitted to the Department of Justice on a monthly basis.

**SITE MANAGEMENT**

**PROPERTY AND PHYSICAL PLANT**

All building alterations such as painting or altering drapes, carpets, etc. are prohibited without written, advance approval by the College President.

**RECYLCING**

The College District shall establish a program for the separation and collection of recyclable materials generated by the College District's operations.

**KEYS**

Keys are issued to employees by the director of physical plant upon the direction of the proper authority. Each employee is responsible for the key issued. If they key is lost or misplaced, it should be reported to the business office Immediately. The loss of a key destroys the security of a building or office and can result in the rekeying of the entire facility. An employee who loses a key resulting in loss of assets or costs due to rekeying may be held monetarily liable. The financial responsibility of a College District employee shall be limited to a maximum of \$50 in the case of the loss of one or more College District keys by that employee.



**BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT: TRAFFIC AND  
PARKING CONTROLS**

**Parking and Traffic Controls**

**1.01** The College District maintains rules and regulations for the safety and welfare of students, employees, and property. The College District may maintain other rules and regulations deemed necessary to provide for the operation and parking of vehicles on the grounds, streets, drives, alleys, and any other institutional property under its control, including but not limited to the following:

1. Limiting the rate of speed.
2. Assigning parking spaces and designating parking areas and their use and assessing a charge for parking.
3. Prohibiting parking as it deems necessary.
4. Removing vehicles parked in violation of institutional rules and regulations or law at the expense of the violator.
5. Instituting a system of registration for vehicle identification, including a reasonable charge.

**1.02** It shall be unlawful for any person to park a vehicle on any property under the control and jurisdiction of the College District except in the manner designated by the College District. It shall also be unlawful to block or impede traffic through any driveway of College District property. All laws regulating traffic on highways and streets shall apply to the operation of vehicles within the property of the College District.

**1.03** The College District provides for the issuance and use of suitable vehicle identification insignia. The College District may bar or suspend the permit of any vehicle from driving or parking on any College District property for the violation of any rule or regulation promulgated by the College President as well as for any violations of law. Reinstatement of the privileges may be permitted and a reasonable fee assessed.

**SITE MANAGEMENT: MAIL AND DELIVERY**

**MAIL**

Mail will be delivered to school offices daily from 9:30 a.m. – 12:00 p.m. Division administrative assistants will sort mail to appropriate instructor mail boxes in the school offices. If an administrative assistant is not available at the time of delivery, the mail will be left in the school office unless other instructions are received.

The College District mail and delivery service should not be used for personal purposes, and it may not be used as a public forum. Personal items should not be mailed with postage having been paid by the College District.

At the time of delivery, any outgoing mail will be picked up and returned to the mail room office.

## SITE MANAGEMENT – WEAPONS

### SECTION ONE

#### Definitions

##### 1.01 *Campus*

"Campus" means all land and buildings owned or leased by an institution of higher education. Gov't Code 411.2031(a)(1), .2032

##### 1.02 *Firearm*

A "firearm" is 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. Penal Code 46.01(3)

##### 1.03 *Illegal Knife*

An "illegal knife" is a knife with a blade over five and one-half inches; hand instrument designed to cut or stab another by being thrown; dagger, including, but not limited to, a dirk, stiletto, and poniard; bowie knife; sword; or spear. Penal Code 46.01(6)

##### 1.04 *Club*

A "club" is an instrument that is specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, and includes, but is not limited to, a blackjack, nightstick, mace, and tomahawk. Penal Code 46.01(1)

##### 1.05 *Prohibited Weapons*

"Prohibited weapons" include:

1. Any of the following items, unless the item is registered in the National Firearms Registration and Transfer Record maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives or classified as a curio or relic by the U.S. Department of Justice:
  - a. An explosive weapon (any explosive or incendiary bomb, grenade, rocket, or mine that is 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). Penal Code 46.01(2)
  - b. A machine gun (any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger). Penal Code 46.01(9)
  - c. A short-barrel firearm (rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a shotgun or

rifle if, as altered, it has an overall length of less than 26 inches). Penal Code 46.01(10)

d. A firearm silencer (any device designed, made, or adapted to muffle the re-port of a firearm). Penal Code 46.01(4)

2. Knuckles (any instrument consisting of finger rings or guards made of a hard substance that is 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). Penal Code 46.01(8)
3. Armor-piercing ammunition (handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used primarily in pistols and revolvers). Penal Code 46.01(12)
4. A chemical dispensing device (a device, other than a small chemical dispenser sold commercially for personal protection, that is designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on a human being). Penal Code 46.01(14)
5. A zip gun (a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance). Penal Code 46.01(16)
6. A tire deflation device (a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires; it does not include a traffic control device that is designed to puncture one or more of a vehicle's tires when driven over in a specific direction, and has a clearly visible sign posted in close proximity to the traffic control device that prohibits entry or warns motor vehicle operators of the traffic control device). Penal Code 46.01(17)  
Penal Code 46.05(a)

#### **1.06** *Premises*

"Premises" means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. Penal Code 46.03(c)(1), .035(f)(3); Gov't Code 441.2031(a)(3)

## **SECTION TWO**

### **General Provisions**

- 2.01** A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, or prohibited weapon listed in Penal Code 46.05(a):
1. On the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, unless:

- a. Pursuant to written regulations or written authorization of the institution;  
or
  - b. The person possesses or goes with a concealed handgun that the person is licensed to carry under Subchapter H, Chapter 411, Government Code, and no other weapon to which this section applies, on the premises of an institution of higher education or private or independent institution of higher education, on any grounds or building on which an activity sponsored by the institution is being conducted, or in a passenger transportation vehicle of the institution; or
2. On the premises of a polling place on the day of an election or while early voting is in progress. [See also FLBF]  
Penal Code 46.03

## **2.02** *Interscholastic Events*

A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Government Code Chapter 411, Subchapter H, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, on or about the license holder's person, on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the license holder is a participant in the event and a handgun is used in the event.

The prohibition does not apply on the premises where a collegiate sporting event is taking place if the actor was not given effective notice under Penal Code 30.06.  
Penal Code 46.035(b), (l)

## **2.03** *Board Meetings*

A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Government Code Chapter 411, Subchapter H, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Government Code Chapter 551 and the entity provided notice as required by that chapter [see BD]. This offense does not apply if the actor was not given effective notice under Penal Code 30.06 or 30.07. Penal Code 46.035(c), (i)

## **2.04** *Defense to Prosecution*

It is a defense to prosecution under Penal Code 46.035(b) and (c), above that the actor, at the time of the commission of the offense, was:

1. A judge or justice of a federal court;
2. An active judicial officer, as defined by Government Code 411.201;
3. A district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney; or
4. A bailiff designated by the active judicial officer and engaged in escorting the officer.

Penal Code 46.035(h-1)

**2.05** *Wrongful Exclusion of Handgun License Holder*

A state agency or a political subdivision of the state, including a college district, may not provide notice by a communication described by Penal Code 30.06 or by any sign expressly referring to that law or to a concealed handgun license, that a license holder carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premise or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Penal Code 46.03 or 46.035. Penal Code 411.209(a)

A state agency or a political subdivision of the state that violates Penal Code 411.209(a) is liable for a civil penalty of:

1. Not less than \$1,000 and not more than \$1,500 for the first violation; and
2. Not less than \$10,000 and not more than \$10,500 for the second or a subsequent violation.

Each day of a continuing violation of Penal Code 411.209(a) constitutes a separate violation.

Penal Code 411.209(b)–(c)

**2.06** *Firearms and Ammunition in Private Vehicles*

An institution of higher education, including a college district, in this state may not adopt or enforce any rule, regulation, or other provision or take any other action, including posting notice under Penal Code 30.06 or 30.07, prohibiting or placing restrictions on the storage or transportation of a firearm or ammunition in a locked, privately owned or leased motor vehicle by a person, including a student enrolled at that institution, who holds a license to carry a handgun under Government Code Chapter 411, Subchapter H and law-fully possesses the firearm or ammunition:

1. On a street or driveway located on the campus of the institution; or
2. In a parking lot, parking garage, or other parking area located on the campus of the institution.

Gov't Code 411.2032

**2.07** *Carry by Employees in Personal Vehicles*

A public or private employer, including a college district, may not prohibit an employee who holds a license to carry a handgun under Government Code Chapter 411, Subchapter H, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition from transporting or storing a firearm or ammunition the employee is authorized by law to possess in a locked, privately owned motor vehicle in a parking lot, parking garage, or other parking area the college district provides for employees. Labor Code 52.061

Labor Code 52.061 does not apply to a vehicle owned or leased by a public or private employer and used by an employee in the course and scope of the employee's employment, unless the employee is required to transport or store a firearm in the official discharge of the employee's duties. Labor Code 52.062(a)

Section 52.061 does not authorize a person who holds a license to carry a concealed handgun under Government Code Chapter 411, Subchapter H, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition to possess a firearm or ammunition on any property where the possession of a firearm or ammunition is prohibited by state or federal law. Section 52.061 does not prohibit an employer from prohibiting an employee who holds a license to carry a handgun under Government Code Chapter 411, Subchapter H, or who otherwise lawfully possesses a firearm, from possessing a firearm the employee is otherwise authorized by law to possess on the premises of the employer's business. Labor Code 52.062(a)–(b)

"Premises" means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. Penal Code 46.035(f)(3)

## 2.08 *Immunity*

Except in cases of gross negligence, a public or private employer, or the employer's principal, officer, director, employee, or agent, is not liable in a civil action for personal injury, death, property damage, or any other damages resulting from or arising out of an occurrence involving a firearm or ammunition that the employer is required to allow on the employer's property under this section.

The presence of a firearm or ammunition on an employer's property under the authority of this section does not by itself constitute a failure by the employer to provide a safe workplace.

For purposes of Labor Code 52.063, a public or private employer, or the employer's principal, officer, director, employee, or agent, does not have a duty:

1. To patrol, inspect, or secure any parking lot, parking garage, or other parking area the employer provides for employees or any privately owned motor vehicle located in a parking lot, parking garage, or other parking area; or
2. To investigate, confirm, or determine an employee's compliance with laws related to the ownership or possession of a firearm or ammunition or the transportation and storage of a firearm or ammunition.

Labor Code 52.063

## SECTION THREE

### Concealed Carry

**3.01** A license holder may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of an institution of higher education or private or independent institution of higher education in this state. Gov't Code 441.2031(b)

### **3.02** *Regulation of Carry*

After consulting with students, staff, and faculty of the institution regarding the nature of the student population, specific safety considerations, and the uniqueness of the campus environment, the president or other chief executive officer of an institution of higher education in this state shall establish reasonable rules, regulations, or other provisions regarding the carrying of concealed handguns by license holders on the campus of the institution or on premises located on the campus of the institution.

An institution of higher education or private or independent institution of higher education in this state may establish rules, regulations, or other provisions concerning the storage of handguns in dormitories or other residential facilities that are owned or leased and operated by the institution and located on the campus of the institution.

The president or officer may not establish provisions that generally prohibit or have the effect of generally prohibiting license holders from carrying concealed handguns on the campus of the institution. The president or officer may amend the provisions as necessary for campus safety. Gov't Code 441.2031(d)-(d-1)

Except as provided by Government Code 411.2031(d), (d-1), or (e), an institution of higher education or private or independent institution of higher education in this state may not adopt any rule, regulation, or other provision prohibiting license holders from carrying handguns on the campus of the institution. Gov't Code 441.2031(c)

The provisions take effect as determined by the president or officer unless subsequently amended by the board of regents or other governing board under Government Code 411.2031(d-2). Gov't Code 441.2031(d-1)

### **3.03** *Board Review*

Not later than the 90th day after the date that the rules, regulations, or other provisions are established as described by Government Code 411.2031(d-1), the board of regents or other governing board of the institution of higher education shall review the provisions. The board of regents or other governing board may, by a vote of not less than two-thirds of the board, amend wholly or partly the established provisions. If amended, the provisions are considered to be those of the institution as established under Government Code 411.2031(d-1). Gov't Code 441.2031(d-2)



**3.04** *Notice of Carry Prohibited*

The institution must give effective notice under Penal Code 30.06 with respect to any portion of a premises on which license holders may not carry. Gov't Code 441.2031(d-1)

**3.05** *Distribution of Regulations*

An institution of higher education shall widely distribute the rules, regulations, or other provisions above to the institution's students, staff, and faculty, including by prominently publishing the provisions on the institution's Internet website. Gov't Code 441.2031(d-3)

**3.06** *Report to Legislature*

Not later than September 1 of each even-numbered year, each institution of higher education in this state shall submit a report to the legislature and to the standing committees of the legislature with jurisdiction over the implementation and continuation of this section that:

1. Describes its rules, regulations, or other provisions regarding the carrying of concealed handguns on the campus of the institution; and
  2. Explains the reasons the institution has established those provisions.
- Gov't Code 441.2031(d-4)

**3.07** *Concealed Carry in Violation of Regulations*

Notwithstanding Penal Code 46.035(a) or Penal Code 46.03(a), a license holder commits an offense if the license holder intentionally carries a concealed handgun on a portion of a premises located on the campus of an institution of higher education in this state on which the carrying of a concealed handgun is prohibited by rules, regulations, or other provisions established under Government Code 411.2031(d-1) provided the institution gives effective notice under Penal Code 30.06 with respect to that portion. Penal Code 46.035(a-3)

**3.08** *As Trespass*

A handgun license holder commits an offense if the license holder carries a concealed handgun under the authority of Government Code Chapter 411, Subchapter H, on property of another without effective consent and received notice that entry on the property by a license holder with a concealed handgun was forbidden.

A person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

“Written communication” means:

1. A card or other document on which is written language identical to the following: “Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun”; or

2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public.

An offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$200, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the license holder was personally given the notice by oral communication described by Penal Code 30.06(b) and subsequently failed to depart. Penal Code 30.06 (a)–(b), (c)(3), (d)

### **3.09** *Premise Exception*

It is an exception to the application of Penal Code 30.06 that the property on which the license holder carries a handgun is owned or leased by a governmental entity, including a college district, and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Government Code 46.03 or 46.035. Penal Code 30.06(e)

## **SECTION FOUR**

### **Open Carry**

- 4.01** A license holder commits an offense if the license holder carries a handgun on or about the license holder's person under the authority of Government Code Chapter 411, Subchapter H and intentionally displays the handgun in plain view of another person in a public place. It is an exception to the application of this prohibition that the handgun was partially or wholly visible but was carried in a shoulder or belt holster by the license holder. Penal Code 46.035(a)

### **4.02** *At an Institution of Higher Education*

A license holder commits an offense if the license holder carries a partially or wholly visible handgun, regardless of whether the handgun is holstered, on or about the license holder's person under the authority of Subchapter H, Chapter 411, Government Code, and intentionally displays the handgun in plain view of another person:

1. On the premises of an institution of higher education, including a college district, or private or independent institution of higher education; or
2. On any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area of an institution of higher education or private or independent institution of higher education.  
Penal Code 46.035(a-1)

### **4.03** *As Trespass*

A license holder commits an offense if the license holder openly carries a handgun under the authority of Government Code Chapter 411, Subchapter H on property of another

without effective consent and received notice that entry on the property by a license holder openly carrying a handgun was forbidden.

A person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

“Written communication” means:

1. A card or other document on which is written language identical to the following: "Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly"; or
2. A sign posted on the property that:
  - a. Includes the language described above in item 1 in both English and Spanish;
  - b. Appears in contrasting colors with block letters at least one inch in height; and
  - c. Is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.

An offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$200, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the license holder was personally given the notice by oral communication described by Penal Code 30.07(b) and subsequently failed to depart. Penal Code 30.07(a)–(b), (c)(3), (d)

#### **4.04** *Premise Exception*

It is an exception to the application of Penal Code 30.07 that the property on which the license holder openly carries the handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03 or 46.035. Penal Code 30.07(e)

## **CONCEALED CARRY OF HANDGUNS**

### **SECTION ONE**

#### **General Principles**

- 1.01** The intent of this regulation is to establish guidelines and procedures for the implementation of the Texas state statute authorizing the concealed carry of handguns on the premises of Angelina College. The President of Angelina College established this regulation in consultation with faculty, staff, and students. The Board of Trustees reviewed the regulation on May 8, 2017.
- 1.02** This regulation will become effective August 1, 2017 and is intended to be in compliance with the requirements of Texas Government Code Section 411.2031.
- 1.03** This policy will be reviewed in August of even numbered years by the College President and/or AC Campus Carry Committee appointed by the College President.

### **SECTION TWO**

#### **Definitions**

- 2.01** Campus – all land and buildings owned or leased by Angelina College as lessee.
- 2.02** Premises – a building or portion of a building
- 2.03** Handgun license holder – an individual licensed to carry a concealed handgun under Subchapter H, Chapter 411 of the Texas Government Code (“Chapter 411”). Generally, such an eligible individual must be at least 21 years of age, not have a criminal record as defined by the code, and meet certain education and proficiency requirements. Chapter 411 contains some exceptions to the age requirement (e.g., ex-military personnel).
- 2.04** Concealed handgun – a handgun, on or about one’s person and the presence of which is not openly discernible to the ordinary observation of a reasonable person.
- 2.05** Exclusionary zone – any premise in which the carry of a concealed handgun is prohibited by virtue of Texas statute or this policy
- 2.06** Secure storage – a locked vehicle or a locked gun safe.

### **SECTION THREE**

#### **General Provisions**

- 3.01** Subject to applicable Texas or federal laws and rules adopted by the College, individuals holding a valid Texas Concealed Handgun License (CHL) or the new state designation

For the same, License to Carry (LTC), will be allowed to carry a handgun(s), concealed on their person, on the campus of Angelina College.

- 3.02** Pursuant to Texas Penal Code Sections 46.035 and 30.07, the open display of a handgun in plain view of another person on Angelina College property is prohibited except by an authorized individual such as a peace officer while in the actual discharge of his/her duty.
- 3.03** While Angelina College will employ all reasonable means to delineate exclusionary zones by signage in accord with Texas statutory law, it is the responsibility of the permit holder to know, understand, and follow the applicable laws and this policy as it may be amended while on any campus of or site controlled by Angelina College.
- 3.04** Authorized handgun license holders are not required to disclose their license to carry status to anyone other than a law enforcement officer. The College will not maintain a list of license to carry holders. This information is not a matter of public record. Angelina College employees (other than law enforcement officers) may not require students or employees to disclose their license to carry status.
- 3.05** When not carried on or about a person, handguns must be in a locked personal vehicle or a locked gun safe. Gun safes must meet the following requirements:
  - 3.05.1** be large enough to fully contain all firearms placed in it and provide for secure storage;
  - 3.05.2** have exterior walls constructed of a minimum 16-gauge steel;
  - 3.05.3** have high-strength locking system consisting of a mechanical or electronic combination or biometric lock, and not a key lock; and
  - 3.05.4** be certified to/listed as meeting Underwriters Laboratories Residential Security Container rating standards by a Nationally Recognized Testing Laboratory (NRTL).

## **SECTION FOUR**

### **Specific Exclusions to Concealed Carry of a Handgun**

- 4.01** Exclusionary Zone – The College President is the only person with the authority to declare a specific premise or venue as an exclusionary zone. Therefore, except as provided herein, without the express written consent of the President, no faculty member, staff member, student, or student group may exclude a specific premise or venue as “off limits.”
- 4.02** Exclusion by Law – Texas statutes outside of Texas Government Code Section 411.2031 separately provide exclusions of certain premises or events, which provisions are hereby

incorporated. Under such laws, concealed carry is prohibited in the following premises or locations:

- 4.02.1** Places of religious worship;
- 4.02.2** Where a high school, collegiate, or professional sporting event or interscholastic event is taking place, including Angelina College athletic events;
- 4.02.3** Where any UIL sanctioned competition is being held;
- 4.02.4** Where any Board of Trustees meeting is being held;
- 4.02.5** Where any other official governmental meeting or judicial or conduct proceeding is being conducted, and
- 4.02.6** Where polling is being conducted for local, state, or federal elections.

**4.03** Additional exclusions are as follow:

- 4.03.1** At the request of an individual or organization not under the control of Angelina College, on a case-by-case basis, the College President may declare other specific College premises or venues “off limits” for concealed carry. Adoption of exclusion for a premise or venue must be reasonably justified and time limited. The requestor must provide evidence that a concealed handgun on that particular premise or venue during that specific event creates some special danger. Requests for exclusion must be provided in writing to the Office of the President at a minimum of 30 days prior to the date of the event.
- 4.03.2** To assist in the process of approving exclusions, the Angelina College Campus Carry Committee will be charged with reviewing requests for exclusions and making recommendations to the College President.

## **SECTION FIVE**

### **Residence Halls**

- 5.01** Handgun license holders residing in Angelina College residence halls will be allowed to possess handguns on the premise provided that:
  - a.) such possession is in compliance at all times with Texas statutory law and these rules; and
  - b.) the license holder stores his/her handgun in a College approved gun safe (as defined in Section 3.05 of this policy) or in a locked personal vehicle.
- 5.02** Students who are assigned to residence hall rooms where a firearm is stored and who are concerned about their wellbeing, may request a transfer to another room. Students should notify the Executive Director of Student Affairs to make this request.

**SECTION SIX**

**Information to the College Community**

- 6.01** Angelina College will widely distribute these rules and regulations and offer educational information regarding these rules and safety procedures to the students, staff, and faculty via the College's website, the College Policies and Procedures Manual, the College Catalog, and other appropriate publications.

## **EQUIPMENT AND SUPPLIES MANAGEMENT**

### **Equipment and Furniture**

- 1.01** Equipment must not be removed from the campus for personal use. If there are reasons why equipment should be taken off campus by students and/or faculty for other than instructional purposes, approval should be requested in writing from the Vice President of Business Affairs or College President.
- 1.02** Relocation of equipment from one division or room to another on the campus should be reflected on the annual physical equipment inventory.
- 1.03** Purchase of desks, desk chairs, and all office and institutional furniture must have prior approval by the Vice President of Business Affairs in order to ensure some consistency of appearance and quality.



## **TRANSPORTATION MANAGEMENT**

### **Vehicle Use and Transportation**

- 1.01** Persons who intend to drive College District vehicles must submit appropriate driver information to the physical plant office and be approved by the plant manager and the insurance carrier before operating any College District vehicles.
- 1.02** Drivers of College District vehicles must: (1) be at least 18 years of age, (2) have a valid Texas driver's license, (3) have completed a designated driver safety course, and (4) be approved through a background screening process. Drivers will be subject to random drug testing as required by state and federal law.
- 1.03** Drivers of College District vehicles will receive compensation per trip hour. Drivers must submit a completed, signed trip ticket to receive payment. For overnight travel, the College District shall provide meals and lodging for the bus driver.
- 1.04** Drivers of College vehicles will be responsible for requiring that passengers wear seat belts. The driver may refuse to transport noncompliant passengers.
- 1.05** Drivers will perform a vehicle inspection before leaving the College. The inspection shall include all lights, turn signals, gauges, horn, tires, and brakes. Damages or problems should be brought to the attention of the plant manager.
- 1.06** Drivers must complete a form 8 and appropriate payroll paperwork to receive compensation.
- 1.07** Faculty, administrators, and other exempt personnel shall be paid for driving College District vehicles at the approved rates unless the trip is part of their own scheduled assignment, duty, or professional development.
- 1.08** Individuals who operate a vehicle designed to transport more than 15 people (including the driver) must have a valid commercial driver's license. This license may be obtained through the Texas Department of Public Safety. The College District will reimburse College District employees who obtain this license in order to drive College District vehicles.

### **Vehicle Usage**

- 2.01** All College District-owned vehicles shall be registered in the name of the College District, shall be identified by the appropriate College District insignia plainly legible at a distance of not less than 100 feet, and shall be licensed as tax exempt in the name of Angelina County Junior College District.
- 2.02** All College District vehicles shall be maintained and inspected as required by the

Uniform Act Regulating Traffic on the Highways.

- 2.03** College District vehicles are available for use by College District employees for College District business only.
- 2.04** The division designated will be charged a rate per mile as identified in DEE(EXHIBIT), which includes the cost of fuel, oil, emergency repairs (if necessary), and a driver (if necessary).
- 2.05** College District gasoline credit cards are to be utilized for the purchase of fuel, oil, and emergency repairs to College District vehicles and College approved rental vehicles. Under no circumstances should food, lodging, or other expenses unrelated to the operation of the vehicle be charged to the College District gasoline credit card.
- 2.06** A trip ticket must be completed each time a College vehicle is used.
- 2.07** Reservations may be made using the vehicle request form available through the physical plant office. Approved reservations will be made on a first-come, first-serve basis. However, the administration reserves the right to make changes to serve the best interests of the College District.
- 2.08** Only full-time employees may reserve vehicles and are responsible for the care of vehicles while in their possession.
- 2.09** Insurance information and emergency notification information shall be maintained in the glove compartment of each vehicle.

**INSURANCE AND ANNUITIES MANAGEMENT: HEALTH AND LIFE INSURANCE**

- 1.01** The College District, through the Employee Retirement System of Texas (hereafter referred to as “ERS”), provides certain group insurance programs for full-time and other designated employees. The College District and the state may pay all or a portion of the premium for health coverage. The premiums for other optional coverages are to be paid by the employee.

Optional coverages include health, dental indemnity, dental DMO, term life, dependent life, AD&D, and short and long term disability.

Enrollment in any insurance is subject to rules and regulations of the ERS. Employees should direct any questions regarding eligibility, coverage, etc. to the business office. Insurance regulations are subject to change.

Eligible dependents may be covered subject to rules and regulations of the ERS.

Insurance benefits include a section 125 cafeteria plan also administered by the ERS. The plan provides for tax-reduction insurance premiums, and unreimbursed health and dependent care accounts. Enrollment and participation in these options is subject to the rules and regulations of the ERS. All coverages except dependent life, short-term disability, and long-term disability are included. Long-term care is available to all full-time employees and their dependents separate from the ERS benefits package.

- 1.02** In addition to group health and related insurance, the College District provides a Workers’ Compensation Program, Unemployment Insurance, and Professional Liability Insurance at no cost to the employees.

See DF(REGULATION) for Retirement Programs.

## **ENVIRONMENTAL POLICY**

### **ENVIRONMENTAL MANAGEMENT SYSTEM (EMS) REPRESENTATIVE**

Coordinator of Environmental Projects (CEP)

### **EMS DIRECTOR**

Senior Director of Physical Plant and Operations

### **EMS TEAM**

- Vice President of Business Affairs
- Senior Director of Physical Plant and Operations
- Coordinator of Environmental Projects
- Dean of Science & Mathematics
- Dean of Business & Technology
- Stage Operations Manager

### **EMS BOUNDARY**

Shall be defined within the confines of the property owned and/or managed by Angelina College of Lufkin, Texas. The main campus lies in a north-westerly direction from the intersection of US Highway 59 South (3500 South First Street) and FM 819 (College Drive). The approximate area of the main campus is 205 acres. Also included will be remote facilities that are managed by AC.

### **POLICY PURPOSE**

To ensure that all Angelina College (AC) Facilities are in compliance with applicable state and federal environmental regulations, in order to reduce the possibility of regulatory citations and fines. To minimize AC's impact on the local environment, by reducing pollution and generated waste.

### **POLICY STATEMENT**

Angelina College is committed to achieving and sustaining environmental awareness and protection while striving to educate responsible people.

### **ENVIRONMENTAL INITIATIVES**

Angelina College will:

- Comply with all pertinent environmental regulations mandated by the Environmental Protection Agency, Texas Commission on Environmental Quality, Angelina County, and the City of Lufkin.
- Strive to reduce AC's impact on the natural environment.
- Reduce the use of toxic substances and the generation of hazardous wastes.

- Promote awareness and understanding of environmental issues among faculty, staff, and students.
- Maintain regulatory status as a Conditionally Exempt Small Quantity Generator (CESQG) of Universal and Hazardous Waste.
- Strive to reduce energy and water consumption.

### **DEFINITIONS**

Environmental Management System – A set of management processes and procedures that allow Angelina College to analyze, control, monitor and reduce the environmental impact of its activities.

### **EMS CHARACTERISTICS**

- A continual improvement process of Plan-Do-Check-Act
- Primary focus is on regulatory compliance
- Format is based on the ISO 14001 EMS Platform
- Will not be certified to the ISO standard
- Defines roles and responsibilities of the EMS
- Identify and prioritize environmental impacts
- Set measurable objectives and targets
- Develop programs to achieve objectives and targets
- Monitor and measure progress
- Communicate results
- Establish boundaries

### **SUMMARY**

Angelina College will consider full compliance with the law to be the minimally acceptable standard and will exercise whatever control is reasonable and necessary to avoid harm to the public health and environment, whether or not such control is required by regulations.

## **ELECTRONIC COMMUNICATON**

### **COMPUTER AND TECHNOLOGY RESOURCE GUIDELINES**

- 1.01** Computer technology resources include all equipment controlled by a central processor(s) and software or is attached to such equipment as a unit for digital processing.
- 1.02** All resources are property of the College District. Any requests for changes to hardware, attachments to hardware, or software should be requested through IT.
- 1.03** Repair and maintenance of resources should be monitored by IT, and IT should budget for associated costs.
- 1.04** All software should be utilized according to manufacturers' license or written agreement.
- 1.05** Any communications, data, or material stored on or processed by computer technology resources is the property of the College District and may be monitored and reviewed by the College as necessary.

### **Acquisitions and Resources**

- 2.01** Acquisition of computer technology resources should be planned in advance, and justification for resources should be based on the mission, goals, and objectives of the College District.
- 2.02** All College District employees desiring to acquire resources or to upgrade existing resources must complete and submit a technology request form to their respective division's director or supervisor. Printer cartridges and routine keyboard and mouse replacements must be ordered through the Bookstore.
- 2.03** Each form submitted should be carefully reviewed for completeness and consistency with divisional goals and objectives before it is approved and forwarded to IT by the director or supervisor.
- 2.04** IT should carefully review technology resources requested to determine compatibility with existing campus-wide resources before forwarding request for budget consideration and Board approval.
- 2.05** A list of all divisional and office technology requests should be compiled and prioritized in the following order:
  - 1. Technology necessary for basic College District operations (e.g., budgeting, payroll, student registration and reporting, etc.).
  - 2. Technology for special courses, that require computer assisted

instructions.

3. Technology for learning reinforcement primarily in a laboratory environment.
4. Technology for special administrative projects (e.g., federal/state reporting, research, etc.), and technology for faculty and staff support.

Time and resources saved, along with projected personnel costs and multiple vs. shared use of technology, should be considered in prioritizing requests.

- 2.06** All audio visual aids, including those attached to computer resources, are the responsibility of the library, and use of such aids should be requested accordingly.

Upon receiving shared audio visual aids or prior to using permanently placed aids, users should complete a thorough inspection/check of all items associated with aids and should report malfunctions immediately, to ensure timely repair or replacement.

- 2.07** Acquisition and use of interactive video equipment and other instructional technology should be requested through the Vice President and Dean of Instruction and designated personnel, and coordinated with IT.
- 2.08** Small items such as a computer keyboard or mouse can be purchased directly from the College Bookstore.

### **Campus Network**

- 3.01** All network connectivity will be governed by IT (e.g., file servers, print servers, Internet, intranet, cable, etc.).
- 3.02** Any unauthorized resource found connected to the College's network will be confiscated by I.T. Such property will need a letter of ownership and explanation of why it was on the network to get it returned.

Any device attached to the network is considered a network resource.

Access to any network/local resources by unauthorized persons is prohibited.

All authorized users must ensure that their password is kept secure.

- 3.03** All proposed purchases of software, hardware, and support services should be reviewed by IT to determine if it is compatible with the network and whether resources are available to support the proposed items.
- 3.04** All pertinent documentation necessary for installing and using items on the network must be available to IT.
- 3.05** A current copy of all network server software, along with pertinent file and libraries, will be kept off-site as a contingency for disaster recovery. Daily file-saves will be performed by IT to limit the impact of computer disasters.

**Acceptable Use of Resources**

**4.01** The following guidelines apply. Users must:

1. Use computer technology resources only for authorized purposes.
2. Protect their network user I.D. and password from unauthorized use. Users are responsible for all activities associated with their user I.D. or that originate from their computer/system.
3. Access only information that belongs to them, is publicly available, or to which they have been given authorized access.
4. Use only legal versions of copyrighted software in compliance with vendor license requirements or written agreement.
5. Be considerate in the use of shared resources. Refrain from monopolizing systems, overloading networks with excessive data, degrading services, or wasting computer time, connect time, disk space, printer paper, manuals, or other resources.
6. No food or drinks in computer labs.
7. Anyone with disabilities or handicaps that prevent them from using computer resources normally should seek advice or help from the office of Special Student Support Services.
8. Use of the College's wireless connection is entirely at the risk of the user, and Angelina College is not responsible for any loss of any information that may arise from the use of the wireless connection, nor is AC responsible for any loss, injury, or damages resulting from the use of the wireless connection.



9. Anyone using the AC wireless network is forewarned that there can be no expectation of privacy when on the wireless network.
10. Use of access points of Angelina College's wireless network is governed by the Angelina College Computer Use Policy. All users are expected to use the wireless access in a legal and responsible manner, consistent with the educational and informational purposes for which it is provided. Users should not violate federal, Texas, or local laws, including the transmission or receiving of child pornography or harmful material, fraud, or downloading copyrighted material.
11. The web page ([angelina.edu](http://angelina.edu)) and any Angelina College social media sites should be managed by the Office of Communications and Publications and reflect the mission, goals, and values of the college. Employees, students, and student organizations launching social media sites identified with Angelina College or intended primarily for use by A.C. students should receive prior approval from their supervisors (for employees) or Executive Director of Student Affairs (students).

## INFORMATION SECURITY

### INFORMATION SECURITY PROGRAM

A financial institution, as defined below, shall develop, implement, and maintain comprehensive information security program that is written in one or more readily accessible parts and contains administrative, technical, and physical safeguards that are appropriate to its size and complexity, the nature and scope of its activities, and the sensitivity of any customer information at issue. Such safe-guards shall include the elements set forth below at ELEMENTS and shall be reasonably designed to achieve the objectives set forth below at OBJECTIVES. 16 C.F.R. 314.3(a); 15 U.S.C. 6801(b)

#### Objectives

The objectives are to:

1. Ensure the security and confidentiality of customer information;
  2. Protect against any anticipated threats or hazards to the security or integrity of such information; and
  3. Protect against unauthorized access to or use of such information that could result in substantial harm or inconvenience to any customer.
- 16 C.F.R. 314.3(b)

#### Elements

To develop, implement, and maintain the information security program, the financial institution shall:

1. Designate an employee or employees to coordinate the program;
2. Identify reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of customer information that could result in the unauthorized disclosure, misuse, alteration, destruction or other compromise of such information, and assess the sufficiency of any safeguards in place to control these risks. At a minimum, such a risk assessment should include consideration of risks in each relevant area of the institution's operations, including: a. Employee training and management; b. Information systems, including network and software design, as well as information processing, storage, transmission and disposal; and c. Detecting, preventing and responding to attacks, intrusions, or other systems failures.
3. Design and implement information safeguards to control the risks the institution identifies through risk assessment, and regularly test or otherwise monitor the effectiveness of the safeguard's key controls, systems, and procedures.

4. Oversee service providers by: a. Taking reasonable steps to select and retain service providers that are capable of maintaining appropriate safe-guards for the customer information at issue;

and b. Requiring the institution's service providers by contract to implement and maintain such safeguards.

5. Evaluate and adjust the information security program in light of the results of testing and monitoring, any material changes to the institution's operations or business arrangements, or any other circumstances that the college district knows or has reason to know may have a material impact on the information security program.

16 C.F.R. 314.4

## DEFINITIONS

### **"Customer Information"**

"Customer Information" means any record containing nonpublic personal information, as defined below, about a customer of a financial institution, whether in paper, electronic, or other form, that is handled or maintained by or on behalf of the institution or its affiliates. 16 C.F.R. 314.2(b)

### **"Financial Institution"**

"Financial institution" means any institution the business of which is engaging in financial activities as described in the Bank Holding Company Act of 1956, 12 U.S.C. 1843(k), including lending, exchanging, transferring, investing for others, or safeguarding money or securities. An institution that is significantly engaged in financial activities is a financial institution. 12 U.S.C. 1843(k); 16 C.F.R. 313.3(k)

### **"Nonpublic Personal Information"**

"Nonpublic personal information" means:

1. Personally identifiable financial information; and
2. Any list, description, or other grouping of consumers (and publicly available information pertaining to them) that is derived using any personally identifiable financial information that is not publicly available.

16 C.F.R. 313.3(n)

### **"Service Provider"**

"Service provider" means any person or entity that receives, maintains, processes, or otherwise is permitted access to customer information through its provisions of services directly to a qualifying entity. 16 C.F.R. 314.2(d)

## **SECURITY BREACH NOTIFICATION:**

### **To Residents of Texas and Certain Other States**

A person, including a college district, who conducts business in this state and owns or licenses computerized data that includes sensitive personal information shall disclose, in accordance with the notice provisions at Business and Commerce Code 521.053(e), any breach of system security, after discovering or receiving notification of the breach, to any individual whose sensitive personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure shall be made as quickly as possible, except as provided at CRIMINAL INVESTIGATION EXCEPTION, below, or as necessary to determine the scope of the breach and restore the reasonable integrity of the data system. Business and Commerce Code 521.053(b)

If the individual whose sensitive personal information was or is reasonably believed to have been acquired by an unauthorized person is a resident of a state that requires a person described by Business and Commerce Code 521.053(b) to provide notice of a breach of system security, the notice of the breach of system security required by Section 521.053(b) may be provided under that state's law or under Business and Commerce Code 521.053(b). Business and Commerce Code 521.053(b-1); Gov't Code 2054.1125; Local Gov't Code 205.010

### **To The Owner or Licenseholder**

A person who maintains computerized data that includes sensitive personal information not owned by the person shall notify the own-er or license holder, in accordance with Business and Commerce Code 521.053(e), of the information of any breach of system security immediately after discovering the breach, if the sensitive personal information was, or is reasonably believed to have been, acquired by an unauthorized person. Business and Commerce Code 521.053(c); Gov't Code 2054.1125; Local Gov't Code 205.010

### **To a Consumer Reporting Agency**

If a person is required to notify at one time more than 10,000 persons of a breach of system security, the person shall also notify each consumer reporting agency, as defined by 15 U.S.C. 1681a, that maintains files on consumers on a nationwide basis, of the timing, distribution, and content of the notices. The person shall provide the notice without unreasonable delay. Business and Commerce Code 521.053(h); Gov't Code 2054.1125; Local Gov't Code 205.010

### **Criminal Investigation Exception**

A person may delay providing the required notice to state residents or the owner or license holder at the request of a law enforcement agency that determines that the notification will impede a criminal investigation. The notification shall be made as soon as the law enforcement agency determines that the notification will not compromise the investigation. Business and Commerce Code 521.053(d); Gov't Code 2054.1125; Local Gov't Code 205.010

### **Information Security Policy**

A person who maintains the person's own notification procedures as part of an information security policy for the treatment of sensitive personal information that complies with the timing requirements for notice under Business and Commerce Code 521.053 if the person notifies affected persons in accordance with that policy. Business and Commerce Code 521.053(g); Gov't Code 2054.1125; Local Gov't Code 205.010

### **DEFINITIONS**

#### **“Breach of System Security”**

“Breach of system security” means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of sensitive personal information maintained by a person, including data that is encrypted if the person accessing the data has the key required to decrypt the data. Good faith acquisition of sensitive personal information by an employee or agent of the person for the purposes of the person is not a breach of system security unless the person uses or discloses the sensitive personal information in an unauthorized manner. Business and Commerce Code 521.053(a)

#### **“Sensitive Personal Information”**

“Sensitive personal information” means:

1. An individual's first name or first initial and last name in combination with any one or more of the following items, if the name and the items are not encrypted: a. Social security number; b. Driver's license number or government-issued identification number; or c. Account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to an individual's financial account; or
2. Information that identifies an individual and relates to: a. The physical or mental health or condition of the individual; b. The provision of health care to the individual; or c. Payment for the provision of health care to the individual.

“Sensitive personal information” does not include publicly available information that is lawfully made available to the public from the federal government or a state or local government. Business and Commerce Code 521.002(a)(2), (b)

### **INTERAGENCY CONTRACTS FOR INFORMATION RESOURCES TECHNOLOGIES**

Each institution of higher education, including each college district, that proposes to receive information resources technologies under a contract from another state agency or institution of higher education shall comply with 1 Administrative Code Chapter 204, Sub-chapter C. 1 TAC 204.30-.32

## EMPLOYEE INFORMATION SYSTEM AND DATA ACCESS CONTROL

### SECTION ONE: USER ACCESS CONTROL

- 1.01** Angelina College (AC) controls access to AC information systems and data by the implementation of an appropriate access control regulation to manage accounts and define the processes of authentication, authorization, administration, identification, and termination of access rights.
- 1.02** For the purposes of this Regulation, an account -- at minimum -- consists of a unique user identification (ID) and a password. An account may also enable different levels of access to systems and databases based on the employee's job description and title. The purpose of this Regulation is to establish processes for the creation, administration, use, and removal of accounts that enable access to information and technology resources at AC.
- 1.03** This Regulation is applicable to individuals who, through the use of an account, access information and technology resources at AC as well as those responsible for the management of accounts or access to shared information or network(s). This Regulation covers departmental accounts as well as those managed centrally.
- 1.04** Accounts that access electronic computing and information resources require prudent oversight. The following security standards are a part of AC's account management environment.

### SECTION TWO: ACCOUNT ADMINISTRATION STANDARDS

#### 2.01 Issuing Accounts

The AC employees responsible for the control of specific AC data, referred to as “Data Owners” as defined in Texas Administrative Code 202.72 (TAC 202.72), shall make decisions regarding access to the AC data under their control. Account setup and modification require the approval of the requestor's supervisor and the relevant data owners(s).

Each user of information resources shall be assigned a unique identifier except for situations where risk analysis demonstrates no need for individual accountability of users. User identification shall be authenticated before the information resources system may grant that user access. The access granted to each user will be in line with the responsibility of each user based on separation of duties.

The Office of Information Technology (IT) is responsible for the activation of accounts, and in consultation with each user's supervisor and relevant data owners, the application of appropriate security classes under the principle of “least required access” to perform each user's business function.

IT is also responsible for the prompt deactivation of accounts when notified by the Office of Human Resources that an account should be deactivated. For example, accounts for retired or terminated employees shall be removed/disabled/revoked from any computing system at the end of the individual's employment or when continued access is no longer required; and, the accounts of transferred employees may require access removal/disabling to ensure changes in access privileges are appropriate to the change in job function or location.

The identity of users must be authenticated before providing them with account and password details. Face-to-Face authentication must be used for those accounts with privileged access.

Passwords for new accounts can only be emailed to the account holder's Angelina College email. If the new password is for the AC email account it may be emailed to a provided personal email with a temporary password that must be changed at first login.

## **2.02 Managing Accounts**

All accounts shall be reviewed at least annually by the Data Owners and supervisors to ensure that access and account privileges are commensurate with job function, need-to-know, and employment status. IT may also conduct periodic reviews of user accounts and access levels for any system connected to the AC network.

## **2.03 Disabling/Revoking/Deleting Accounts**

Any account may be disabled, revoked, or deleted if account privileges are no longer commensurate with an individual's function at the college or if their need-to-know status changes due to changes in their employment status or position.

Any account may be disabled, revoked, or deleted if it is determined the account has been compromised or misused, and an account disabled, revoked, or deleted pursuant to this section may only be reinstated at the direction of the Chief Information Officer (CIO), Information Security Officer (ISO), or other IT leadership.

### **2.03.1 Under normal circumstances, accounts will persist under the following schedule:**

Jenzabar J1 – Access is removed upon retirement or termination and account is disabled or removed.

Active Directory (AD)/Jenzabar Internet Campus Solution (JICS) Accounts  
Faculty/Staff – All access and shared storage access is disabled upon retirement or termination, but Active Directory (AD)/JICS accounts remain enabled for access to the portal.

AD/JICS Accounts Students – AD/JICS accounts will remain active as long as the student is in the Student database.

Email Accounts Faculty/Staff – Email accounts are immediately suspended upon retirement or termination. In special cases email accounts may need to remain in place for temporary use by the immediate supervisor or for legal purposes. Exceptions will be made on a case-by-case basis at the discretion of the CIO/ISO. These accounts will not be removed. They will be suspended to preserve the historical content of the account.

Email Accounts Students – Will be removed after the student has not been enrolled at the college for a period of one year and has not applied to the college in the past year.

### **SECTION THREE: INDIVIDUAL ACCOUNT STANDARDS**

#### **3.01 Account Responsibilities**

Users are responsible for all activity performed with their AC User ID. User IDs may not be utilized by anyone but the individuals to whom they have been issued. Users must not allow others to perform any activity with their AC User IDs. Similarly, users are forbidden from performing any activity with IDs belonging to other users. Any suspected unauthorized access of a user account should be reported immediately to the ISO, CIO, or the user's supervisor.

#### **3.02 Remote Access**

Remote Access will not be granted until the user has requested and been granted authorization by the Vice President of Business Affairs & Internal Counsel of the college. Remote access will only be granted to Angelina College employees who need remote access for legitimate business purposes. Faculty, agency, student, and part-time employees will not be granted remote access without special permission from the Vice President of Business Affairs & Internal Counsel.

#### **3.03 Passwords**

Regardless of the circumstances, an account's password must never be shared or revealed to anyone other than the authorized user of the account. The authorized user of each account is responsible for actions any other individual takes with that account's access through a shared or revealed password. If users need to share computer data (see Section 4 of this Regulation), they may use electronic mail, public directories on local area network servers, and other mechanisms, so long as doing so does not violate any policies, regulations, or practices related to Personal Identifiable Information (PII), Family educational Rights and Privacy Act (FERPA) or Health Insurance Portability and Accountability Act of 1996 (HIPAA). All users are responsible for both the protection of their user account passwords and the data stored through their user account.

At a minimum, all passwords must be at least 8 characters long and must contain at least three of the following four categories:

1. Uppercase Characters



2. Lowercase Characters
3. Base 10 digits (0 through 9)
4. Non-alphanumeric characters: ~!@#\$%^&\* \_-+=`\|(){}[];:'"<>.,?/

Some systems may have a limited range of non-alphanumeric characters that can be used.

Passwords will be reset on an as needed basis or as required by regulatory guidelines. Regular notification from each account, where possible, will remind users of deadlines for resetting account passwords. Any account failing to comply with password complexity or delinquent on password resets will be temporarily disabled and restored when the user complies with this Regulation.

## SECTION FOUR: SHARED ACCOUNTS

**4.01** Use of shared accounts is not allowed except for the following situations:

- To support the functionality of a process, system, device (such as servers, switches, or routers), or application; and
- Multiple employees doing the same job and access to private/sensitive data is limited.

Each shared account must have a designated owner who is responsible for the access to that account. The owner will work with IT for granting access in the account. The owner is also responsible for documentation, which should include a list of individuals who have access to the shared account. The documentation must be available upon request for an audit or a security assessment.

## SECTION FIVE: ADMINISTRATION OF PASSWORD CHANGES

### 5.01 Procedures for Password Resets

The identity of users must be authenticated before providing them with ID and password details. In addition, it is required that face-to-face authentication be used for those accounts with privileged access. Users should be given a pre-expired password or password that will require a change at first or next login.

Automated password resets are available for JICS and may be utilized, provided that a recognized and approved method is used such as multiple, random challenge and response questions.

Passwords must be reset using an encrypted method (e.g., SSL, SSH, or VPN).

### 5.02 Procedures for Maintenance of “Shared Secrets”

Those responsible for access to systems/applications/servers, etc., protected by high-level super-passwords (or the equivalent) must have proper auditable procedures in place to

maintain custody of those "shared secrets" in the event of an emergency and/or should the super-password holder become unavailable. These documented procedures, which must be appropriately secured, should delineate how these passwords are logically or physically accessed as well as who in the "chain of command" becomes responsible for access to and/or reset of the password. Personnel with shared job responsibilities that require high-level super-passwords all have knowledge of passwords. Upon termination of any of these positions super-passwords are reset.

## **SECTION SIX: WIRELESS REGISTRATION**

**6.01** For access to AC's wireless network, each device must belong to a current employee or student with a current AD account. Under normal circumstances access will persist as long as an AD account exists for the user. Guests of Angelina College can request access to AC's wireless network and if granted will have temporary access until their guest status expires.

Unauthorized installation or use of Wireless Personal Area Networks are strictly prohibited and any hardware used will be confiscated.

### **6.02 Account Access Review**

IT will at a minimum review the access for all accounts once every year. In addition to the annual review, the following events will warrant additional account reviews:

- Intradepartmental position change
- Interdepartmental transfer
- Requested addition and/or elevated/privileged access
- Change in user employment/enrollment status

### **6.03 Permitted Actions without Identification or Authentication**

The College requires all AC owned systems and applications to request proper identification and authorization prior to allowing permitted actions. Any system that is identified with a business use that does not follow this standard must have an approved Exception to Policy form completed by the department/school with approval from the Information Security Officer (ISO).

## **SECTION SEVEN: COMPLIANCE**

**7.01** All users of Information Technology Accounts are required to comply with this regulation. AC reserves the right to deny, to limit, to restrict or to extend privileges and access to its Information Technology Accounts.

## **SECTION EIGHT: VIOLATIONS**

**8.01** Violations of this Regulation will be addressed in accordance with relevant college policies, including Regulation DHA-Discipline and Dismissal of Employees. The appropriate level of disciplinary action will be determined on an individual case-by-case basis by the appropriate

executive or designee, with sanctions up to and including termination or expulsion depending upon the severity of the offense.

**RELATED DOCUMENTS**

Texas Administrative Code (TAC) §202 – Access Control (AC) Security Group Family NIST  
800.53 – Access Control (AC) Security Group Family



**EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:  
CREDENTIALS AND RECORDS**

**PERSONNEL RECORDS AND CREDENTIALS**

**ACCESS**

- 1.01** Administrative and faculty active personnel records are maintained in the office of the Vice President of Academic Affairs. Records of part-time personnel in community services are maintained in that office. Classified personnel records are maintained in the Human Resources office. These records include official transcripts of college work, an employment application, certificates of proficiency, resumes, employment recommendations and commendations.
- 1.02** The contents of the individual personnel file may be reviewed at any time by the employee or their designated representative upon request to the office of the Vice President of Academic Affairs. If the officer for records determines that information in the employee's record is exempt from disclosure, a written request for a decision shall be submitted to the state attorney general before disclosing the information. Otherwise, the information shall be released not later than ten business days after the request is received.

The contents of the individual personnel file are regarded as confidential and will not be shown to a second party without the expressed written consent of the employee except that:

1. Information contained in individual personnel files may be accessed for internal salary calculations, for consideration for employment, for changes in contract appointment, for dismissals, and for terminations by the College President, the Vice President of Academic Affairs, and the division director appropriate to the area of employment.

Personnel files may be reviewed by an appointed screening committee when a new applicant or existing employee requests consideration for a position opening.

2. Information as collectively contained in all personnel files may be accessed by the Vice President of Academic Affairs to meet the legal reporting requirements of local, state, federal agencies, and regional accrediting agencies. Such reporting requirements shall not identify any individual employee.

**CREDENTIALS**

- 2.01** Instructors (full-time and part-time) shall meet or exceed the current standards of the Board of Trustees of the Commission of Colleges and Schools and separate accrediting agencies where applicable.

**CONFIDENTIALITY**

- 3.01** The College District will observe the guidelines regarding confidentiality of AIDS- and HIV-related medical information, including testing, for College District employees. The guidelines shall be consistent with those published by the Texas Department of Health and with state and federal law and regulations.

**EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:  
PHYSICAL EXAMINATIONS AND COMMUNICABLE DISEASES**

**EMPLOYEE EXAMINATIONS AND COMMUNICABLE DISEASES**

- 1.01** College District may require a medical examination (and/or inquiry) of an employee that is job-related and consistent with realistic occupational requirements and may make inquiries into the ability of an employee to perform job-related functions.

The results of an employee's medical examination shall be used only to determine the applicant's ability to perform job-related functions. Information obtained regarding the medical condition or history of the applicant shall be collected and maintained on separate forms and in separate medical files and shall be treated as confidential medical records. However, supervisors and managers may be informed regarding necessary restrictions on the employee's work or duties and necessary accommodation; first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.

**Qualified Disabled Person**

- 2.01** If the College President or designee determines that work restrictions, reassignment, or exclusion may be appropriate, the College President or designee shall determine whether the employee is a "disabled person." If it is determined that an employee is disabled, the College President or designee shall also determine if the employee is otherwise qualified for employment. With respect to employment, a "qualified disabled person" is a disabled person who, with reasonable accommodation, can perform the essential functions of the job in question.
- 2.02** If it is determined that an employee is a "qualified disabled person," the employee must be reasonably accommodated. Accommodation is not reasonable if it poses undue financial or administrative burdens or fundamental alterations in the nature of the job.

**Modifications of Reassignment**

- 3.01** Whether an employee is disabled or not, the College President or designee, based on the medical information and the requirements of the job, shall determine what exclusion or modification in job duties or assignments are appropriate, if any.

**Exclusion from Work**

- 4.01** An employee may be excluded from work if the College President or designee, in accordance with this policy, determines that the employee poses a risk of contagion to other employees or students, the employee poses a threat to his or her own health by remaining on the job, or the employee's physical condition interferes with the performance of regular duties.

**Leave of Absence**

- 5.01** The employee may present evidence to the College President or designee on any information relevant to the employee's fitness to continue the performance of regular duties. Employees who are excluded from work may be placed on any sick leave or temporary disability leave to which they are entitled.

**Termination of Employment**

- 6.01** Employees who are excluded from the work place in accordance with this policy may have their employment terminated when any sick leave or temporary disability leave to which they are entitled has expired, in accordance with appropriate policies and disability discrimination restrictions.

**Background Checks and Drug Screening**

- 7.01** The College District may conduct pre-employment background checks and drug screening in appropriate occupational areas. Probable cause may also be used for additional post-employment testing.



**EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:  
INTELLECTUAL PROPERTY MANAGEMENT**

**CONFLICT OF INTEREST: INTELLECTUAL PROPERTY**

- 1.01** The purpose of this policy is to provide guidelines regarding the ownership of various forms of intellectual property developed by employees and students of Angelina College. The intent of this policy is to protect the interests of the College, the employees and the students of Angelina College. This policy is specifically designed to enhance the academic standards of the institution and to foster an environment in which faculty, staff, students, and student employees are free to pursue interests in publication and discovery by protecting the interests of all parties involved.

This policy applies to all full-time and part-time faculty, staff, students and student employees of Angelina College.

Matters of policy relating to intellectual property will be handled by the Angelina College Intellectual Property Committee. This committee will be composed of three members of the faculty, to be appointed from time to time by the Vice President of Academic Affairs. Committee records will be maintained in the office of the Vice President of Academic Affairs

This policy applies to any publication, discovery, patentable product, or copyrightable work\* developed with significant use of institutional facilities, equipment or time, or sold for profit to Angelina College students to the monetary gain of the author(s).

This policy does not apply to any publication, discovery, patentable product, or copyrightable work developed without significant use of institutional facilities, equipment or time unless otherwise stated in the conditions of this policy.

Any publication, discovery, patentable product, or copyrightable work developed as a result of the direct employment responsibility of the author(s) shall belong to Angelina College.

\* The phrase “publication, discovery, patentable product, or copyrightable work” shall be referred to as “development” for the remainder of this policy.

**ESTABLISHMENT OF OWNERSHIP**

- 2.01** A written description of any potential development must be submitted to the Vice President of Academic Affairs and members of the Intellectual Property Committee to determine if the development applies to this policy by definition of the above guidelines.

- 2.02** Prior to the creation of any development or supplementary course material ownership must be agreed upon by Angelina College and the applicable author(s), according to the guidelines in this policy. In such a case, the Intellectual Property Committee will call a special session to determine ownership and any potential for conflict of interest and co-ownership distribution of royalties or sales. Members of this meeting will include the Vice President of Academic Affairs, standing members of the Intellectual Property Committee, two randomly selected faculty members outside of the applicable department, and the author(s).
- 2.03** Any development created prior to the approval of this policy shall not be subject to its revised tenets, and the current ownership shall remain unchanged for the duration of the development's application at Angelina College

### **GUIDELINES FOR OWNERSHIP AND SALES**

- 3.01** Any development directly funded by Angelina College, or indirectly funded through salaried compensation as a product of work relating to the employment responsibilities of the author(s), shall belong to Angelina College.
- 3.02** Developments resulting from "employment responsibilities" include course notes, PowerPoint presentations, handouts, exams, practical exams, course syllabi, recordings of lectures, and grade books.
- Developments not resulting from "employment responsibilities" include textbooks, lab manuals, musical compositions, artwork, screenplays, and any other work whose application may be employed at institutions other than Angelina College.
- 3.03** Any development created from external funding, including "work for hire" and scientific publication resulting from outside sources of money, shall belong to the author(s) unless the development has direct application to the employment responsibility of the author(s). If the development has direct application to the employment responsibility of the author(s), the royalties must be agreed upon.
- 3.04** Any "extra-employment" developments shall belong to the author(s) unless substantial use of space, hardware, software, equipment or time of The College was included in its creation. In this case, the development is subject to joint ownership.
- 3.05** Any development resulting from employment responsibilities shall not be sold for profit to Angelina College students.
- 3.06** Any development recommended for student purchase must be approved in accordance with the current textbook procedures.

- 3.07** Any development jointly owned by The College and the author(s) may be sold to Angelina College students for profit through the bookstore, however, royalty/profit distribution shall adhere to the agreed upon guidelines.

Any development not owned in total or part by Angelina College may be sold to Angelina College students for profit through the bookstore, however, ownership and any potential for conflict of interest must be established prior to the sale of any author-owned development on campus.

## **EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: CONFLICT OF INTEREST**

### **RESTRICTIONS UPON “PUBLIC SERVANTS” – PENAL CODE**

“Public servant” means a person elected, selected, appointed, employed, or otherwise designated as one of the following, even if he has not yet qualified for office or assumed his duties: an officer, employee, or agent of government; an arbitrator, referee, or other person who is authorized by law or private written agreement to hear or determine a cause or controversy; an attorney at law or notary public when participating in the performance of a governmental function; or a person who is performing a governmental function under a claim of right although he is not legally qualified to do so. [See also BBFA and DH] Penal Code 1.07(a)(41)

### **BRIBERY**

A person commits an offense if he intentionally or knowingly offers, confers, or agrees to confer on another, or solicits, accepts, or agrees to accept from another:

1. Any benefit as consideration for the recipient’s decision, opinion, recommendation, vote, or other exercise of discretion as a public servant.
2. Any benefit as consideration for the recipient’s decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding.
3. Any benefit as consideration for a violation of a duty imposed by law on a public servant.
4. Any benefit that is a political contribution as defined by Election Code Title 15 or that is an expenditure made and reported in accordance with Government Code Chapter 305 (lobbying expense), if the benefit was offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion if such exercise of official discretion would not have been taken or withheld but for the benefit.

“Benefit” means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest. Penal Code 36.01(3), .02

### **ILLEGAL GIFTS**

A public servant who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of government commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of his discretion.

A public servant who receives an unsolicited benefit that the public servant is prohibited from accepting under Penal Code 36.08 may donate the benefit to a governmental entity that has the

authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

Penal Code 36.08(d), (i)

### **EXCEPTIONS**

Penal Code 36.08 does not apply to:

1. A fee prescribed by law to be received by a public servant or any other benefit to which the public servant is lawfully entitled or for which he gives legitimate consideration in a capacity other than as a public servant;
2. A gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient;
3. A benefit to a public servant required to file a statement under Government Code Chapter 572, or a report under Election Code Title 15, that is derived from a function in honor or appreciation of the recipient if: a. The benefit and the source of any benefit in excess of \$50 is reported in the statement; and b. The benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are non-reimbursable by the state or political subdivision;
4. A political contribution as defined by Election Code Title 15;
5. An item with a value of less than \$50, excluding cash or a negotiable instrument as described by Business and Commerce Code 3.104;
6. An item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity;
7. Transportation, lodging, and meals described by Penal Code 36.07(b) [see HONORARIA AND EXPENSES, below];
8. Food, lodging, transportation, or entertainment accepted as a guest and, if the donee is required by law to report those items, reported by the donee in accordance with that law; or
9. Complimentary legal advice or legal services relating to a will, power of attorney, advance directive, or other estate planning document rendered to a public servant who is a first responder and through a program or clinic that is operated by a local bar association or the State Bar of Texas and approved by the head of the agency employing the public servant, if the public servant is employed by an agency. "First responder" includes a peace officer whose duties include responding rapidly to an emergency and other individuals listed at Penal Code 36.10(e).

Penal Code 36.10(a)–(b), (e)

## **HONORARIA AND EXPENSES**

A public servant commits an offense if the public servant solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for the public servant's official position or duties. Penal Code 36.07 does not prohibit a public servant from accepting transportation and lodging expenses in connection with a conference or similar event in which the public servant renders services, such as addressing an audience or engaging in a seminar, to the extent those services are more than merely perfunctory, or from accepting meals in connection with such an event. Penal Code 36.07(a)–(b)

## **ABUSE OF PUBLIC EMPLOYMENT**

A public servant commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, he intentionally or knowingly violates a law relating to the public servant's office or employment; or misuses government property, services, personnel, or any other thing of value belonging to the government that has come into the public servant's custody or possession by virtue of the public servant's office or employment. Penal Code 39.02(a)

“Law relating to a public servant's office or employment” 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. Penal Code 39.01(1)

“Misuse” means to deal with property contrary to:

1. An agreement under which the public servant holds the property;
2. A contract of employment or oath of office of a public servant;
3. A law, including provisions of the General Appropriations Act specifically relating to government property, that prescribes the manner of custody or disposition of the property; or
4. A limited purpose for which the property is delivered or received. Penal Code 39.01(2)

## **CONFLICT DISCLOSURE STATEMENT**

“Agent” means a third party who undertakes to transact some business or manage some affair for another person by the authority or on account of the other person. The term includes an employee. Local Gov't Code 176.001(1)

“Local government officer” means an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. Local Gov't Code 176.001(4)

“Contract” means a written agreement for the sale or purchase of real property, goods, or services. Local Gov't Code 176.001(1-d)

Local Government Code Chapter 176 [see BBFA] applies to a person who is a local government officer of a local governmental entity. A person is not subject to the disclosure

requirements in Chapter 176 if the person is an employee or agent of a political subdivision of a state acting in the employee's or agent's official capacity.

A local governmental entity may reprimand, suspend, or terminate the employment of an employee who knowingly fails to comply with a requirement adopted under Chapter 176.

A local governmental officer commits an offense under Chapter 176 if the officer is required to file a conflicts disclosure statement under Local Government Code 176.003 and knowingly fails to file the required conflicts disclosure statement with the appropriate records administrator not later than 5:00 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of the statement.

It is an exception to the application of Local Government Code 176.013(a) that the local government officer filed the required conflicts disclosure statement not later than the seventh business day after the person received notice from the local governmental entity of the violation. Local Gov't Code 176.003(a)-(a-1), .013(a), (d), (f)

### **HOLDING CIVIL OFFICE**

No person shall hold or exercise at the same time, more than one civil office of emolument, except for offices listed in Texas Constitution Article XVI, Section 40(a), unless otherwise specifically provided. Tex. Const. Art. XVI, Sec. 40(a); State v. Pirtle, 887 S.W.2d 921 (Tex. Ct. Crim. App. 1994); Atty. Gen. Op. DM-212 (1993)

State employees or individuals who receive all or part of their compensation either directly or indirectly from funds of the State of Texas and who are not state officers, shall not be barred from serving as members of the governing bodies of school districts, cities, towns, or other local governmental districts, including college districts (other than those in which they are employed). Such state employees or other individuals may not receive a salary for serving as members of such governing bodies, except that a faculty member or retired faculty member of a public institution of higher education may receive compensation for serving as a member of a governing body of a water district created under Texas Constitution Article XVI, Section 59 Texas Constitution Article III, Section 52. Tex. Const. Art. XVI, Sec. 40(b); Atty. Gen. Op. JM-118 (1983), JM-203 (1984)

### **INTELLECTUAL PROPERTY**

It is not a violation of Government Code Chapter 572 or any other statute, rule, regulation, or the common law of the State of Texas for:

1. An employee of an institution of higher education, including a college district, who conceives, creates, discovers, invents, or develops intellectual property, to own or be awarded any amount of equity interest or participation in, or, if approved by the institutional governing board, to serve as a member of the board of directors or other governing board or as an officer or an employee of, a business entity that has an agreement with the state or a political

subdivision of the state relating to the research, development, licensing, or exploitation of that intellectual property; or

2. An individual, at the request and on behalf of a university system or an institution of higher education, to serve as a member of the board of directors or other governing board of a business entity that has an agreement with the state or a political subdivision of the state relating to the research, development, licensing, or exploitation of intellectual property in which the university system or institution of higher education has an ownership interest.

The employee or individual must report to the appropriate person or persons at the institution at which the person is employed or on behalf of which the person is serving the name of such business entity in which the person has an interest or for which the person serves as a director, officer, or employee. The governing board of each institution shall include in the appropriate annual report required by Education Code 51.005 the information provided to it under this section during the preceding fiscal year. Education Code 51.912 [See CT]

#### **EDUCATIONAL LENDING**

In the case of an institution, including a college district, that participates in a loan program under U.S.C. Title 20, the institution will:

1. Develop a code with respect to such loans with which the institution's officers, employees, and agents shall comply, that:
  - a. Prohibits a conflict of interest with the responsibilities of an officer, employee, or agent of the institution with respect to such loans; and
  - b. At a minimum, includes the provisions described in 20 U.S.C. 1094(e);
2. Publish the code of conduct prominently on the institution's website; and
3. Administer and enforce such code by, at a minimum, requiring that all of the institution's officers, employees, and agents with responsibilities with respect to such loans be annually informed of the provisions of the code of conduct. 20 U.S.C. 1094(a)(25)

An institution of higher education's code of conduct shall include the following requirements:

1. Ban on revenue-sharing arrangements: The institution shall not enter into any revenue-sharing arrangement, as defined by 20 U.S.C. 1094(e)(1)(B), with any lender.
2. Gift ban: No officer or employee of the institution who is employed in the financial aid office of the institution or who otherwise has responsibilities with respect to education loans, or agent who has responsibilities with respect to education loans, shall solicit or accept any gift, as defined by 20 U.S.C. 1094(e)(2)(B), from a lender, guarantor, or servicer of education loans.



3. Contracting arrangements prohibited: Except as provided by 20 U.S.C. 1094(e)(3)(B), an officer or employee who is employed in the financial aid office of the institution or who otherwise has responsibilities with respect to education loans, or an agent who has responsibilities with respect to education loans, shall not accept from any lender or affiliate of any lender any fee, payment, or other financial benefit (including the opportunity to purchase stock) as compensation for any type of consulting arrangement or other contract to provide services to a lender or on behalf of a lender relating to education loans.

4. Interaction with borrowers: The institution shall not for any first-time borrower, assign, through award packaging or other methods, the borrower's loan to a particular lender; or refuse to certify, or delay certification of, any loan based on the borrower's selection of a particular lender or guaranty agency.

5. Prohibition on offers of funds for private loans: The institution shall not request or accept from any lender any offer of funds to be used for private education loans, as defined in 15 U.S.C. 1650, including funds for an opportunity pool loan, as defined by 20 U.S.C. 1094(e)(5)(B), to students in exchange for the institution providing concessions or promises regarding providing the lender with specified number of loans made, insured, or guaranteed under 20 U.S.C. Chapter 28, Subchapter IV and 42 U.S.C. Chapter 34, Subchapter I, Part C; a specified loan volume of such loans; or a preferred lender arrangement for such loans.

6. Ban on staffing assistance: Except as provided by 20 U.S.C. 1094(e)(6)(B), the institution shall not request or accept from any lender any assistance with call center staffing or financial aid office staffing.

7. Advisory board compensation: Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to education loans or other student financial aid of the institution, and who serves on an advisory board, commission, or group established by a lender, guarantor, or group of lenders or guarantors, shall be prohibited from receiving anything of value from the lender, guarantor, or group of lenders or guarantors, except that the employee may be reimbursed for reasonable expenses incurred in serving on such advisory board, commission, or group.

20 U.S.C. 1094(e)

**EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:  
NEPOTISM**

**NEPOTISM**

No person shall be employed or hired as an independent contractor who is related to a member of the Board by consanguinity within the third degree, or by marriage within the second degree as defined by state law.

Exceptions may be made for continuous previous employment as provided by state law.

When two or more members of the same family are employed by the College District, neither member of the family shall be in a position to have direct supervision over the other without prior approval of the Board.

**EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:  
NON-SCHOOL EMPLOYMENT**

**OUTSIDE EMPLOYMENT**

Full-time employees of the College District shall not be employed in any outside activity unless a description of the nature and extent of the outside employment has been filed with the appropriate executive council officer. The notification should include the name of the employer; type of employment (i.e., sales staff, teaching adjunct, etc.); time frame for the employment (i.e., 2 weeks date specific, fall semester, spring semester, all year, etc. ); and the times of employment (i.e., evenings, weekends, Mondays, etc.). Notification will be sent to the immediate supervisor. Such employment, or business obligation, is acceptable if the employment is undertaken on the employee's own time, does not restrict the teaching schedule or full-time commitment to the College District and students, does not utilize College District material, facilities, or equipment, and is not a conflict of interest. The employment must not be in conflict or competition with the basic mission, goals, or programs of the College District. The employee will make a reasonable effort to assure that his/her outside employment is not identified with Angelina College.

## **HIRING PRACTICES**

### **EQUAL OPPORTUNITY**

The College District is committed to the basic right of all persons to have an equal opportunity for education and/or employment at this institution. Every effort will be made by the Board, administration, and faculty to defend this right and vigorously seek to promote its implementation in all areas of the College District.

It is the full intent and purpose of the College District that the employment, promotion, and retention policies of the College District apply equally to all persons based upon their professional or work qualifications without regard to color, race, national origin, sex, age, religion, genetic information, veteran status or disability. Capable beginning level employees shall be eligible for promotion to positions of greater responsibility as the employee develops and matures in job-related skills and knowledge.

The Vice President of Academic Affairs has been designated as the equal employment opportunity officer for the College District. Any inquiries concerning equal opportunity employment practices should be addressed to this officer.

### **EQUAL OPPORTUNITY EMPLOYMENT OFFICER**

The following equal employment opportunity policies are in effect at the College District:

1. An equal employment opportunity statement (e.g., "An Equal Opportunity Employer") shall be printed on the following: purchase orders, College District bulletins and brochures, applications for employment, and recruitment announcements and advertisements.
2. An equal employment opportunity statement shall be a written part of all purchasing and contractual agreements made by the College District.
3. The equal employment opportunity officer shall be notified of all existing or potential vacancies, appointments, terminations (defined as any reason for leaving the employment of the College District), and/or changes in role and responsibility, as such circumstances occur.
4. The equal employment opportunity officer will maintain copies of all publicized vacancies prior to the solicitation of applications.
5. Publication of vacancies will be active and systematic and include the following whenever possible: notification of EEO Office, Office of the Governor, Austin, Texas; notification of the Texas Employment Commission; notification of college and/or agencies known for minority placement; the use of classified advertising in newspapers and professional journals, when economically feasible; campus-wide notifications and public postings.

6. The equal employment opportunity officer shall be informed of the location of all application files and employment records and have access to them.
7. An equal employment opportunity employment report will be sent to the equal employment opportunity office within five working days of employment.
8. The equal employment opportunity officer will be notified within five working days of an employee's termination or change of status.

**NEPOTISM**

See DBE (Local)

## **HIRING PRACTICES**

### **SELECTION OF FULL-TIME PERSONNEL**

- 1.01** The guiding principles in the selection and assignment of all personnel shall be meeting the mission and goals of the College District and emphasizing the needs of the students in the teaching–learning process. All employees shall be subject to assignment or reassignment by the president at any time to meet the needs of the College District.
- 1.02** A job description and position classification approved by the president shall be on file in the Human Resources office before the selection process begins.
- 1.03** From the date of position publication, all College District vacancies will remain open for application for the minimum length of time in accordance with personnel practices. In order to be considered for employment, an applicant for any College District position shall submit a dated written application to be kept on file for a minimum of two years unless the application is withdrawn by the candidate.
- 1.04** The executive officer for the college division to which the position is assigned, in conjunction with the Human Resources office, is responsible for ensuring the search process is conducted legally and appropriately.

### **SEARCH PROCESS AND SCREENING COMMITTEE**

- 2.01** The executive officer will appoint a screening committee, which is a part of the equal employment opportunity program and is critical to the employment of full-time personnel. The Office of Human Resources will make a good faith effort to ensure screening committees include individuals from diverse backgrounds and include representatives from the discipline, school, office, or division of the position opening. The executive officer will also consider recommendations for screening committee appointments from the position’s direct supervisor. Screening committees for full-time classified personnel and for part-time personnel shall consist of the immediate supervisor and other appropriate personnel from the office or work area.

The chair of the screening committee, as appointed by the executive officer, will coordinate all committee activities and will collaborate with the Human Resources office to communicate with the candidates.

The Human Resources office will conduct an orientation for screening committees to ensure the chairs and members understand their responsibilities, including compliance with college policies and regulations.

#### **2.02 Duties and Responsibilities**

The duties and responsibilities of the screening committee shall be as follows:

1. Outline screening criteria based on the approved position description before initiating review of application packets.
2. Review application packets and complete the qualifications matrix form for all candidates using the screening criteria. The screening committee should disqualify any candidate who does not meet minimum qualifications for the position at this point in the process and document on the qualifications matrix form which qualification(s) the disqualified candidate(s) failed to meet.
3. Determine how many candidates the screening committee will interview, develop a list of appropriate interview questions to ascertain job-related information, and conduct interviews in collaboration with the Human Resources office. All candidates for a particular position must be asked the same questions.

The Human Resources office will communicate with all candidates to schedule the interviews. When candidates are interviewed on campus, the position supervisor and/or the executive officer may interview them one-on-one, with the screening committee, or may participate during any other portion of the interview process. Each employee who interviews the candidates should document the interview using the interview rating form.

4. When screening for an instructor vacancy, the interview process should include a 10-to-15-minute classroom presentation. The topic of the presentation should be selected by the screening committee and communicated to the candidates by the Human Resources office prior to the interview date. If a professional position requires public speaking, the screening committee may require the candidates to give a 10-to-15-minute presentation on a relevant topic during the interview.
5. Using the interview evaluation forms and a consensus process with the committee members, the screening committee chair should prepare a single list of strengths and weaknesses for each finalist candidate and submit it with all documentation for the screening process to the position supervisor.
6. The position supervisor will meet with the executive officer, review the screening committee documentation, and submit his or her hiring recommendation.
7. The executive officer or designee will conduct reference checks for the strongest candidate(s) and document the information gathered using the approved form. A minimum of three references for the strongest candidate(s) should be documented. Reference checks should include a recent or current direct supervisor for the candidate(s).

8. Once references are documented for the strongest candidate(s), the executive officer will meet with the president, review the search process, and make a hiring recommendation.
9. The College President, as the selecting officer, will make the employment decision after reviewing all of the following items: screening committee documentation, direct supervisor's recommendation, executive officer's recommendation, and reference checks documentation. The official job offer will be made by the president or his/her designated executive officer. The president's selection decision will be presented to the Board of Trustees at the next regular Board meeting to finalize the appointment. The executive officer, direct supervisor, and screening committee chair will be notified when the Human Resources office receives a signed offer letter from the successful candidate.
10. Each professional staff member and instructor who verbally accepts an offer of employment from the President or his/her designee shall receive a written offer letter from the Office of the President. No professional staff member or instructor should begin working without having returned a signed copy of the offer letter to the Office of the President.
11. The executive officer is responsible for ensuring all documentation for the search process, including the screening committee's documentation, is sent to the Human Resources office at the conclusion of the search process.
12. Prior to the new employee's first day of work, the executive officer will coordinate with the Human Resources office to ensure the employee receives the new hire orientation on his/her first day of work.

### **BACKGROUND CHECK**

- 3.01** The College District performs a background check on applicants considered for employment. If any violation is found, a hold will be placed on the hiring until it has been reviewed closely and determined the circumstances of the conviction, and its level of severity in relation to the anticipated job function.

### **EMPLOYMENT FILES**

- 4.01** Human Resources office shall keep an employment record and personnel file for every employee of the College District. The Vice President of Academic Affairs shall maintain credential files for all instructors.



## **NONTEACHING STAFF MEMBERS SERVING AS INSTRUCTORS**

### **SECTION ONE: GUIDING PRINCIPLES**

#### **1.01 Purpose of Nonteaching Staff Positions**

The College creates and maintains nonteaching staff positions to provide services and fulfill functions critical to the efficient and effective operation of the college

#### **1.02 Blended Positions**

The College occasionally creates positions that blend nonteaching staff duties with instructional assignments. The Position Descriptions for blended positions will clearly detail the course load assigned to the position in addition to the staff responsibilities. For such blended positions, the College expects the employee to coordinate with his/her supervisor(s) to balance the staff and teaching responsibilities during the workday. Blended positions are excluded from the requirements of any other Subsections of this Regulation.

#### **1.03 Nonteaching Staff Serving as Adjunct Instructors**

From time-to-time, when the College is unable to recruit a qualified adjunct instructor for a specific course section in a given semester, the Vice President of Academic Affairs or his/her designee may invite an employee assigned to a nonteaching staff position who holds appropriate credentials to serve as an adjunct instructor for the course section. Inviting an employee to serve as an adjunct instructor for a specific course section in a given semester under this subsection is not a commitment to hire the employee as an adjunct instructor in subsequent semesters.

### **SECTION TWO: GENERAL PROVISIONS**

- 2.01** When the Vice President of Academic Affairs or his/her designee invites an employee to serve as an adjunct instructor, the employee is expected perform the duties, fulfill the responsibilities, and meet the College expectations for his/her nonteaching staff position at a level acceptable to his/her regular supervisor throughout the semester during which he/she serves as an adjunct instructor.
- 2.02** Employees on disciplinary probation (see Regulation DHA) and employees currently assigned a performance improvement plan may not serve as adjunct instructors.
- 2.03** An employee assigned to a nonteaching staff position who serves as adjunct instructor must complete a time and effort form each week of the semester documenting when he/she completed work related to the adjunct instructor position (e.g., delivering lectures, engaging with students via Blackboard, grading assignments, conducting learning assessments, analyzing learning assessment results, participating in academic meetings, serving in-person and virtual office hours, responding to student inquiries, etc.). The

employee should submit completed time and effort forms each week to his/her supervisor.

- 2.04** Each week, the employee's supervisor should review and sign the time and effort form completed by the employee, and submit it to the Office of Human Resources.
- 2.05** If an employee indicates on a time and effort form that he/she used staff time to complete work related to the adjunct instructor position, or if the supervisor observes the employee completing work related to the adjunct instructor position during staff time that is not documented on the time and effort form, the supervisor should initiate the process to administer appropriate discipline (see Regulation DHA).

### **SECTION THREE: APPROVAL PROCESS**

- 3.01** An employee invited to serve as adjunct instructor must request permission from his/her direct supervisor in writing. If the direct supervisor approves the employee's request, the supervisor affirms (a) the employee is not on disciplinary probation and is not currently assigned a performance improvement plan, (b) the employee has a reasonable plan to fulfill the responsibilities of an adjunct instructor in a manner that will not interfere with the employee's performance in his/her nonteaching staff position, and (c) he/she will monitor the weekly time and effort forms completed by the employee to ensure the employee is not working as an adjunct instructor during time he/she is paid to serve as a nonteaching staff member. The written request may be submitted via an email message to the supervisor's college email address.
- 3.02** If a supervisor approves an employee's request as described in Subsection 3.01, the supervisor should forward the employee's request to the appropriate executive officer in writing. The written request and approval may be submitted via an email.
- 3.03** In response to a critical need, the Vice President of Academic Affairs may request permission from the College President for an employee to teach a course section scheduled during his/her normal working hours and to work the same amount of time on the duties of his/her nonteaching staff position during hours other than the employee's normal working hours. The request must be accompanied by a written plan, prepared by the employee and endorsed by the employee's supervisor, detailing the hours the employee will serve in each role. The College President will consider such requests on a case-by-case and semester-by-semester basis. If the College President approves the request, the employee must complete and submit time and effort forms each week as described in Subsection 2.03 of this Regulation except the time and effort forms must document when instructional work was completed and when "make up" hours were completed.

## FACULTY TENURE

### SECTION ONE: FACULTY TENURE

#### 1.01 Definition

“Tenure” means assurance to an experienced full-time instructor that the employee may expect to continue in a position unless (a) a preponderance of evidence establishes good cause for dismissal, (b) bona fide financial exigency on the part of the institution requires a reduction of staff, or (c) the institution closes an academic program to which a tenured instructor is assigned (See: *Regulation DHA Section Two*). Tenure is also terminated by retirement and or acceptance of resignation.

#### 1.02 Tenure Track Determination

The Board of Trustees authorizes the College President to determine if an instructor is eligible to earn tenure at the time of the instructor’s initial appointment. If the College President determines the instructor is eligible to earn tenure, the employment offer letter sent to the instructor will indicate the instructor is on the “tenure track”. Instructors who are on the tenure track are guaranteed consideration for eventual tenure. Instructors who are not on the tenure track are not eligible to be considered for tenure.

#### 1.03 Tenure Standards

To be eligible for tenure, an instructor on the tenure track must meet the following standards:

- (a) an earned master’s degree or an earned bachelor’s degree if the instructor’s academic field does not require masters-level preparation;
- (b) service as instructor of record for course sections totaling at least 15 semester credit hours in Fall semesters and at least 15 semester credit hours in the Spring semesters of three (3) consecutive academic years;
- (c) at least “satisfactory” ratings in annual evaluations for three (3) consecutive years
- (d) documentation of adequate service to the college and service to the community.

#### 1.04 Service to the College and Community

Service to the College may be demonstrated through service on a standing committee or ad hoc committee; advising a registered student organization; promoting, developing, or improving the instructional and student service programs of the College, the educational image and philosophy of the College, or the operational practices, policies, and procedures of the College; assisting in the student recruitment, registration, retention, and completion processes and initiatives; and/or continued professional growth through attendance and participation in professional meetings, subject area meetings, faculty development programs, further education, or other appropriate means.

Service to the community may be demonstrated through service on the board of

directors for nonprofit organizations in the College's service area; volunteer service related to the instructor's field of study at independent school districts in the College's service area; participation in economic development, leadership, or community service campaigns, programs, or events in the College's service area; service in elected office in the College's service area; and/or participating in the outreach, marketing, or public relations efforts of the College.

**1.05 Awarding of Tenure**

If an instructor on the tenure track believes he/she has met the eligibility standards for tenure, the instructor may submit a letter to the Vice President of Academic Affairs (VPAA) requesting consideration for tenure. With the letter, the instructor should enclose a portfolio documenting how he/she has met the eligibility standards.

Based on the portfolio provided by the instructor and on College records, if the VPAA determines the instructor has met the eligibility standards for tenure, the VPAA shall recommend awarding tenure to the instructor in a letter to the College President that summarizes how the instructor has met the tenure eligibility standards.

The College President shall present the letter from the VPAA to the Board of Trustees at a regular meeting of the Board. The instructor requesting consideration for tenure must attend this meeting to respond to any Trustee questions. If the Board of Trustees awards tenure to the instructor, the College President shall notify instructor in writing, and all subsequent appointment letters will indicate the instructor is tenured.

**1.06 Tenure Awarded Prior to May 2017**

Any currently-employed instructor awarded tenure prior to May 2017 shall continue in tenure status regardless of his/her achievement of the standards described herein, although the College encourages tenured instructors to continue striving to meet any standard(s) he/she does not currently meet.

The College President will notify currently-employed full-time instructors who have not earned tenure by May 2017 if they are on the tenure track in their appointment letters for the 2017-2018 academic year. A currently-employed full-time instructor who is on the tenure track must comply with this policy to earn tenure; however, he/she may document service, evaluations, or achievements prior to May 2017 that contribute to meeting the tenure eligibility standards.

## **COMPENSATION AND BENEFITS: SALARIES AND WAGES**

### **SECTION ONE GENERAL PRINCIPLES**

- 1.01** Board shall set the salary of the College President.
- 1.02** The Board shall approve an Annual Personnel Plan authorizing the College President to fill each included position throughout the subsequent fiscal year. The Board's intention is to ensure the Annual Personnel Plan aligns with the financial position of the College and is competitive with other state community colleges. The College President will incorporate the approved Annual Personnel Plan into the College's Annual Budget. The College President may propose changes to the Annual Personnel Plan at any regular meeting of the Board if internal or external conditions necessitate such change.
- 1.03** The College President shall prepare for the Board an annual personnel proposal for the upcoming fiscal year that presents a list of each full-time personnel position necessary to operate the College, the annual salary/wage for each position, and the proposed total investment by the College for full-time personnel salaries and wages. At the time of proposal submission, the proposal shall note the name of the incumbent in each position, and shall note which positions are vacant.
- 1.04** Within the parameters of the Annual Personnel Plan for the current fiscal year, the College President shall set the salaries or wages of all new full-time employees based on the new employee's work experience and credentials, conditions of employment, complexity of work and level of independent judgment and responsibility required by the position in relation to other College positions, labor market conditions, and College resources.
- 1.05** The College President shall set wages for part-time employees, adjunct instructors, and temporary contract personnel using the factors listed in Subsection 1.04 while ensuring the total expense for all such employees is within the allocation authorized by the Board in the College's annual budget.
- 1.06** The College President may award a stipend to an employee to address market conditions affecting the competitiveness of the College's compensation in specific administrative or academic fields or as compensation for additional non-typical work performed in a given fiscal year.
- 1.07** If feasible given the financial position of the College and any other relevant factors, the College President may recommend annual salary and wage increases to the Board for consideration during the annual budgeting process. An employee must be working for the College before March 1 to receive an approved annual increase the following fiscal year. If the Board approves a salary/wage increase when adopting the Annual Budget, the College will apply the increase to the salaries and wages of eligible employees listed

- 1.08** in the Annual Personnel Plan. The College will round up all salaries and wages to the nearest value evenly divisible by 12 whenever the Board approves a salary or wage increase or when applying other adjustments.
- 1.09** The College President shall determine the length of the annual appointment of each full-time instructor based upon the needs of the College. The College President shall set the length of the workweek for employees based upon the responsibilities of the position and to serve the goals of the College.
- 1.10** The following general guidelines apply to setting individual salaries or wages upon hire:
- 1.10.1** The College President will set the salary for each newly hired College executive.
  - 1.10.2** The Vice President of Academic Affairs will recommend a salary for each newly hired full-time instructor, based on the Faculty Starting Salary Schedule. The Director of Human Resources and Vice President of Business Affairs will review all recommendations, and the College President will make a final determination.
  - 1.10.3** The Dean of Community Services will recommend a salary for each newly hired full-time or part-time noncredit instructor based on market conditions and College resources. The Director of Human Resources and the Vice President of Business Affairs will review all recommendations, and the College President will make a final determination.
  - 1.10.4** The direct supervisor of each position will recommend a salary or wage for each newly hired full-time administrative staff member; general staff member; or clerical, labor, and trades staff member based on the Salary Grades Schedule. The Director of Human Resources and Vice President of Business Affairs will review all recommendations, and the College President will make a final determination.
  - 1.10.5** The direct supervisor of each position will recommend a wage for each newly hired nonteaching part-time employee based on the Salary Grades Schedule. The Director of Human Resources and the Vice President of Business Affairs will review all recommendations, and the College President will make a final determination.
  - 1.10.6** The College President will set the salary for all adjunct instructors annually within the parameters of the Annual Budget.

## **SECTION TWO RAISE FOR INSTRUCTOR CREDIT/DEGREE PROGRESSION**

- 2.01** The College will increase the salary of individual instructors who earn credits from a regionally accredited institution according to the progression presented in Table 1. When an instructor reaches a step in the progression, the instructor should have the awarding institution send official transcripts to the Vice President of Academic Affairs. Upon recommendation by the Vice President of Academic Affairs and approval by the College President, the raise shall be effective and prorated for the current year based on the

approval date. The raise will not be backdated to the date the degree or progression is earned. Table 1 presents the progression and corresponding increases.

TABLE 1		
Faculty Credit/Degree Progression and Corresponding Salary Increases		
Order	Step	Increase
Step 1	Earned Bachelor's Degree	\$2,000
Step 2	Earned Master's Degree	\$2,000
Step 3	Master's Degree plus 12 graduate credits	\$800
Step 4	Master's Degree plus 24 graduate credits	\$800
Step 5	Master's Degree plus 36 graduate credits	\$800
Step 6	Master's Degree plus 48 graduate credits	\$800
Step 7	Master's Degree plus 60 graduate credits	\$800
Step 8	Earned Doctorate	\$1,600
Note: The College will round up the instructor's salary to the nearest value evenly divisible by 12 after applying the increase.		

## **COMPENSATION AND BENEFITS: FRINGE BENEFITS**

### **SECTION ONE: TUITION WAIVERS**

#### **1.01 Credit Courses**

Full-time employees may enroll without charge in up to seven semester hours of credit courses per semester. Tuition and all other fees (except other fees charged for private music lesson, and special fees as designated) are waived for such employees. Only one of these courses may be taken during the employee's regularly scheduled work hours if it is directly job related, and is approved in writing in advance by the employee's supervisor. Employees must complete an Employee Tuition Exemption Scholarship Application (see DEB Exhibit A).

#### **1.02 Noncredit Courses**

Full-time employees may enroll without charge in up to seven semester hours of noncredit courses per semester. Tuition and all other fees (except other fees charged for private music lesson, and special fees as designated) are waived for such employees. Only one of these courses may be taken during the employee's regularly scheduled work hours if it is directly job related, and is approved in writing in advance by the employee's supervisor. Employees must complete an Employee Tuition Exemption Scholarship Application (see DEB Exhibit A).

#### **1.03 Retirees**

Retirees may enroll without charge in up to seven semester hours of credit courses per semester. Tuition and all other fees (except other fees charged for private music lesson, and special fees as designated) are waived for such employees. Only one of these courses may be taken during the employee's regularly scheduled work hours if it is directly job related, and is approved in writing in advance by the employee's supervisor. Employees must complete an Employee Tuition Exemption Scholarship Application (see DEB Exhibit A).

#### **1.04 Dependents**

Dependents of fulltime employees are entitled to scholarships for credit courses in the amount of tuition and fees (excluding special fees) not to exceed the cost of 15 in-district credit hours per fall and spring semester and 6 credit hours for each summer semester. Textbooks are not included. To be eligible, the dependent must be a spouse, a child or stepchild under age 26, or a dependent eligible to be claimed as an exemption on the employee's most recent tax return. The employee must complete the dependent tuition exemption scholarship form located on the Human Resources webpage and submit to the Office of Human Resources for approval and processing (see DEB Exhibit B). Any fulltime employee's dependents may take community service courses, except Driver's Safety, at 50 percent of tuition and fees, if space is available, with the discount not to exceed an amount equal to the present cost of 15 in-district hours of tuition and fees for credit courses. When the College District offers courses and programs in partnership with other entities, the amount of the tuition and fee waiver may not exceed the total revenue allocated to the College District for each student.



## COMPENSATION AND BENEFITS: LEAVES AND ABSENCES

### SICK LEAVE

#### 1.01 Definitions

Sick leave means absences caused by an illness of an employee or a member of an employee's immediate family.

Illness includes sickness, injury, disability, or medical conditions related to pregnancy and childbirth.

Employee's immediate family means spouse, children, step children, parents, brothers, sisters, grandparents, and other family as approved.

Full-time employee means an employee who is regularly assigned a workload greater than one-half of the workload normally assigned to an employee in a classification. [See DN(REGULATION)] Custodians are a special class of full-time employees to which different work schedules and calendars may apply.

#### 1.02 Provisions

All full-time employees of the College District shall be entitled to sick leave with pay and such leave shall be accrued at the rate of one day for each month, or fraction of a month, of active employment but not to exceed the number of days specified below.

1. Unused sick leave shall accumulate and be carried forward each month, but unused accumulated days carried forward from one fiscal year to another shall never exceed 90 days.

2. Full-time employees who are employed on a nine-month contract shall accrue nine days of sick leave during a fiscal year; those employed on a ten and one-half month contract shall accrue ten and one-half days; and those employed on a 12 month contract shall accrue 12 days. Full-time classified employees shall accrue days at the rate of one day per month worked.

An employee who is absent due to illness shall notify his supervisor at the earliest practicable time.

The College District reserves the right to require medical verification for any absence where sick leave is claimed and may require a release from a physician to return to work.

The employee shall complete the official absence request form in order to make sick leave absences a part of the record.

Accumulated sick leave is not a vested benefit and shall not be paid upon termination of employment.

Sick leave accumulated as of August 31 shall be carried forward to the next year beginning September 1 subject to provisions in this section.

The College President upon consultation with the Vice President of Business Affairs or the Vice President of Academic Affairs shall have the prerogative to approve sick leave to be taken in excess of days accumulated in cases deemed worthy and when circumstances, in the College President's opinion, justify such action. Such advancement or borrowing against future leave shall not exceed one year's accrual.

In cases where sick leave is used in excess of days accumulated, reductions in pay shall be calculated as follows:

For classified employees, hourly rate times excess hours absent.

For professional employees, hourly rate (as calculated below) times excess hours absent:

12-Month Employees—Contract Salary/1,920 hrs. (48 wks x 40 hrs) or (240 days)

10.5-Month Faculty—Contract Salary/1,470 hrs. (42 wks x 35 hrs) or (210 days)

10.5-Month Other—Contract Salary/1,680 hrs. (42 wks x 40 hrs) or (210 days)

9-Month Employees—Contract Salary/1,190 hrs. (34 wks x 35 hrs) or (170 days)

When reduction in pay is necessary, the reduction shall be withheld from ensuing salary and wage checks on an agreed basis between employee and the College District.

Sick leave will not be paid for days on which employee is not on active duty. Example: Holidays, vacation, summer months when an employee does not have an assignment.

Although some employees may be able to partially perform part of their job duties while on leave, generally leave must be approved based upon the prorated share of the standard 35 or 40 hour work week that the employee is not present at the workplace. Adjusted leave may be approved by the College President for essential duties pre-approved and performed from a distance while absent from the workplace.

Virtual hours of continuing work will be calculated as a prorated share of sick leave.

An employee who is absent from work due to an injury or illness which falls under the category of “work related” will be charged with leave as provided by the worker’s compensation laws and subject to any legal limitations applicable. Employees can voluntarily opt to use sick leave in lieu of worker’s compensation. During the time an employee is receiving weekly workers’ compensation benefits, the employee may elect to receive previously accrued sick leave benefits in an amount equal to the difference in the weekly compensation benefit and the weekly compensation the employee was receiving prior to the injury or illness resulting in the claim, with a proportionate deduction in the employee’s sick leave balance. The sum of weekly workers’ compensation payments and the amount of sick leave paid shall not exceed the amount of weekly compensation the employee was receiving prior to the illness or injury.

### **1.03 Miscellaneous Leave**

An employee shall be granted leave with pay and without loss of accumulated leave for jury duty. The employee shall be required to present documentation of the service and shall retain any compensation for this service.

Absences for court appearances related to an employee’s personal business shall be deducted from the employee’s personal leave or shall be taken by the employee as leave without pay.

Emergency leave due to death in employee’s family shall be granted with pay but not to normally exceed three days. Any bereavement leave days will be charged against accrued sick leave or, if not available, shall be without pay.

Leave with pay for graduate studies or other reasons may be granted in demanding circumstances with the College President’s approval. The employee may work extra assignments for a defined period to make up the leave time.

Leave without pay for graduate study or professional development may be granted at the convenience of the College District. Up to two sick days per year may be used for personal leave for any circumstances, but these personal leave days may not be accumulated from one fiscal year to another.

### **1.04 Military Leave**

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

Such employees who are ordered to duty by proper authority shall be restored, when relieved from duty, to the position held by them when ordered to duty.

Any employee, other than a temporary employee, who leaves a position with the College District to enter active military services is entitled to be reemployed by the College District in the same position held at the time of the induction, enlistment, or order or to a position of similar seniority, status, and pay. To be entitled to reemployment, the employee must be discharged, separated, or released from active military service under honorable conditions no later than the fifth anniversary after the day of induction, enlistment, or call to active military service and must be physically and mentally qualified to perform the duties of the position.

An employee who cannot perform the duties of the position because of a disability sustained during military service is entitled to reemployment in the College District to a position that the employee can perform and that has like seniority, status, and pay as the former position or the nearest possible seniority, status, and pay.

To be reemployed, a veteran must apply for reemployment no later than the 90th day after the date the veteran is discharged or released from active military service. Application must be made in writing to the President and have attached to it evidence of the veteran's discharge, separation, or release from military service under honorable conditions.

A person reemployed after active military service shall not be discharged without cause before the first anniversary of the date of the re-employment.

"Military service" means serve as a member of the regular or reserve armed forces of the United States, the Texas National Guard, or the Texas State Guard.

#### **1.05 Religious Observances**

The College District will reasonably accommodate an employee's request to be absent from duty in order to participate in religious observances and practices, so long as it does not cause undue hardship on the conduct of College District business. Such absence shall be charged to vacation pay, if available.

The College District shall not discriminate against or penalize in any way a faculty member who is absent from work for the observance of a religious holy day, gives proper notice of that absence, and holds a bona fide religious belief.

"Proper notice" shall consist of providing a list of religious holy days to be observed during the semester to the supervisor and providing notice of such days in advance to all students whose class would be canceled due to the faculty member's absence. This notice shall be in writing and shall be personally delivered to the supervisor before the first class day of the semester, receipt therefore being acknowledged and dated by the Vice President of Academic Affairs, or shall be sent by certified mail return receipt requested, addressed to the Vice President of Academic Affairs.

**1.06 Federal Family Medical Leave**

The College District will comply with provisions of the Family and Medical Leave Act.

The 12-month period within which employees shall be eligible for 12 weeks of family and medical leave shall be defined as the 12-month period beginning on the first duty day of the school year.

Employees shall be required to use all applicable accumulated sick leave in the order determined by this policy concurrently with family and medical leave.

If both spouses are employed by the College District, combined family and medical leave for the birth, adoption, or placement of a child may be limited to a combined total of 12 weeks as determined by the needs of the College District.

Intermittent leave shall not be permitted for the birth of the employee's healthy child or the adoption or placement of a healthy child.

If, at the expiration of the family and medical leave, the employee is able to return to work but chooses not to do so, the College District shall require reimbursement of the employee benefits contribution made by the College District during the period in which such leave was taken as unpaid leave.

All FMLA leave time runs concurrent with short-term and long-term disability and worker's compensation or any qualifying event.

**COMPENSATION AND BENEFITS:  
VACATIONS AND HOLIDAYS**

**ANNUAL LEAVE (VACATION)**

- 1.01** Only full-time 12-month employees shall be entitled to paid vacation. Twelve month teaching faculty and 10.5 month employees do not accrue vacation. Days off during the contractual year must be taken as scheduled and do not accrue and carry forward to the next year without prior written approval of the supervisor. Refer to custodial manual for leave accrual and authorized use by custodians.

Vacation entitlement shall be earned commencing on the first day of employment and ending on the last day of employment.

Continuous employment of six months is required before an employee can be granted a vacation with pay.

Vacations must be taken at times agreed upon in advance by the employee and his or her supervisor.

Vacation days earned may be taken at one time or may be taken incrementally as determined by the employee and the supervisor.

Vacation days taken incrementally may not result in a long-term alteration of the employee's scheduled work days or hours.

If an employee becomes ill while on vacation, the time off is to be charged to vacation (NOT sick leave).

- 1.02** Vacation entitlement is earned as follows:

- Employed by the College District five years or less—10 days per 12 months or fraction of a month of active employment, but not to exceed ten days per each 12 months.
- Employed on a full-time basis by the College District over five years—15 days per 12 months or fraction of a month, but not to exceed 15 days per each 12 months.

Accrued vacation carried forward to the next year shall never exceed days earned in the two years immediately preceding. Days earned in excess of those earned in the immediately preceding two years are lost and shall not be paid for by the College District. Total vacation days paid shall not exceed 30 days in any case.

- 1.03** An employee who resigns, is dismissed, retires, or otherwise is separated from employment, shall be paid for accrued vacation time but not to exceed days earned in the two years immediately preceding.

- 1.04** If the College District is closed due to an emergency while an employee is on leave or vacation, the leave will still be applied.

### **Paid Holidays**

- 2.01** All employees (except students, part-time employees, and designated physical plant employees) are entitled to observe holidays designated in the College District bulletin or in the payroll schedule issued annually. Full-time designated physical plant employees should refer to the annual schedule to determine applicable paid holidays. The College District reserves the right to change, add, or delete holidays as dictated by the best interests of the College District.

Classified or hourly employees eligible to observe holidays will be paid for these days if such employees would otherwise be listed on a payroll for that period.

An employee becomes eligible for holiday pay immediately upon reporting for duty as required by the College District, except that holiday pay for the two-week Christmas recess and one-week Spring recess will not be paid unless the employee works at least one month immediately prior and two months immediately following either recess unless the contract or job assignment is completed. The College District may, at its discretion, require employees to work on holidays and give compensating time off at a more convenient time or pay double-time for the hours worked.

The Christmas/New Year Holiday period and Spring Break are holidays for non-classified salary employees but are not computed in pro-rata salary adjustments for partial contract years (i.e., are not included in the 240 day (12 month); 210 day (10.5 month); or 170 day (9 month) salary calculations (see CDD).

No employee other than full-time faculty shall be allowed in excess of thirteen paid holidays during the Christmas recess.

The following dates are paid holidays for full-time employees:

Labor Day	September
Thanksgiving	November
Christmas and New Year	December/January
Spring Break	March
Memorial Day	May*
July 4th	July*
Martin Luther King Day	January

The College District reserves the right to change approved holidays if dictated by the approved College District calendar.

\* Memorial Day and July 4th may be an approved holiday as defined in the annual school calendar.

## COMPENSATION AND BENEFITS: EXPENSE REIMBURSEMENT

### SECTION ONE: EXPENSE REIMBURSEMENT

**1.01** The College will reimburse employees for work-related expenses as allowed by this Regulation.

**1.02 Definitions**

**1.02.1 Instructional Travel**

Instructional travel is defined as travel required as part of the employee's assignment, and it includes, but is not limited to, clinical or practicum travel for instructors, routine recruiting travel, off-campus teaching travel, registration travel, and other travel required for the purpose of supervising students.

Employees are encouraged to submit monthly mileage reimbursement requests for instructional travel, but should submit reimbursement requests no less frequently than once per semester. The College may delay processing of travel reimbursement requests if requests are submitted during the last week of a semester. All travel reimbursement requests for a fiscal year must be submitted by the processing deadline for check requests pertaining to that fiscal year.

Instructional travel reimbursements should only include mileage in excess of round-trip mileage from home to campus (see: *DEE – EXHIBIT B*)

**1.02.2 Professional and Development Travel**

Professional or developmental travel includes approved travel for enhancement of knowledge and skills required by a position's job description.

**1.03 Travel Approval**

During the College's budget development process, each unit manager should estimate the cost of all anticipated travel by employees assigned to his/her unit for the fiscal year. All actual travel must be approved in advance by the employee's supervisor.

**1.04 Reimbursement Rates**

The College will calculate reimbursement for travel using approved travel reimbursement rates and guidelines. Currently approved rates and guidelines are included in *DEE – EXHIBIT A*.

**1.05 College Credit Cards**

Employees authorized to use a College credit card should exercise care to keep receipts and to document the use of the card on *AC Form 10L*. Travel expenses charged to a credit card should be within allowable limits and should not be claimed additionally for reimbursement.



**1.06 Receipts**

All receipts submitted for reimbursement must be legible and include the name of business, date of purchase, detail of what was purchased, and how payment was made. All credit card charges should be in the name of the employee.

**SECTION TWO: EXPENSE CATEGORIES**

**2.01 Mileage**

*DEE – EXHIBIT A* presents the College’s reimbursable mileage rate. Allowable mileage is different from odometer mileage. Employees should use the Internet versions of either *Mapquest* or *Google Maps* to calculate allowable mileage. The employee should attach a copy of the calculation to the reimbursement request.

Employees may not claim mileage reimbursement when using a College vehicle (see *DEE Exhibit C*).

**2.02 Airfare**

When it is necessary to book airfare, the College will reimburse employees for the actual cost of economy-class airfare. Where necessary, the College will reimburse employees for one checked bag or one carry-on bag. The College will not reimburse employees for seat upgrades or for first-class tickets.

Employees must attach documentation evidencing the cost of airfare. If employees book reimbursable airfare, employees must attach an original boarding pass, or other documentation indicating ticket utilization, with their reimbursement request.

The College encourages employees to book airfare sufficiently in advance, where possible, to obtain the lowest price possible.

**2.03 Parking**

The College encourages employees to use self-parking and free parking options. However, where free parking is not available or there is a safety, health, or similar reason, the College will, with a receipt, reimburse the cost of parking.

**2.04 Tolls**

The College will reimburse employees for toll fees with supporting documentation.

**2.05 Registration Fee(s)**

The College will reimburse employees for registration fees with supporting documentation. If registration materials indicate meal(s) were included in the cost of the conference, event, or program, the College will reduce reimbursement for meals accordingly.

## **2.06 Tips or Gratuities**

Because the per diem meal allowance is inclusive of tips, the College will not reimburse employees for tips or gratuities except for business-related meals. The College will reimburse tips and gratuities for business-related meals up to a maximum of 20 percent of the meal cost (see *Subsection 3.02* of this Regulation).

## **2.07 Lodging**

Employees must reserve lodging in their name. The College will reimburse employees for the actual cost of lodging, but the College will not reimburse employees for the Texas state sales tax.

Employees are encouraged to utilize conference rates or the *Texas State Travel Directory*, which provides for a negotiated lower rate for state employees, when possible. In circumstances where lodging is unavailable at less than the currently approved rate, employees may claim a higher rate only if approved prior to the travel by the Vice President of Academic Affairs or the Vice President of Business Affairs.

The College will not process reimbursement without an original lodging receipt that shows a detail of charges, the method of payment, and a zero balance due. It is the employee's responsibility to obtain a receipt and to submit for reimbursement even if the reservation was made and paid by Angelina College.

Employees are reminded to carry and use the hotel occupancy tax exemption certificate for exemption from Texas state sales tax. Certificates are available in the business office and at the reservation desk of many lodging establishments. If an employee does not carry an exemption certificate, the sales tax incurred will be deducted from the employee's reimbursement.

The College will reimburse the cost of internet/wifi access during hotel stays when it is not provided free of charge or included in the nightly rate. It is the employee's responsibility to obtain a receipt or have the charge documented on his/her hotel bill.

## **2.08 Overnight Meals**

The College will reimburse for meals during overnight travel. Employees will not be reimbursed for meals that occur during non-overnight travel except for business-related meals as defined in *Subsection 3.02* of this Regulation. When traveling overnight, employees may claim the per diem amount for breakfast if they travel between 12:00 a.m. and 9:59 a.m. Employees may claim the per diem amount for lunch if they travel between 10:00 a.m. and 4:59 p.m. Employees may claim the per diem amount for dinner if they travel between 5:00 p.m. and 11:59 p.m. No meal receipts are required for overnight meals. Allowable meal per diem amounts are listed in *DEE EXHIBIT A*.

The College will reimburse actual expenses for all overnight Perkins grant travel.

## **2.09 Entertainment**

The College will not reimburse the cost of entertainment and/or excursions that are arranged for a conference/convention or team travel (i.e., golf fees, amusement park fees, etc.).

## **SECTION THREE: SPECIAL CIRCUMSTANCES**

### **3.01 Advance Money for Student Travel**

For student travel only, the College may advance money for student lodging and meals to a trip sponsor who is not authorized to use a College credit card. A trip sponsor shall be a full-time employee of the College. The College will not issue advance money directly to students. To request travel advance money, the trip sponsor should complete the *Student Travel Request Form*.

When the College issues travel advance money, the employee is responsible for submitting a properly documented *Travel Reimbursement Form*, with a copy of the *Student Travel Request Form* attached, within 10 business days of completion of the travel. If the employee fails to submit all required documentation within 10 business days of completion of the travel, the College may deduct the amount that was advanced from the trip sponsor's pay.

Travel reimbursement rates and guidelines shall apply to students except that meal per diem may not exceed the currently approved student daily rate (see: *DEE EXHIBIT A*). If the trip sponsor purchases meals for him/herself, the employee meal per diem guidelines shall apply.

### **3.02 Business-Related Meals**

Business-related meals while not on overnight trips must be substantiated using the actual receipt method. The College will reimburse tips and gratuities for business-related meals up to a maximum of 20 percent of the meal cost. Business-related meals must meet one of the following conditions:

- The main purpose of the meal is to meet with one or more individuals who are not employed by the College to conduct College business or to otherwise benefit the College during the meal. Examples of appropriate business-related meals include recruiting prospective students or employees, negotiating with potential or current partners, cultivating donations or other support for the College, establishing or strengthening professional relationships beneficial to the College, etc. Receipt documentation must include the names of those joining the meal and the purpose of the meal. Reimbursement will be paid from itemized receipt, but the cost of the meal should stay within meal per diem guidelines.

- An employee attends a business meeting or conference of exempt organizations (chambers of commerce, business leagues, professional organizations or associations, or government agencies) in which the employee represents the College, but the meal is not provided as part of the meeting registration. The College requires a receipt for the meal, and a meeting or conference agenda or itemized bill as documentation for reimbursement.
- An employee travels as a coach or sponsor with a team or group of students. Employees should submit itemized receipts with the names of those joining the meal. Individual meal per diem guidelines should be followed.
- With prior approval from the College President, a Vice President, or a Dean, a meal in which the primary purpose is to meet with college employees and conduct college business. Approvals for meals of this type should be infrequent and used to mark a special occasion or to enhance the efficiency of the meeting.

### **3.03 Carl D. Perkins Basic Grant-Related Reimbursement**

Carl D. Perkins Basic Grant (Perkins) funds must be expended for reasonable and necessary costs in conducting grant activities. Reasonable means a cost is consistent with prudent business practice and comparable to current market value. Necessary means the cost is essential for the College to accomplish the objectives of the project. The College must comply with the applicable Federal Cost Principles in expending grant funds.

Travel costs for executive officers (including the president, vice presidents, and deans) or administrative support staff may not be funded under the grant program.

Perkins professional development activities will be limited to one (1) event per academic year per Career Technical Education (CTE) employee.

#### **3.03.1 Travel Approval**

Travel costs for professional development including registration fees, flight, and lodging must be submitted in advance to the Office of Grants and Sponsored Program. Travel must be approved by the Texas Higher Education Coordinating Board (THECB) prior to the event. Any costs above the requested amount will be charged directly to the employee's department account.

#### **3.03.2 Travel Documentation**

Travel costs must be properly documented with receipts to be reimbursable. Travel costs not supported by proper documentation are not allowable grant charges and are subject to disallowance by state and federal auditors and monitors. Travel documentation must be submitted within a timely manner to be reimbursed. All documentation must be submitted within fifteen (15) days of completion of travel to the Office of Grants and Sponsored Programs.

### **3.04 Perkins Grant-Professional Development Allowable and Unallowable Expenses**

Employees may be reimbursed for expenses related to Perkins grant-funded workshops or conferences. In addition to college policies, such reimbursements must conform to grant specific requirements set by funding agency.

#### **3.04.1 Mileage**

Faculty will be reimbursed for mileage by using the College's reimbursable mileage rate. Mileage rates are listed in *DEE Exhibit A*. If the state approved rate falls below the institution rate, the lower rate will be used for reimbursement.

#### **3.04.2 Airfare**

Airfare is allowable at the lowest fare available. First-class or business-class upgraded airfare is not an allowable expense. Perkins will reimburse one checked bag and one carry-on bag for each flight. Receipts for checked baggage must be submitted with travel reimbursement request. All flights will be reserved with the College approved travel agent.

Flight reservations must be submitted 60-90 days in advance of travel date to ensure reasonable rates. If flight changes are made by employee after reservation confirmation, the flight change fees and non-refundable flight costs will be charged to the employee's department account.

#### **3.04.3 Car Rental**

Car rental fees, at destination, are not allowable in Perkins unless other transportation such as taxi, shuttle, or other ride-sharing service is not available for performing official business or unless car rental is more cost effective than alternate modes of travel. If other transportation is available and a car rental is necessary for out-of-state travel, the fees will be charged to the employee's department account.

Car rental fees, for out-of-state travel from college to destination, are not an allowable expense unless the employee has medical documentation restricting them from flying to/from the approved destination. If medical documentation is not provided, the car rental fees will be charged to the employee's department account.

Car rental fees, for in-state travel, are not an allowable expense in Perkins. If a car rental is necessary for in-state travel, the fees will be charged to the employee's department account.

If a car rental is allowable, gasoline for the rental car is approved with Perkins funds. If a car rental is allowed, personal accident insurance or personal effects coverage for rental cars will not be covered.

Car rental reservations will be completed with the College approved rental agency.

**3.04.4 Registration Fee(s)**

Registration fees to attend workshops or conferences are allowable expenses. Conference social events, meals, or recreational events available at a cost above the basic registration fee are not allowed with grant funds.

**3.04.5 Lodging**

Lodging is reimbursable up to the rate allowable for the destination city. Site-specific information on rates for in-state and out-of-state travel is available at <http://www.gsa.gov>. The difference between the actual and allowable lodging rates will be charged to the employee's department account.

**3.04.6 Parking**

Airport, lodging, and conference standard parking rates are allowable. Valet parking is not an allowable expense without medical documentation.

**3.04.7 Meals**

Per institutional policy, per-diem for meals will be charged directly to the employee's department account. Receipts for meals will not be needed for reimbursement.

**3.04.8 Other allowable and non-allowable expenses**

Taxi fares and other ride-sharing service fees for official business are allowable. Receipts for taxi or ride-share must be submitted with travel reimbursement request.

Other non-allowable expenses include tips or gratuities of any kind, alcoholic beverages, entertainment, recreational, social events, or any expense for other persons.

**DEE  
(Legal)**

**COMPENSATION AND BENEFITS: EXPENSE REIMBURSEMENT**

**SECTION ONE: GENERAL**

**1.01 Travel Services**

An employee of a public junior college who is engaged in official business may participate in the comptroller's contract for travel services. Gov't Code 2171.055(f); 34 TAC 20.301(b)(2)(E)

**TRAVEL REIMBURSEMENT RATES**

**SECTION ONE: TRAVEL REIMBURSEMENT RATES**

- 1.01** Pursuant to *Regulation DEE*, the travel reimbursement rates are as follows:
- 1.01.1** Mileage: Present IRS approved rate.
  - 1.01.2** Employee Meals: \$46/day; Breakfast: \$11.00, Lunch: \$15.00, Dinner: \$20.00
  - 1.01.3** Student Meals: \$32/day; Breakfast: \$8.00, Lunch: \$10.00, Dinner: \$14.00
  - 1.01.4** Lodging: \$150/night. Lodging expenses may exceed \$150/night with prior written approval from the Vice President of Business Affairs or the Vice President of Academic Affairs.
- 1.02** The College is exempt from paying state sales tax. The employee must provide a *Hotel Occupancy Tax Exemption Certificate* to the hotel to avoid state sales tax. Any sales tax paid is the responsibility of the employee.

### **OFF-CAMPUS TEACHING MILEAGE CALCULATION**

The following method should be used to calculate off-campus teaching mileage.

- (A) Miles from Residence to Teaching Center \_\_\_\_\_  
(B) Miles from Residence to Campus \_\_\_\_\_  
(C) Reimbursable Miles: (A) - (B) \_\_\_\_\_

If (C) a positive number, this is your excess mileage (one way) to be reported for reimbursement. If the result is negative, no reimbursement should be requested.

Examples:

- 1) An Instructor normally teaches at the Lufkin campus, but reports to Livingston one day. The instructor lives in Nacogdoches  
(A) = 66.2 miles  
(B) = 19.8 miles  
(C) = 46.4 miles

The instructor would report a reimbursement of 92.8 miles (46.4 x 2 (roundtrip)).

- 2) An Instructor normally teaches at the Lufkin campus, but reports to Crockett one day. The Instructor lives in Lufkin  
(A) = 45.4 miles  
(B) = 0 miles  
(C) = 45.4 miles

The instructor would report a reimbursement of 90.8 miles (45.4 x 2 (roundtrip)).

- 3) An Instructor normally teaches at the Lufkin campus, but reports to Woodville one day. The instructor lives in Jasper  
(A) = 27.8 miles  
(B) = 55.4 miles  
(C) = 0 miles

The instructor would report a reimbursement of 0 miles.





## **RETIREMENT PROGRAMS**

### **FULL-TIME EMPLOYEES**

- 1.01** Except for professional personnel participation in the optional retirement program, all personnel employed on a full-time, regular basis shall be members of the Teacher Retirement System of Texas.

Eligibility for participation in the optional retirement program (ORP) shall be subject to such rules as may be prescribed by the coordinating board.

Full-time faculty whose duties include teaching or research, fulltime administrators responsible for teaching and research faculty, and other professional employees such as librarians, a president, or other professional staff whose national mobility requirements are similar to those of faculty members and who fill a position that is the subject of nationwide searches in the academic community shall be eligible for participation in ORP. Classified employees shall not be eligible for participation in the ORP.

- 1.02** An eligible employee may exercise the option to participate in the optional retirement program only once. Election to participate in the optional retirement program must be made before the 91st day after becoming eligible and is irrevocable. An eligible employee who fails to elect the ORP during the 90-day period shall remain in the Teacher Retirement System for the remainder of employment in Texas higher public education.

To ensure that all employees who become eligible to select the ORP in lieu of the TRS are provided uniform and unbiased information on which to base their decision, on or before commencement of the 90-day period allotted for such a decision, at a minimum the College District shall provide such employees with introductory information on ORP provided by the Texas Higher Education Coordinating Board.

- 1.03** On or before commencement of the 90-day period allotted for newly eligible employees to select the ORP in lieu of the TRS, the College District shall provide written notification to such employees that selection of ORP in lieu of TRS entails certain responsibilities for the employee, including selection and monitoring of vendors and investments. The College District shall also provide written notification that the institution has no fiduciary responsibility for the market value of participants' investments or for the financial stability of the vendors chosen by the participants.

### **PART-TIME EMPLOYEES**

- 2.01** The College District maintains a retirement plan for part-time employees as required by law.

The plan is an ERISA exempt 403(b) defined contribution plan administered by TIAA-CREF.

The plan requires a contribution of 7.50% of gross wages on a tax-reduction basis. Neither the College District nor the State of Texas make any contribution to the plan.

All part-time employees, except TRS or ORP retirees and part time employees already participating in TRS, shall be required to participate in the plan.

### **TAX SHELTERED ANNUITIES**

**3.01** All employees are eligible to participate in the Tax Sheltered Annuity Program.

Contributions are subject to limits as established by the Internal Revenue Service.

The business office may require completion of the maximum exclusion allowance calculation to substantiate contribution amounts.

An employee can change contributions or company anytime during the year.

### **CARRIERS**

**4.01** Only carriers approved by the Board may write ORP policies for College District employees. Approved carriers may also write TSA policies.

The College District does not endorse or recommend any carriers nor does the College District advise employees whether to choose TRS or ORP.

New employees who transfer from other colleges with ORP and/or TSA policies may retain the same carriers as long as such carriers are authorized to write such policies in Texas and are authorized to conduct business with the College.

### **TEACHERS RETIREMENT SYSTEM**

**5.01** All eligible personnel, except faculty members in the optional retirement program, employed on a full-time, regular basis shall be members of the Teacher Retirement System of Texas.

### **OTHER PROVISIONS**

**6.01** All changes to payroll must be submitted to payroll in writing and filed in the business office five working days before the scheduled payroll date.

The College District may make available to carrier representatives directory information on employees unless employees advise the College District, in writing, that such information is not to be released.

The College District reserves the right to bar any carrier or its representative from campus for good cause.

**EMPLOYEE RIGHTS AND PRIVILEGES: FREEDOM OF ASSOCIATION**

**PROFESSIONAL ORGANIZATION MEMBERSHIP**

- 1.01** All personnel are encouraged to be members of and participate in professional organizations that provide excellent opportunities for professional growth and development.

The College District may provide funds for institutional memberships in professional organizations, but individual memberships are generally paid by the employee. Faculty are encouraged to belong to organizations whose major concerns coincide with the faculty member's teaching fields.

## EMPLOYEE COMPLAINTS AND GRIEVANCES

### SECTION ONE: GENERAL PROVISIONS

The intent of this policy is to resolve employee grievances in a fair and consistent manner while fostering a campus culture that values and respects all employees and encourages collaboration to address employee concerns. The college will ensure employees who file a grievance are not subject to discrimination or retaliation for doing so. All complaints will be treated as confidential to the extent allowed by law, and to the extent possible for the college to investigate issues and concerns related to complaints. In this policy, the terms “complaint” and “grievance” have the same meaning. “Grievant” means the employee who initiates the procedures set forth in this policy.

Student complaints or grievances are addressed in Local Policy FLD - Student Complaints. Employee complaints or grievances against students should be referred to the Executive Director of Student Affairs for investigation and resolution.

#### **1.01 Employee Rights**

Employees have the right to present grievances concerning their wages, hours of employment, or conditions of work. The right to present grievances is satisfied if employees have access to a person or persons in a position of authority to address their grievances. However, that authority is under no legal compulsion to take action to rectify the matter.

#### **1.02 Freedom from Retaliation**

Neither the Board nor any College employee shall unlawfully retaliate against an employee for appropriately expressing a concern or complaint informally or for filing a formal grievance.

#### **1.03 Communication with Trustees**

Employees are not prohibited from communicating with a Trustee regarding College operations except when communication between an employee and a Trustee would be inappropriate because of a pending hearing or appeal related to the employee.

#### **1.04 Other Complaint Processes**

Formal employee complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of the policies listed below require appeals to be submitted in accordance with the relevant complaint process:

1. Complaints alleging discrimination, including violations of Title IX of the Education Amendments Act of 1972 (gender), Title VII of the Civil Rights Act of 1964 (sex, race, color, religion, national origin), Age Discrimination in Employment Act of

2. 1967 (age), or Section 504 of the Rehabilitation Act, as amended, and the Americans with Disabilities Act of 1990 as amended (disability), shall be submitted in accordance with the Employee Freedom from Discrimination, Harassment, and Retaliation regulation (see: DIA Regulation in the AC Policies and Procedures Manual).
3. Complaints concerning retaliation relating to discrimination and harassment (see: DIA Regulation in the AC Policies and Procedures Manual).
4. Complaints concerning a commissioned peace officer who is an employee of the College shall be submitted in accordance with state law.

#### **1.05 Informal Complaint Process**

The College encourages employees to discuss informally concerns with their supervisors or with an appropriate supervisor who has the authority to address the concern. Concerns should be communicated as soon as possible to allow early resolution with the direct supervisor. Informal resolution is encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

#### **1.06 Formal Complaint Process**

An employee may initiate the formal grievance process described below by timely filing a written complaint form (see: DGBA Exhibit). Even after initiating the formal complaint process, the grievant is encouraged to seek informal resolution of his/her concerns. A grievant whose concerns are resolved may withdraw a formal complaint at any time. The process described in this policy does not create new or additional rights beyond those granted by law or Board policy. This policy does not require a full evidentiary hearing or “mini-trial” at any level.

#### **1.06 Whistleblower Complaints**

Employees shall file “whistleblower complaints” limited to adverse employment actions taken against the employee which are alleged to be based on the employee’s good faith report of a violation of a law by the College or a College employee to an appropriate law enforcement authority within the time specified by law. Whistleblower complaints shall be filed with the College President or designee. Timelines for the employee and the College set out in this policy may be shortened to allow the Board to make a final decision within sixty (60) calendar days of the initiation of the complaint.

#### **1.07 Complaints against Supervisors**

Complaints alleging a violation of law by a supervisor may be made to the College President or designee. The College President may delegate the investigation and resolution processes to an appropriate administrator. Complaint forms alleging a violation of law by the College President may be submitted directly to the Board President.

### **1.08 Filing Complaint Forms and Appeal Notices**

Complaint forms and appeal notices (see: DGBA Exhibit) may be filed by hand-delivery; by electronic communication, including email and fax; or by U.S. Mail.

- Hand-delivered filings shall be timely filed if received by the appropriate supervisor or designee by the close of business on the deadline.
- Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication.
- U.S. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate supervisor or designated representative no more than three (3) days after the deadline.

### **1.09 Scheduling Conferences**

The College shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the grievant fails to appear at a scheduled conference, the College may hold the conference and issue a decision in the grievant's absence.

### **1.10 Response**

Below the Board level, "response" shall mean a written communication to the employee from the appropriate supervisor. Responses may be hand-delivered, sent by electronic communication to the employee's e-mail address of record, or sent by U.S. Mail to the employee's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

### **1.11 College Business Days**

"Days" shall mean College business days according to the official College calendar, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."

### **1.12 Employee Representative**

The grievant may designate a representative on the Employee Complaint and Appeal Form (see: DGBA Exhibit) at any level of this process. If the grievant fails to identify a representative when the form is submitted, a representative shall not be allowed to attend the conferences at that level; however, the employee may designate a representative if he/she appeals the administrative response to the next level. "Representative" shall mean any person who or organization that does not claim the right to strike and is designated in writing by the employee to represent him or her in the complaint process. The representative may participate in person or by telephone conference call. The College may be represented by counsel at any level of the process.

### **1.13 Consolidating Complaints**

Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not file separate or serial complaints concerning any event or series of events that have been or could have been addressed in a previous complaint. When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the College may consolidate the complaints.

### **1.14 Untimely Filing of Complaints and Appeal Notices**

All time limits shall be strictly followed unless modified by mutual written consent or by this policy. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the grievant, at any point during the complaint process. The grievant may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

### **1.15 Costs Incurred**

Costs of any complaint shall be paid by the party incurring them.

### **1.16 Complaint Forms**

Complaints and appeals under this policy shall be submitted in writing on a form provided by the College (see: DGBA Exhibit). Copies of any documents that support the complaint should be attached to the complaint form. If the grievant does not have copies of these documents, the documents may be presented at the initial conference. After the initial conference, no new documents may be submitted by the grievant unless the grievant did not know the documents existed before the Level One conference. A complaint or appeal form that is incomplete in any material aspect may be dismissed, but may be refiled with all the required information if the refiling is within the designated time for filing.

### **1.17 Audio Recordings**

As provided by law, a grievant shall be permitted to make an audio recording of a conference or hearing under this policy at which the substance of the grievant's complaint is discussed. The grievant shall notify all attendees present that an audio recording is being made prior to the start of the conference.

### **1.18 Exclusions**

The following concerns are not subject to this policy:

- Contents of employee performance evaluations;
- Allegations of discrimination, harassment, and retaliation (see: DIA Regulation - Employee Freedom from Discrimination, Harassment, and Retaliation), except for allegations of retaliation for filing or participating in a grievance that does not involve alleged discrimination or harassment; however, an employee disciplined following a discrimination or harassment investigation may use this policy to challenge the disciplinary action;



- Reduction in force terminations;
- Program change;
- Challenges to ownership of intellectual property; and
- Resignations.

## **SECTION TWO: FORMAL GRIEVANCE AND APPEAL PROCESS**

### **2.01 Level One: Supervisor**

An employee may initiate the formal complaint process by timely filing the complaint in writing on a complaint form provided by the college (see: DGBA Exhibit). Complaint forms must be filed:

- a) Within ten (10) days of the date the employee first knew, or with reasonable diligence should have known, of the decision, action, or incident giving rise to the complaint or grievance; and
- b) With the lowest level supervisor who has the authority to remedy the alleged problem; in most circumstances, employee complaints shall be filed with his/her immediate supervisor. If the only supervisor who has authority to remedy the alleged problem is above the level of the immediate supervisor, the complaint may begin at the next level following the procedure, including deadlines, for filing the complaint form at the first level.

If the complaint is not filed with the appropriate supervisor, the receiving supervisor must note the date and time he/she received the complaint form and immediately forward the complaint form to the appropriate supervisor.

The appropriate supervisor shall conduct an investigation as necessary and schedule a conference with the grievant within ten (10) days after receipt of the written complaint. The supervisor may set reasonable time limits for the conference.

Absent extenuating circumstances, the supervisor shall provide the grievant a written response within ten (10) days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the supervisor may consider information provided at the conference and any other relevant documents or information the supervisor believes will help resolve the complaint.

The supervisor shall develop a record of the Level One process that includes the following documents and files, and submit the entire record to the Office of Human Resources:

- The original complaint form and any attachments;
- All other documents submitted by the grievant;
- The written response issued by the supervisor and any attachments;
- All other documents relied upon by the supervisor in reaching the initial decision; and
- Any audio or video recordings of conferences.

## **2.02 Level Two: Next Level Supervisor**

If the grievant did not receive the relief requested at Level One or if the time for a response has expired, the grievant may appeal to the next level supervisor in writing, on a form provided by the College, within ten (10) days of the date of the Level One written response or, if no response was received, within ten (10) days of the response deadline.

After receiving the Level Two Appeal notice, the next level supervisor shall request the record of the Level One conference (see above). The grievant may request a copy of the record if he/she agrees to bear the expense of providing that copy of the record.

The next level supervisor or designee shall schedule a conference within ten (10) days after the Level Two Appeal notice is filed. The conference shall be limited to the issues and documents considered at the initial conference. At the conference, the grievant may provide information concerning any documents or information relied upon by the administration for the initial decision. The supervisor or designee may set reasonable time limits for the conference.

The next level supervisor or designee shall provide the grievant a written response within ten (10) days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the next level supervisor or designee may consider the record, information provided at the second conference, and any other relevant documents or information the supervisor or designee believes will help resolve the complaint.

The supervisor shall develop a record of the Level Two process that includes the following documents and files, and submit the entire record to the Office of Human Resources:

- The full record of the Level One process;
- The original completed appeal form;
- The written response issued by the next level supervisor and any attachments;
- All other documents relied upon by the administration in reaching the decision; and
- Any audio or video recordings of conferences.

## **2.03 Level Three: College President**

If the grievant did not receive the relief requested at Level Two or if the time for a response has expired, the grievant may appeal to the College President. The appeal notice must be filed with the College President in writing, on a form provided by the College, within ten (10) days of the date of the written response from Level Two.

After receiving notice of the appeal, the College President shall request the Level Two Appeal record. The grievant may request a copy of the Level Two Appeal record and must agree to bear the expense of providing that copy of the record.

The College President or designee shall schedule a conference within ten (10) days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at the previous conference levels. At the conference, the grievant may provide information

concerning any documents or information relied upon by the administration for the initial decision. The College President or designee may set reasonable time limits for the conference.

The College President or designee shall provide the grievant a written response. The written response shall set forth the basis of the decision. In reaching a decision, the College President or designee may consider the record, information provided at any previous conferences, and any

other relevant documents or information the supervisor or designee believes will help resolve the complaint.

The College President shall retain a record of the Level Three Appeal process that includes the following:

- The full record of the Level One process.
- The full record of the Level Two Appeal process.
- The written response issued by the College President and any attachments.
- All other documents relied upon by the administration in reaching the decision.

#### **2.04 Level Four: Board of Trustees**

A grievant may appeal the Level Three response to the Board of Trustees if the grievant alleges a procedural irregularity in the administration of the College Policy on Employee Complaints/Grievance, or alleges a violation of a Local Policy adopted by the Board. If a grievance does not allege a procedural irregularity in the administration of the grievance process or a violation of Local Policy, the grievant may present the complaint at the Citizen Participation portion of a regular Board meeting.

The appeal notice must be filed with the College President in writing, on a form provided by the College, within ten (10) days of the date of the latest written response. The administration shall inform the grievant of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The administration shall provide the Level Three record to the Board. The grievant may request a copy of the full record and must agree to bear the expense of providing that copy of the record.

The College administration shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act (Texas Gov. Code § 551.074) and other applicable law.

The Level Four appeal shall be limited to the issues and documents in the record, except the administration may present evidence not included in the record to the Board during the hearing. If the administration decides to present evidence not included in the record, the administration shall provide the grievant notice of the nature of the evidence at least three (3) days before the presentation.

The Board President may set reasonable time limits and guidelines for the hearing, including an opportunity for the grievant and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Four Appeal. The Level Four Appeal hearing, including the presentation by the grievant or the grievant's representative, any presentation from the administration, and any questions from the Trustees with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting (excluding special board meetings). If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision reached prior to the appeal to the Board.

**ANGELINA COLLEGE  
EMPLOYEE COMPLAINT AND APPEAL FORM**

All formal complaints/grievances and appeals must be submitted using this form, and all fields must be completed. If a field is not relevant, write "N/A" in the space provided. **Please note** Complaints alleging discrimination, including violations of *Title IX of the Education Amendments Act of 1972, as amended* (sex and gender), *Title VII of the Civil Rights Act of 1964, as amended* (race, color, religion, national origin), *Age Discrimination in Employment Act of 1967, as amended* (age), or *Section 504 of the Rehabilitation Act, as amended*, and the *Americans with Disabilities Act of 1990 as amended* (disability), shall be submitted in accordance with the Employee Freedom from Discrimination, Harassment, and Retaliation regulation (see: *DIA Regulation* in the AC Policy and Procedure Manual).

Field 1 **Employee Name:** \_\_\_\_\_ Field 2 **Date:** \_\_\_\_\_

Field 3 **Mailing Address:** \_\_\_\_\_

Field 4 **Email Address:** \_\_\_\_\_ Field 5 **Phone Number:** \_\_\_\_\_

Field 6 **Select One Option by Filling in the Corresponding Circle:**

<input type="radio"/> LEVEL ONE: Complaint to Supervisor <input type="radio"/> LEVEL TWO: Appeal to Next Level Supervisor <input type="radio"/> LEVEL THREE: Appeal to College President <input type="radio"/> LEVEL FOUR: Appeal to Board of Trustees <div style="text-align: center;">(see Field 9 below)</div>	<b>OR</b>	<input type="radio"/> <b>DISCRIMINATION</b> <input checked="" type="checkbox"/> Title IX & Title VII: submit form to Dean of Student Affairs <input checked="" type="checkbox"/> ADEA, ADA & Section 504: submit form to Director of Human Resources <input checked="" type="checkbox"/> All other Discrimination: submit form to College President
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You may attach any relevant documents to this form. You may also attach additional pages if the spaces provided below are insufficient. If you choose to attach additional pages, please write "see attached" in the space(s) below.

Field 7 <b>Complaint:</b> Be specific (e.g., full names - including the name(s) of responsible person(s), date the alleged incident occurred, location(s), relevant rule(s) & regulation(s), etc.). The complaint must be in relation to an incident that has already occurred. <b>Do not reference multiple employment-related matters or matters already addressed in a grievance you previously submitted.</b>
Field 8 <b>Adverse Effect:</b> Explain how the alleged action or issue adversely affected or interfered with an employment-related matter.

Field 9 **Requested Relief:** State the specific corrective action or relief you are requesting. The corrective action or requested relief must be within the authority of AC to grant and shall not include a request for another employee to be disciplined.

Field 10 **Names of Witnesses** who have firsthand knowledge of the events being grieved:

\_\_\_\_\_  
\_\_\_\_\_

Field 11 **Name of Representative:** \_\_\_\_\_

“Representative” means any person or organization designated by the employee to represent him/her in the complaint process that does not claim the right to strike. You may identify a representative when the complaint form is initially submitted or when submitting an appeal form upon receiving a response to a Level One, Level Two, or Level Three process. If you fail to identify a representative when this form is submitted at each level, a representative shall not be allowed to attend the corresponding conference or hearing.

Field 12 **Level Four: Appeal to the Board of Trustees** - describe the alleged procedural irregularity in the administration of the *College Policy on Employee Complaints/Grievance*, or note alleged violation of College Policy below.

☐ Irregularity in administration of Complaint Policy

☐ Violation of College Policy

Note: If a Level Four appeal does not involve an allegation of a violation of Board Policy or an allegation of a procedural irregularity in the administration of the College Policy on Employee Complaints/Grievances, you may present the complaint at the Citizen Participation portion of a Board of Trustees meeting.

**SIGNATURE**

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PRINT NAME

**ADMINISTRATION USE ONLY**

Name of supervisor or administrator who received this form: \_\_\_\_\_

Date complaint form received: \_\_\_\_\_. Did employee discuss complaint with you informally? (Y/N) \_\_\_\_\_

Date of complaint conference or hearing: \_\_\_\_\_ Date written response sent to employee: \_\_\_\_\_

**Supervisor/Administrator must retain** (a) the original complaint form and any attachments, (b) all other documents submitted by the employee (Level One only), (c) the written response issued by the supervisor/administrator and any attachments, (d) all other documents relied upon by the supervisor/administrator in reaching the initial decision, and (e) any recordings of conferences.

## **EMPLOYEE RIGHTS AND PRIVILEGES: ACADEMIC FREEDOM AND RESPONSIBILITY**

### **SECTION ONE: ACADEMIC FREEDOM**

#### **1.01 Academic Freedom Commitment and Definition**

Academic freedom is a scholar's freedom to express ideas without unreasonable constraints or risk of professional disadvantage, to explore fully within the field of his or her assignment, and to give in the classroom and elsewhere such explanation or description of his or her subject as he or she believes to represent the truth.

The College is committed to academic freedom, and the Board of Trustees and administration shall respect and defend the academic freedom of College faculty and students. Any faculty member who believes his/her academic freedom is being unreasonably or illegally restricted is encouraged submit a complaint in accordance with the Employee Complaints and Grievances policy (DGBA - Local). Any student who believes his/her academic freedom is being unreasonably or illegally restricted is encouraged to submit a complaint in accordance with the Student Complaints policy (FLD - Local).

#### **1.02 Academic Freedom - General Principles**

Institutions of higher education exist for the common good. The common good depends upon an uninhibited search for truth and its open expression. Therefore, it is essential that faculty members be free to pursue scholarly inquiry without undue restriction, and to voice and publish individual conclusions concerning the significance of evidence that they consider relevant. Each faculty member must be free from the fear that others inside or outside the College community with differing opinions may threaten his or her professional career or the material benefits accruing from it.

Each faculty member is entitled to full freedom in the classroom in discussing the subject being taught. Within the bounds of professional behavior, faculty members also have full freedom to express disagreement with other members of the College community. Although a faculty member observes the regulations of the institution, he or she maintains the right to criticize and seek revision of those regulations.

Faculty members also are citizens of the nation, state, and community; therefore, when speaking, writing, or acting outside the classroom, they must be free from institutional censorship or discipline. On such occasions faculty members should make it clear that they are not speaking for the institution.



## **SECTION TWO: ACADEMIC ETHICS AND RESPONSIBILITIES**

### **2.01 General Principles**

For faculty members, the notion of academic freedom is linked to the equally demanding concept of academic ethics and responsibility. As a faculty member, a person assumes certain ethical obligations and responsibilities to students, to other members of the campus community, to the institution, to the profession, and to society at large.

### **2.02 Ethical Obligations and Responsibilities to Students**

Faculty members should foster scholarly values in students, including academic honesty, the free pursuit of learning, and the exercise of academic freedom.

Faculty members should act professionally in the classroom and in other academic relationships with students. Faculty members should exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. Faculty members are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching a controversial matter that has no relation to their subject.

Faculty members should maintain respect for the student and for the student's role as a learner. Faculty members should evaluate students on the true merit of their academic performance. Faculty members should be available at reasonable intervals to students for consultation on course work.

Faculty members shall not engage in any exploitation, harassment, or illegal discriminatory treatment of students.

### **2.03 Ethical Obligations and Responsibilities to Members of the College Community**

Faculty members shall neither harass nor exploit any member of the College community.

Faculty members shall respect and defend the free inquiry of associates. In the exchange of criticism and ideas, faculty members shall show due respect for the opinions of others.

Faculty members shall acknowledge the academic contributions of others, strive to be objective in their professional judgment of colleagues, and accept their share of faculty responsibilities for contributing to the governance of the institution.

### **2.04 Ethical Obligations and Responsibilities to the College**

A faculty member's comments regarding matters of public concern are protected even though they may be highly critical in tone or content, or even erroneous. The constitutionally protected rights of faculty members, as citizens, to freedom of expression on matters of public concern cannot be abridged. However, when a public employee makes statements pursuant to his or her official duties, the employee is not speaking as a citizen for First Amendment purposes, and the Constitution does not insulate the communications from employer discipline. Faculty members, like all citizens, are responsible for all actions that are not constitutionally protected.

Neither an employee nor anyone else has an absolute constitutional right to use all parts of a College building or its immediate environs for unlimited expressive purposes.

Faculty members should recognize that their primary responsibilities are to the institution as they determine the amount (if any) and character of work done outside of the institution. Such outside work shall be consistent with College requirements (See: College Policy LOCAL DBF).

Although faculty members may follow subsidiary interests, these must never compromise their freedom and willingness to draw intellectually honest conclusions.

When considering the interruption or termination of their service, faculty members should take into account the effect of their decision upon the institution and give due notice of their intentions.

## **2.05 Ethical Obligations and Responsibilities to the Profession**

Faculty members have ethical obligations and responsibilities to their profession. The fundamental responsibilities of a faculty member as a teacher and scholar include maintenance of competence in his or her field of specialization and exhibition of such professional competence in the classroom, studio, library, or laboratory and in the public arena by such activities as discussions, lectures, consulting, publications, or participation in professional organizations and meetings.

## **2.06 Ethical Obligations and Responsibilities to the Public**

Faculty members have ethical obligations and responsibilities to the public. The demonstration of professional integrity by a faculty member includes recognition that the society at large will judge the profession as well as the institution by his or her statements and behavior. Therefore, the faculty member should strive to be accurate, to exercise appropriate restraint, to be willing to listen to and show respect to members of the society at large who express different opinions, and to avoid creating the impression that the faculty member speaks or acts for the College when speaking or acting as a private person.

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. A College employee may not coerce, attempt to coerce, command, restrict, attempt to restrict, or prevent the payment, loan, or contribution of anything of value to a person or political organization for a political purpose.

## **EMPLOYEE STANDARDS OF CONDUCT**

All employees, members of the Board, and representatives of the College District will reflect the highest professional standards of ethics and integrity and always conduct official duties in accordance with the laws of Texas and the United States and goals and mission of the College District. [See AE] Employees are also encouraged to act in accordance with professional codes of ethics related to their position at the College District. All employees and members of the College District community will:

1. Be responsible for protecting confidential information.
2. Refuse to accept any gift, favor, or service that might reasonably tend to influence the discharge of official duties if such gift, favor, or service is offered with the intent to influence or control.
3. Avoid personal investments that could reasonably be expected to create a conflict of interest.
4. Be responsible for the creation of a positive and constructive environment essential for the teaching/learning process. Basic to that environment is freedom from harassment, concern for the individual student, concern for colleagues, maintenance of a drug-free and weapon-free campus and concern for the image of the institution in the community. Care must be taken to maintain professional boundaries in any student interactions.
5. Respect human dignity and the importance of diversity in an institution of education and learning, and promote respect for all cultures and peoples.
6. Ascribe to the judicious use of power vested upon their position in the institution and exercise particular care in relationships in which they have the responsibility for control. This is true whether it is the faculty/student or the supervisor/employee relationship.
7. Obey the law with respect to discrimination and oppose any violation of fair employment practices.
8. Keep proper records of all financial transactions and reports for which they are responsible.
9. Avoid using College District property or facilities for commercial purposes and avoid solicitation of students for commercial or political purposes.
10. Interact with colleagues and the community with a collaborative spirit to enhance the College District's mission, goals, and services for a better community.

11. Practice the current code of professional ethics related to their educational field. This includes use of social media and electronic communication guidelines for the profession.

**1.01 Reported Criminal History Information**

An employee shall notify the College President within three (3) calendar days of any arrest, investigation, law enforcement report, indictment, conviction, no contest or guilty plea, disposition or other adjudication involving the employee in an way for a felony, any offense involving moral turpitude, and any of the other offenses as indicated below:

Crimes involving moral turpitude (including misdemeanor offenses), which include:

Dishonesty; fraud; deceit; theft; misrepresentation; deliberate violence; felony possession, transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code; act constituting public intoxication, operating a motor vehicle while under the influence of alcohol or drugs or disorderly conduct; acts constituting family violence abuse under the Texas Family Code.

**FAILURE TO TIMELY REPORT ANY MATTER REQUIRED TO BE REPORTED UNDER THIS POLICY MAY RESULT IN ADVERSE EMPLOYMENT ACTION.**

Adverse employment action may be taken for failure to meet the College's standards of professional conduct or for any other activity, work-connected or otherwise, that, because of publicity given it, or knowledge of it among students, faculty, and community, impairs or diminishes the employee's effective performance of assigned job duties.

## **DISCIPLINE AND DISMISSAL OF EMPLOYEES**

### **SECTION ONE: GENERAL PROVISIONS**

The purpose of this regulation is to encourage fair, efficient, and equitable solutions for problems arising out of the employment relationship; to meet the requirements of state and federal law; to ensure compliance with institutional, divisional, and unit policies and rules; and to comply with requirements from funding and accreditation agencies.

All employees of the College, excepting only the College President, are employed on an at-will basis. College employees have no property right or interest in employment. Any employee may be dismissed at any time in the best interest of the College. The College may non-renew or terminate the employment of any employee at any time for any reason, except as otherwise provided by law.

The College has the right to modify any of the terms or conditions of employment, with or without advance notice. Nothing in this regulation creates a contract or property right to continued employment or changes the employment “at-will” relationship.

#### **1.01 Scope of Regulation**

This regulation is applicable to conduct or job performance of an employee that results in a decision to impose a disciplinary penalty of verbal reprimand, written reprimand with disciplinary probation, suspension without pay, or dismissal. It does not apply to:

- a) employees who are subject to other approved discipline or dismissal procedures;
- b) suspension with pay pending investigation of allegations relating to an employee;
- c) decisions not to offer reappointment to persons whose appointment for a stated period of one year or less expires at the end of such period; and
- d) dismissal of employees:
  - i. who occupy positions that are dependent upon funding from a specific source and such funding is not received;
  - ii. who, after all available leave has been exhausted, are unable to return to work to perform job functions for medical reasons;
  - iii. as a result of reorganization;
  - iv. because of financial exigency; or

v. who are not appointed but who are employed on a per diem or hourly rate and work on an as needed basis.

### **1.02 Employee Responsibility**

Each employee is expected to acquaint himself or herself with performance criteria for his/her particular job and with all rules, procedures, and standards of conduct established by the Board of Trustees, the College President, and the employee's administrative or instructional unit. An employee who does not fulfill the responsibilities set out by such performance criteria, rules, procedures, and standards of conduct may be subject to adverse personnel action.

### **1.03 Progressive Discipline**

Progressive discipline involves increasingly severe consequences each time an employee is disciplined. Immediate elevation of the level of disciplinary action, including dismissal or suspension without prior warning, may be justified at any occurrence of inappropriate behavior, based upon the seriousness and impact of the behavior(s) or action(s) or for multiple documented deficiencies.

For employees, progressive discipline sets clear standards and warns of consequences for noncompliance. It assures predictable, progressive, and equitable treatment and promotes fair decisions. For administration, progressive discipline maintains order and enforces College policies and procedures. It is a corrective process to help employees overcome work-related shortcomings, strengthen work performance, and achieve success. The discipline process also allows for the termination of employees who will not or cannot change unacceptable behavior or performance.

### **1.04 Levels of Disciplinary Actions**

Although the policy is to be applied consistently, because policies cannot anticipate every situation, some circumstances may require the College to impose more severe disciplinary action for certain conduct or omission than is contemplated by the policy. This policy shall provide each authorized supervisor the latitude to vary from the typical discipline when circumstances warrant.

The levels of disciplinary actions from least severe to most severe are:

1. verbal reprimand,
2. written reprimand and disciplinary probation,
3. suspension without pay, and
4. dismissal.

The College President must approve suspension without pay and dismissal prior to those actions being administered.

Once an employee is disciplined for any infraction, the progressive discipline process has been commenced with respect to all subsequent infractions. The College may modify and/or apply the policy in any manner it deems appropriate under the circumstances, including acceleration, skipping, or repetition of steps.

### **1.05 Conduct Subject to Disciplinary Action – Work Performance**

Failure of an employee to maintain satisfactory work performance standards can constitute good cause for disciplinary action including dismissal. The term “work performance” includes all aspects of an employee’s work.

Work performance is judged by the supervisor’s evaluation of the quality and quantity of work performed by each employee. When, in the opinion of the supervisor, the work performance of an employee is below standard, the supervisor should take appropriate disciplinary action.

If an employee’s work performance changes substantially between administrations of the annual performance review process, the supervisor must document how the employee’s work performance has changed as part of the progressive disciplinary process, and the supervisor must document the unacceptable work performance or behavior(s) when administering the next annual performance review.

### **1.06 Conduct Subject to Disciplinary Action – Unacceptable Behavior**

All employees are expected to maintain standards of conduct suitable and acceptable to the work environment. Disciplinary action, including dismissal, may be imposed for unacceptable behavior.

Examples of unacceptable behavior include, but are not limited to:

- a) falsification of times sheets, personnel records, or other College records;
- b) smoking anywhere;
- c) gambling, participating in lotteries, or any other games of chance on the premises at any time;
- d) soliciting, collecting money, or circulating petitions on the premises other than within the rules and regulations of the College;
- e) bringing intoxicants or drugs onto the premises of the College, using intoxicants or drugs, having intoxicants or drugs in one’s possession, or being under the influence of intoxicants or drugs on the premises at any time (Note: the College President may grant exceptions for special events or programs to allow the consumption of alcohol on campus);

- f) abuse or waste of tools, equipment, fixtures, property, supplies, or goods of the College;
- g) creating or contributing to unhealthy, hazardous, or unsanitary conditions;
- h) violations of safety rules or accepted safety practices;
- i) failure to cooperate with supervisor or coworker, impairment of function of work unit, or disruptive conduct;
- j) disorderly conduct, horseplay, or use of abusive language on the premises;
- k) harassment of other employees, students or visitors/guests, including sexual harassment;
- l) fighting, encouraging a fight or threatening, attempting or causing injury to another person on the premises;
- m) neglect of duty or failure to meet a reasonable and objective measure of efficiency and productivity;
- n) theft or unauthorized use of College physical, electronic, financial, or human resources;
- o) unauthorized use, theft, or release of College or student records and confidential information;
- p) destroying or defacing College property or records or the property of a student or employee;
- q) refusal to follow instructions or to perform designated work that may be required;
- r) repeated tardiness or absence, absence without proper notification to the supervisor or without satisfactory reasons or unavailability for work; and
- s) violation of policies or rules of the College.

### **1.07 Investigations**

All incidents that involve the potential for disciplinary action shall be investigated by the employee's supervisor or other designated administrative official (see: College Employee Freedom from Discrimination, Harassment, and Retaliation policy). If the investigation results in a preponderance of credible evidence establishing that the employee engaged in conduct warranting the disciplinary action (hereinafter "the evidentiary standard"), the supervisor shall hold a pre-disciplinary conference before seeking approval for proposed disciplinary action more severe than verbal reprimand.



### **1.08 Pre-disciplinary Conference**

The pre-disciplinary conference serves as an opportunity to avoid mistaken decisions to impose discipline. An employee shall be informed of the basis for the disciplinary action under consideration and have an opportunity to respond before a final decision is made to take disciplinary action.

There is no prescribed procedure for this conference. It should be informal. However, before reaching a final decision to impose discipline, the supervisor shall:

- a) inform the employee of the reasons for the proposed disciplinary action, the facts upon which the supervisor relies, the names of any persons who have made statements about the disciplinary incident, and the content of such statements;
- b) give the employee access to any documentary material that the supervisor has relied upon; and
- c) give the employee an opportunity to respond to the charges either orally or in writing within a reasonable time and to persuade the supervisor that the evidence supporting the charges do not meet the evidentiary standard.

### **1.09 Administering a Verbal Reprimand**

Following a pre-disciplinary conference, if the supervisor is persuaded the evidence supporting the charges meets the evidentiary standard, he/she may administer a verbal reprimand. When a verbal reprimand is administered, the supervisor should record the date of the reprimand, a description of the work performance or behavior(s) resulting in the reprimand, and any direction given for the employee to improve/change his or her behavior in the supervisor's management notes.

### **1.10 Permission to Impose Disciplinary Action More Severe than Verbal Reprimand**

After completing the pre-disciplinary conference, if the supervisor determines a disciplinary action more severe than verbal reprimand is necessary given the current behavior being addressed or given past disciplinary actions involving the employee, the supervisor should consult with the Director of Human Resources and should obtain authorization from the appropriate Executive Council member prior to administering a more severe level of discipline.

The College President must approve suspension without pay and dismissal prior to those actions being administered by the College.

### **1.11 Administering Disciplinary Actions More Severe than a Verbal Reprimand**

If the supervisor receives authorization to impose a more severe disciplinary action, the supervisor shall administer the discipline action by informing the employee in writing of the following:

- a) The disciplinary penalty being administered (i.e., written reprimand with probation, suspension without pay, or dismissal);

- b) the effective date of dismissal if applicable;
- c) the specific period for a probation if applicable;
- d) a specific period for a suspension without pay if applicable, not to exceed three (3) work days;
- e) the specific incident, conduct, course of conduct, unsatisfactory work performance, or other basis for the disciplinary penalty;
- f) any previous efforts to make the employee aware of the need to change or improve work performance or conduct;
- g) reference to any relevant rule, regulation, or policy;
- h) for written reprimands with probation, suspensions without pay, a performance improvement plan; and
- i) the right to appeal the disciplinary action at Level Two of Local Policy DGBA -Employee Complaints and Grievances, and provide the employee a copy of the policy.

#### **1.12 Effect upon Employee Benefits**

1. An employee who is suspended without pay continues to accrue vacation and sick leave, to be covered by group insurance, and to be entitled to other employee benefit programs.
2. If a suspension without pay is appealed and it is determined that there was not good cause for the suspension, the employee shall be entitled to payment for wages lost as a result of the suspension.
3. If the decision to dismiss an employee is not upheld upon appeal, the employee shall be reinstated to the same or similar position and shall be entitled to payment of back wages less any unemployment benefits received by the employee after the date of dismissal. Employee benefits such as vacation and sick leave shall be credited back to the date of dismissal.

#### **1.13 Records of Disciplinary Actions**

Copies of all documents pertaining to disciplinary actions shall be filed in the employee's personnel file maintained by the Office of Human Resources.

## **ASSIGNMENT AND SCHEDULES**

### **TEACHING LOADS**

**1.01** A full-time teaching load for faculty usually includes classes and/or labs during the standard work week—Monday through Friday. The teaching assignment may be on- or off-campus and include the evening program and distance learning (i.e. hybrid and Internet) as necessary. The responsibilities will involve advising, performing school and College District duties, participating in official College District functions, and attending general faculty meetings.

Teaching assignments and schedules will be made by the dean or department chair based on student needs and demand. All full-time faculty are expected to be able to teach all courses within their discipline and the College District will attempt to make full use of all personnel resources.

The teaching load is five classes, or 15 semester credit hours, each long semester. The load calculations may vary and the following principles apply to equating loads for each semester:

1. Lecture courses: One hour each week equals one credit hour. Virtual hours are equivalent for workload based on semester credit hours.
2. Laboratory courses: One hour lab each week equals 0.5 credit hour or may be paid by contact hour rate.
3. A practicum or co-op of approximately 20–25 students equates to three credit hours. If less than 20 students, the instructor will be paid pro rata of the course semester credit hours. (10–13 students = 1/2 credit; 5–7 students = 1/4 credit).
4. Private instruction: Three hours each week equals two credit hours as part of load. (1 hr. private = 2/3 credit) Overload hours are paid at the approved rate on the salary schedule.
5. Accompanying: Two hours equals one credit hour.  
Musical accompanying: Two equated credits.
6. Instructional contracts in specialized areas may reflect different loads related to the unique discipline, laboratory area, or extremely small class size (under 10). In specialized areas contact hour loads may vary from 16–35 contact hours each week.
7. Reduced classroom teaching loads may be approved to permit other special assignments and projects, including curriculum development. However, only one 3-4 SCH overload is allowed for these individuals.

8. Overload is the teaching load above the established standard class and laboratory load. This assignment requires consideration of the full-time load, total student enrollment, contact hours, number of preparations, instructional effectiveness, and any other campus responsibilities. In general, the upper limits of a teaching assignment shall be 21 semester hours or equivalent. Scheduled overloads should not reduce the time required for student conferences and other campus duties. Overloads in excess of 21 semester hours or equivalent must receive prior approval of the VPAA.

Courses taught in community services shall also be subject to these overload guidelines. Communication for a faculty member to teach a course shall be initiated by the Vice President of Workforce and Continuing Education with the appropriate Dean.

The teaching load for all part-time instructors is a maximum of two courses or eight semester credit hours. Additional teaching assignments must be approved by the VPAA in accordance with current TRS regulations.

Part-time and overload pay will be paid at the approved rate.

Summer load assignments may vary. Some are defined in contract letters with corresponding pay defined and others are dependent upon the needs of College District programs. The maximum normally allowed is two courses or eight semester credit hours; a request must be submitted and approved by the Vice President of Academic Affairs for additional hours.

10. Oversized classes require prior documentation of need and approval.

It is the responsibility of the Dean to assign faculty work-loads with current applicable policy.

It is the responsibility of the Dean to prepare an official report of the workload according to an established calendar on the form provided.

It is the responsibility of the Vice President of Academic Affairs to ensure that the College District's workload policy is being implemented, accurately reported, and maintained.

## **EMPLOYEE FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION**

### **SECTION ONE: STATEMENT OF NONDISCRIMINATION**

#### **1.01 Statement of Nondiscrimination**

The College prohibits discrimination, including harassment, against any employee on the basis of sex, gender, race, color, religion, national origin, disability, age, or any other basis prohibited by law.

#### **1.02 Retaliation**

The College prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report of harassment or discrimination, serves as a witness, or otherwise participates in an investigation.

#### **1.03 False Claims and Statements and Noncooperation with Investigations**

An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College investigation regarding discrimination or harassment shall be subject to appropriate disciplinary action.

### **SECTION TWO: DEFINITIONS**

#### **2.01 Employee**

Solely for the purposes of this policy, the term “employee” includes former employees, applicants for employment, unpaid interns, and volunteers.

#### **2.02 Discrimination**

Discrimination against an employee is defined as conduct directed at an employee on the basis of sex, gender, race, color, religion, national origin, disability, age, or on any other basis prohibited by law that adversely affects the employee’s employment.

#### **2.02 Prohibited Harassment**

Prohibited harassment of an employee is defined as physical, verbal, or nonverbal conduct based on the employee’s sex, gender, race, color, religion, national origin, disability, age, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

- 2.02.1** has the purpose or effect of unreasonably interfering with the employee’s work performance;
- 2.02.2** creates an intimidating, threatening, hostile, or offensive work environment; or

- 2.02.3** otherwise adversely affects the employee's performance, environment, or employment opportunities.

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

### **2.03 Sexual Harassment**

Sexual harassment is a form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

- 2.03.1** Submission to the conduct is either explicitly or implicitly a condition of an employee's employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or
- 2.03.2** The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment.

### **2.04 Sexual Violence**

Sexual violence is a form of sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability.

### **2.05 Examples of Sexual Harassment**

Examples of sexual harassment may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; rape; sexual assault; sexual battery; sexual coercion; and other sexually motivated conduct, communications, or contact.

### **2.06 Gender-Based Harassment**

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the employee's gender, the employee's expression of characteristics perceived as stereotypical for the employee's gender, or the employee's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment.

### **2.07 Retaliation**

Retaliation is punishing employees for asserting their rights to be free from discrimination including harassment. Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified reprimands, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

### **2.08 Prohibited Conduct**

In this policy, the term “prohibited conduct” includes discrimination, harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

## **SECTION THREE: REPORTING PROCEDURES**

### **3.01 Employee Report**

An employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should immediately report the alleged acts. The employee may report the alleged acts to his or her immediate supervisor. Alternatively, the employee may report the alleged acts to one of the College District officials below.

### **3.02 Title IX Coordinator**

Reports of discrimination based on sex, including sexual harassment or gender-based harassment, may be directed to the Title IX Coordinator. The College designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Name:	Tifini Whiddon
Title:	Director of Human Resources
Mailing Address:	Office of Human Resources, P.O. Box 1768, Lufkin, TX 75902-1768
Campus Address:	201 Administration

### **3.03 Employee ADA/Section 504 Coordinator**

In matters relating to employees, the College designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands the requirements of Section 504 of the Rehabilitation Act of 1973 as amended.

Name:	Tifini Whiddon
Title:	Director of Human Resources
Mailing Address:	Office of Human Resources, P.O. Box 1768, Lufkin, TX 75902-1768
Campus Address:	201 Administration

### **3.04 Other Antidiscrimination Laws**

The College President or designee shall serve as coordinator for purposes of College compliance with all other antidiscrimination laws.

### **3.05 Alternative Reporting Procedures**

An employee shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX Coordinator or the ADA/Section 504 Coordinator, may be directed to the College President. A report against the College President may be made directly to the Board President. If a report is made directly to the Board President, the Board shall appoint an appropriate person to conduct an investigation.

### **3.06 Timely Reporting**

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the College's ability to investigate and address the prohibited conduct.

### **3.07 Notice of Report**

Any College supervisor who receives a report of prohibited conduct shall immediately notify the appropriate College official listed above and take other steps required by this policy.

### **3.08 Investigation of Report**

**3.08.1** The College may request, but shall not require, a written report. If a report is made orally, the College official shall reduce the report to written form.

#### **3.08.2 Investigation of the Report**

Upon receipt or notice of a report, the College official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the College official shall immediately authorize or undertake an investigation regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.

#### **3.08.3 Referral**

If the College official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy, the College official shall refer the complaint for consideration under the Employee Complaints and Grievances policy (DGBA Local in the College's Policy and Procedure Manual), as appropriate.

#### **3.08.4 Interim Action**

If appropriate, the College shall promptly take interim action calculated to address prohibited conduct prior to the completion of the College's investigation.



**3.08.5 College Investigation**

The investigation may be conducted by the College official or a designee or by a third party designated by the College, such as an attorney (hereinafter “investigator”). The investigator shall have received appropriate training regarding the issues related to the complaint and the relevant College’s policy and procedures. The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations. When appropriate, the supervisor(s) shall be involved in or informed of the investigation.

**3.08.6 Concluding Investigation**

Absent extenuating circumstances, the investigation should be completed within ten (10) College business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation. The investigator shall prepare a written report of the investigation. The investigator shall prepare a written report of the investigation. The report shall be filed with the College official overseeing the investigation.

**SECTION FOUR: COLLEGE ACTION**

**4.01 Prohibited Conduct**

If the results of an investigation indicate that prohibited conduct occurred, the College shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct. The College may take action based on the results on an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

**4.02 Confidentiality**

To the greatest extent possible, the College shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

**4.03 Appeal**

A complainant who is dissatisfied with the outcome of the investigation may appeal through the Employee Complaints and Grievances process (see DGBA LOCAL in the AC Policy and Procedure Manual), beginning at the appropriate level. The complainant may have the right to file a complaint with appropriate state and federal agencies.

**4.04 Records Retention**

Retention of records shall be in accordance with the College’s records retention procedures.

**4.05 Access to Policy, Procedures, and Related Materials**

Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, shall be distributed annually to College employees and students in compliance with law and in a manner

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calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the College Policies and Procedures Manual, and other major College publications. Information regarding the policy, procedures, and related materials shall also be prominently published on the College's website, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College's administrative offices and shall be distributed to an employee who makes a report.

## **CAMPUS HOURS AND EMPLOYEE SCHEDULES**

### **SECTION ONE: CAMPUS HOURS**

- 1.01** The College strives to be responsive to the needs and preferences of its stakeholders, which include students and partners as well as the citizens of the communities served by the College. One manner in which the College is responsive to stakeholder needs and preferences is offering courses, college services, and campus events at convenient and appropriate times.
- 1.02** The College's normal operating hours for offices, programs, and services are 8:00 a.m. through 5:00 p.m. Monday through Friday.
- 1.02.1** The Academic Affairs division and the Community Services division may schedule course sections to begin and end on any day of the week and at any time of the day that meets the needs of students or employers.
- 1.02.2** The Student Affairs division may schedule student activities and programs on any day of the week and at any time of the day that meets the needs and preferences of students and student organizations as long as such scheduling is not substantially disruptive to the campus environment.
- 1.03** The College President or his/her designee may adjust the operating hours of the College in general or of specific administrative or instructional units of the College as necessary. The work hours of all employees are subject to assignment and reassignment by the College President or his/her designee at any time.

### **SECTION TWO: EMPLOYEE SCHEDULES**

#### **2.01 Full-Time Instructors**

As professional employees (see Regulation DN § 1.02), the College depends on full-time instructors to maintain work schedules that meet the needs of students and the expectations of the College. In addition to their assigned teaching loads and the related work (see DI Regulation), full-time instructors fulfill vital college functions such as curriculum and course design; continuous improvement of curricula, pedagogies, and courses; program review; support for student activities and other campus functions; service on college standing and ad hoc committees; service to their fields; and service to the community.

- 2.01.1** The College expects full-time instructors to work a minimum of 35 hours each week, although the College knows fulfilling the responsibilities of a full-time instructor will typically require more than 35 hours of work each week.

**2.01.2** The College requires full-time instructors to post and maintain five (5) office hours each week of each semester for student appointments.

Because student schedules are variable, each instructor should make a good faith effort to schedule his/her five office hours throughout the week. Any alternative arrangements for office hours must be approved by the Vice President of Academic Affairs.

Instructors should also provide directions for how students can schedule one-on-one appointments with the instructor at times other than posted office hours.

**2.01.3** The College does not require full-time instructors to post and maintain office hours during the summer semesters. However, the College expects instructors teaching in the summer to (a) inform students how to contact the instructor outside of class meetings; (b) respond in a timely manner to student questions or concerns; and (c) when requested by a student, meet individually with the student by appointment.

## **2.02 Adjunct Instructors**

The College expects each adjunct instructor to deliver the required contact hours for each course section the College assigns him/her to teach. For every hour of scheduled class or laboratory instruction, the College expects each adjunct instructor to spend an additional hour on tasks related to the course, such as planning and organizing the course, preparing necessary course materials and technology, documenting student learning and grading student assignments, assigning final grades, et cetera. Although the College does not expect adjunct instructors to post and maintain office hours, the College does expect adjunct instructors to (a) inform students how to contact the adjunct instructor outside of class meetings, (b) respond in a timely manner to student questions or concerns, and (c) when requested by a student, meet individually with the student by appointment.

## **2.03 Noncredit Instructors**

The primary duties of all noncredit instructors are teaching, learning assessment, and supporting student success. Full-time noncredit instructors work 40 hours per week in all weeks during which the College is open throughout the calendar year. The College limits teaching assignments for a part-time noncredit instructors to 19.5 hours per week, which includes time spent on tasks related to the course in addition to time spent in class sessions.

## **2.04 Executive Employees**

The College expects executive employees to work whatever hours are necessary to fulfill their responsibilities. Executive employees are exempt from earning overtime and compensatory time.

### **2.05 Administrative Staff**

The College expects employees assigned to administrative staff positions to work whatever hours are necessary to fulfill their responsibilities; however, the work assigned to administrative staff positions typically requires 40 hours per week during the College's normal operating hours (see section 1.02 of this regulation). Administrative staff are exempt from earning overtime and compensatory time.

### **2.06 General Staff**

Employees assigned to General Staff positions typically work during the College's normal operating hours (see section 1.02 of this regulation). The College will determine if each general staff position is eligible for overtime pay (i.e., hourly) or exempt from overtime pay (i.e., exempt) in accordance with relevant laws and regulations.

If a general staff position is hourly, the employee in that position should obtain authorization from his/her supervisor before working overtime. For employees in hourly positions, the College does not include lunch time as compensated time.

If a general staff position is exempt, the employee in that position should work whatever hours are necessary to fulfill his/her responsibilities; however, the work assigned to general staff positions typically requires 40 hours per week during the College's normal operating hours.

### **2.07 Clerical, Trades, and Labor Staff**

The College pays clerical, trades, and labor (CTL) staff positions on an hourly basis. Full-time employees in CTL positions typically work 40 hours per week. Each supervisor of employees assigned to CTL staff positions will establish and communicate the work schedule for his/her employees. An employee in a CTL position should obtain authorization from his/her supervisor before working overtime. The College does not include lunch time as compensated time.

## **SECTION THREE: WELLNESS ACTIVITIES**

### **3.01 Wellness Activities**

The College encourages regular wellness or fitness activities targeted to an employee's improved health. The College authorizes employees to use on-campus exercise facilities and equipment as long as such use does not interfere with College activities, services, or programs. With approval from the employee's supervisor, an employee may use on-campus exercise facilities and equipment for a reasonable period of time during his/her scheduled workday providing this time away from work activities does not (a) interfere with the fulfillment of the employee's job duties, (b) impose a hardship upon other employees or students, or (c) result in hourly employees being paid for time spent engaged in wellness or fitness activities.

## **PROFESSIONAL DEVELOPMENT**

### **PROFESSIONAL DEVELOPMENT AND QUALIFICATIONS**

The College District shall maintain a program to encourage professional growth and development. The College District provides internal activities, seminars, meetings, and classes that are for the purpose of staff development. Some of these are required while others are discretionary as determined by the individual and/or supervisor. Faculty and staff are encouraged to participate in these opportunities for professional growth and development. Many of these are arranged through the division of community services.

#### **Instructor Qualifications**

- 1.01** Instructors shall meet or exceed the current standards of the College Delegate Assembly of the Southern Association of Colleges and Schools Commission on Colleges.
- 1.02** Full-time and part-time faculty members teaching credit courses in humanities/fine arts; social/behavioral sciences, and natural sciences/mathematics must hold at least a master's degree. The master's degree may be in a major in the teaching discipline or include at least 18 graduate hours in the teaching discipline. If the master's degree is not in the teaching discipline, the faculty member must have successfully completed 18 graduate hours in the teaching discipline.

Each full-time and part-time faculty member teaching courses in professional, occupational, and technical areas, must possess either an associate degree or a bachelor's degree with at least three years of current and relevant work experience. The minimum academic degree for faculty teaching in professional and occupational areas with separate accreditation must be at the level required by the state and/or national accrediting organization. If students transfer in substantial numbers to a university, the instructors teaching must have a masters and 18 graduate hours in the discipline. Exceptions must be approved by the Vice President of Academic Affairs.
- 1.03** In exceptional cases, outstanding professional experience and demonstrated contributions to the discipline may be presented in lieu of formal academic preparation for faculty members teaching both transfer and non-transfer courses. Such exceptions will be justified on an individual basis.
- 1.04** Faculty members who teach in developmental programs must hold at least a bachelor's degree in a discipline related to their teaching assignment, and either classroom experience in a discipline related to their teaching assignment or graduate training in remedial education.
- 1.05** All laboratory assistants must have established work skills or other experiences that help them relate these skills to the professional, occupational, and technical areas.

All faculty members should have attributes and experiences that help them relate to a diverse student population.

**1.06** Hours beyond the master's degree affecting salary schedule placement shall be earned in the major teaching field of the instructor or in a supporting discipline (as approved by the Vice President of Academic Affairs) that shall advance teaching skill as a College District instructor.

**1.07** All full-time and part-time faculty must submit an application, official transcripts, and if appropriate, official documentation of professional and work experience, technical and performance competency, licenses and certifications, and other qualifications as defined in the vacancy announcement.

Each full-time faculty member must document completion of required professional development annually using the online professional development form. The file is maintained in the Office of Human Resources.

**English Proficiency**

**2.01** The College District shall establish a program of assessment and assistance for faculty and teaching personnel whose primary language is not English and require them to become proficient in the use of English. The College District affirms that all courses (with the exception of foreign languages) will be clearly taught in the English language. A faculty member may also use the native language of the student to provide individual assistance during course instruction. All position candidates will be notified of this requirement and all screening committees will evaluate English proficiency during the interview.

**2.02** The cost of an English proficiency course shall be paid by the faculty member lacking proficiency in English. A faculty member shall take the course until deemed proficient in English by his or her supervisor.

## **STATUS OF EMPLOYMENT: PERFORMANCE EVALUATION**

### **SECTION ONE: GENERAL PRINCIPLES**

#### **1.01 Purpose of Performance Evaluation**

The purpose of the annual performance evaluation process is to promote communication and provide useful feedback about job performance, to facilitate better working relationships, to provide an historical record of performance, and to contribute to professional development. Supervisors are encouraged to provide frequent informal feedback to employees to encourage excellence, to reinforce appropriate behavior, and to provide constructive guidance for improvement when necessary. By providing constructive feedback on a regular basis, the supervisor is giving the employee information about work performance and, if needed, allowing appropriate time to make corrections in performance and/or behavior.

#### **1.02 Frequency of Performance Evaluation**

The performance of all full-time personnel shall be formally evaluated on an annual basis. Although performance evaluation is not disciplinary in nature, the College may conduct formal performance evaluations more frequently in response to the administration of employee discipline or as part of a formal performance improvement plan.

#### **1.03 Confidentiality of Performance Evaluation Documentation**

All personnel files and performance evaluation documentation will be kept confidential to the extent allowed by law.

### **SECTION TWO: EMPLOYEE CATEGORIES**

#### **2.01 President**

The Board of Trustees will evaluate the performance of the College President annually at the regular meeting in which other contracts and the annual personnel plans are considered. The evaluation will focus on three areas:

1. Accomplishment of College District goals for the preceding year;
2. Performance of the College President's job description; and
3. Fulfillment of the code of ethics and leadership responsibilities of the American Association of Community Colleges.

A written summary of the evaluation will be signed by the Board President and the College President and will note any areas needing special goals for improvement. Action may be taken on the contract terms of the College President following the evaluation session.

The Board may also use this annual review session to assess their own performance of their governance and policy-making role through self-evaluation and through evaluation by the College President. The primary purpose of all administrative evaluation will be to effect improvement in administrative leadership in order to achieve the goals of the College District.



## **2.02 Executives**

Executive employees include the Vice President of Academic Affairs, the Vice President of Business Affairs, the Executive Director of Institutional Advancement and Student Affairs, and the Vice President of Workforce and Continuing Education, and the Executive Director of Marketing and Strategic Enrollment. The College President will evaluate the performance of executive employees annually and document the evaluation using the College's nonteaching staff annual performance review document.

## **2.03 Non-Teaching Staff**

Each supervisor will evaluate the performance of employees under his/her direction who are serving in non-teaching administrative, professional, clerical, labor, or trades positions annually. The supervisor will document the evaluation using the College's nonteaching staff annual performance review document. All annual performance evaluations must be completed and submitted to the Office of Human Resources.

### **2.03.1 Annual Performance Evaluation Process**

Supervisors should use the following process when conducting an annual performance evaluation:

- a) reflect on the full year, consulting management notes as necessary, and write observations about the employee's performance on the review document;
- b) review the position description to ensure it accurately describes the qualifications, duties, and responsibilities of the position;
- c) before meeting with the employee, give him/her a copy of the job description and a blank review document, and ask him/her to make notes about his/her performance over the past year using the review document;
- d) schedule a date/time to meet with the employee for an evaluation conference, and ensure the location of the meeting affords appropriate privacy for the conversation;
- e) during the conference, discuss proposed changes to the job description if necessary, ask the employee to share his/her self-assessment, and discuss your observations/feedback;
- f) document the supervisor's evaluation of the employee's performance informed by the conference on a review form;
- g) give the employee an opportunity to write a comment on the completed review form and ask the employee to sign the completed review form to document that he/she has received the evaluation (note that signing the form does not indicate the employee agrees with the content of the evaluation); and
- h) submit the completed review form and an updated position description (if necessary) to the Office of Human Resources.

### **2.03.2 Improvement Plans Related to Annual Performance Evaluations**

Supervisors must develop an improvement plan if the employee's performance in any of the position's duties and responsibilities or in the performance categories listed on the review form do not consistently meet expectations. The Office of Human Resources will provide guidance and support for developing an improvement plan as well as standard forms to document plans. The intent of improvement plans related to annual performance evaluations is to help the employee meet with the performance expectations of the College; the plans are not a form of discipline.

## **2.04 Faculty**

The College has a recognized need for regular performance evaluation of faculty members to ensure the quality and efficiency of the instructional process. Performance evaluation is also required for compliance with the standards of accrediting agencies such as the Southern Association of Colleges and Schools Commission on Colleges.

The College shall have defined performance standards for faculty members that are documented in the College's Policies and Procedures Manual. The evaluation of instructor performance shall consider input from the instructor as the provider of instruction, from students as the receivers of instruction, and from the appropriate Dean as the supervisor of faculty members. The process will identify the professional strengths and weaknesses of each instructor and define a plan of development for the instructor to overcome weaknesses and to maintain strengths.

The complete faculty evaluation timeline is presented DLA Exhibits A and B.

### **2.04.1 Purpose of Faculty Evaluation**

The major purpose of the College's faculty evaluation process is to assist each instructor in providing quality instructional services in order to fulfill the philosophy of the College.

### **2.04.2 Goals and Objectives of Faculty Evaluation**

The goal of the evaluation of faculty is to facilitate a regular avenue for ensuring mutual communication toward ongoing improvement in instructional effectiveness.

The goal of the evaluation of instruction is to assess the conditions in which instruction is given, the teaching abilities and techniques of the instructor, and how well or poorly the instructor associates with, guides, and advises learners to a successful educational experience.

### **2.04.3 Instructional Standards Criteria**

Quality instructional services are defined as those that provide for the mastery of a body of knowledge and skills, along with principles of scholarship and citizenship.

Instructional standards that support quality instructional services include but are not limited to:

- Mastery of the instructor's discipline;
- Clear instructional presentation to learners;
- Effective organization of course materials and activities;
- Clear communication that encourages learner response and thinking;
- A rapport with learners that stimulates the learning process; and
- Instructional techniques and assignments that enhance the learning process.

These instructional standards are what the evaluation process attempts to measure by providing a summary of instructional effectiveness.

### **2.04.4 Components of the Faculty Evaluation Process**

The College evaluates full-time faculty members using a three-step process. The first step in the evaluation system requires instructors to complete a self-assessment in which they provide information about their instructional approaches and effectiveness, institutional service, and plans for professional development. Instructors submit their self-assessments to the appropriate dean for inclusion in the overall instructor evaluation.

The second step in the evaluation process is a learner survey of instruction. The learner survey of instruction addresses students' perceptions of the instructor's mastery of subject, preparation, organization, attitude toward learners, grading system, attainment of course objectives, outside-of-class assignments, testing, and assistance to learners outside of the classroom. The results of these surveys are to be used by the individual instructors to identify areas of instruction that can be improved.

The third step in the evaluation process is an evaluation conducted by the appropriate dean. Deans complete the faculty evaluation forms annually for all full-time instructors. Deans will use the evaluation form to recommend rehire, identify the need for a developmental action plan, or recommend termination as appropriate. After the dean completes the evaluation forms, the dean will share a signed copy of the form stating the results of the evaluation immediately with the instructor. Each instructor will sign the faculty evaluation form and return it to the dean. The instructor will subsequently receive a copy of the signed form. The original signed form will be sent to Human Resources. The Dean and the Vice President of Academic Affairs will retain a copy. In addition, the Dean, Department Chair, or designee will observe each full-time instructor in the classroom or laboratory following the minimal schedule outlined in 2.04.5. The instructional observation will inform the evaluation of the instructor's performance.

The College evaluates adjunct instructors annually using a self-assessment, classroom observation when applicable, and learner surveys of instruction. The Dean, Department Chair, or designee will observe each adjunct instructor in the classroom or laboratory following the minimal schedule outlined in 2.04.5.

#### **2.04.5 Timetable and Methodology for Faculty Performance Evaluations**

Full-time and adjunct instructors will be observed in the classroom or laboratory according to the following schedule:

- with less than one year of service or less: each semester
- with more than one year but less than three years of service: once each year
- with over three years of service or more: once within a three-year period

The Dean will confer with each faculty member by February 15 of each year to discuss the instructor's performance.

The Dean will confer with the Vice President of Academic Affairs no later than February 28 to discuss the evaluations of all instructors. The Vice President will assist the Dean in formulating any developmental action plans necessary for the instructor(s).

The Vice President of Academic Affairs will use the faculty evaluation form along with other information as a basis for recommending appointment of each instructor for the ensuing academic year, to the College President. The Dean will review and record the progress of any developmental action plans that have been prescribed.

#### **2.04.6 Process for Resolution of Differences of Opinion**

Should the occasion arise where instructors disagree with the faculty evaluation summary as given in conference by the Dean, the faculty member should present the objection in writing to the Dean and call for a second conference with the Dean. If the second conference cannot resolve the disagreement, the faculty member and the Dean will forward the faculty evaluation summaries and their comments about the disagreement, in writing, to the Vice President of Academic Affairs. The Vice President will review the disagreement and call a conference with the faculty member and Dean. The Vice President will attempt to resolve the disagreement and will provide to the faculty member a written statement detailing any resolution. The decision of the Vice President is final. In no case will disagreement proceedings be used to discriminate against the faculty member in determining tenure or contract renewal.

#### **2.04.7 Utilization of Performance Evaluations for Tenure and Appointment Recommendations**

The faculty evaluation form summarizes the instructor's performance and prescribes improvements if necessary. The form will also recommend renewal or nonrenewal of appointment for the ensuing academic year.

The following guidelines will govern the recommendation given:

*Non-Tenured Faculty Members*

If the performance evaluation for a non-tenured faculty member shows an inability to meet the instructional standards of the College, the evaluation may be a basis for non-renewal of the instructor's appointment. However, the College has the right to modify any of the terms or conditions of employment, with or without advance notice. Nothing in this regulation creates a contract or property right to continued employment or changes the employment "at-will" relationship.

*Tenured Faculty Members*

The performance evaluation of a tenured faculty member could lead to a recommendation for non-renewal if good cause for dismissal is established (see: *DHA Regulation, Section Two*).

If the College is considering dismissal of a faculty member with tenure for behavior or performance issues that could be corrected by the faculty member within a reasonable timeframe as determined by the College, the College will take the following steps prior to dismissing the employee:

- a) Provide written notice to the faculty member that includes a description of the behavior or performance issue and a developmental plan to guide the faculty member in correcting the issue.
- b) After issuing the notice, regular conferences with the direct supervisor will be used to monitor and document progress toward meeting expectations or correcting behavior.
- c) Not later than the last Monday in February, the Vice President of Academic Affairs will apprise the President if he/she recommends not reappointing the faculty member for the next academic year.
- d) The President will provide written notice to the faculty member by April 1 if the College is not going to reappoint him/her. (*See Regulations DHA Section 2.04*)

*Adjunct Instructors*

A decision to discontinue the services of an adjunct faculty member may be reached on the basis of faculty evaluation. The College has the right to modify any of the terms or conditions of employment, with or without advance notice. Nothing in this regulation creates a contract or property right to continued employment or changes the employment "at-will" relationship. An unsatisfactory evaluation may result in a developmental action plan being prescribed. The dean or designee may decide not to hire any adjunct faculty member for any future semester.

## STATUS OF EMPLOYMENT: EVALUTION

### ANNUAL SCHEDULE FOR EVALUATION PROCEDURES FULL-TIME FACULTY

<b>ACTION</b>	<b>DATE</b>
Dean observes instructor in classroom.	By November 15 in the fall and April 15 in the spring.
Instructor submits completed instructor input and self-assessment forms to Dean.	By December 1.
Instructor and Dean complete instructional appraisal forms.	By December 1 in the fall and May 1 in the Spring.
Instructor administers learner survey of instruction to students.	During the last three weeks of the semester (fall and spring).
Dean returns completed learner surveys (or summaries of tabulations) to the instructor.	By January 31 for fall surveys or by May 31 for spring surveys.
Dean gives the completed faculty evaluation form to the instructor. The instructor signs all copies and will be given the original. The instructor and the Dean will discuss the recommendation. Dean retains a copy of the completed and signed form.	By February 15.
Dean meets with the Vice President of Academic Affairs (VPAA) to discuss faculty evaluation forms and to formulate any needed developmental action plans for the faculty.	February 28.
The VPAA gives annual report of faculty strengths and weaknesses to the College President.	By June 30.
Dean observes instructor in the classroom.	By December 1.
Instructor and Dean completes instructional observation forms.	By December 1.

**STATUS OF EMPLOYMENT: EVALUTION**

**ANNUAL SCHEDULE FOR EVALUATION PROCEDURES  
ADJUNCT FACULTY**

<b>ACTION</b>	<b>DATE</b>
Dean observes instructor in the classroom. *	By November 30 in the fall and April 30 in the spring.
Dean and instructor completes instructional appraisal forms. *	By December 1 in the fall and May 1 in the spring.
Instructor submits completed learner surveys to the Dean. *	No later than the last day of the semester (fall and spring).
Dean returns completed learner surveys (or summaries of tabulations) to the instructor.	By January 31 for fall surveys or by May 31 for spring surveys.

\*Dean or other qualified College personnel.

## PERSONNEL POSITIONS

### SECTION ONE: FACULTY

**1.01** Members of the faculty are generally responsible for ensuring the achievement of appropriate student learning and academic program outcomes as well as contributing to the overall educational environment of the College. See *Regulation DNA* and associated exhibits for detailed faculty position descriptions. All job descriptions are available in the Office of Human Resources.

#### **1.02 Full-Time Instructors**

The job title of full-time members of the faculty is “instructor”. Instructors are full-time, professional employees, and instructors are exempt from overtime compensation under the Fair Labor Standards Act (29 CFR 541.303(a)). Instructors are not eligible for vacation leave.

**1.02.1** Each fiscal year, the College engages instructors in 34-week contracts for the fall and spring semesters of that year, or 42-week contracts for the fall and spring semesters and one summer semester of that year. From time to time, the College may adjust the number of weeks, and prorate the salary accordingly, in a specific instructor’s contract for a given year to align with variations in the academic calendar.

**1.02.2** Upon initial employment, the College sets each instructor’s salary according to the Instructor Salary Schedule, which the College publishes annually in the Operating Budget. In subsequent years, if the College offers a contract to an instructor, the College will include in the contract amount any salary adjustments approved by the Board of Trustees in past or current fiscal years for which the instructor is eligible.

**1.02.3** Because faculty play a critical role in fostering a vibrant learning community, the College expects instructors to spend at least 35 hours per week on campus engaged in (a) direct student instruction, (b) office hours, (c) service to the College through committee work or other work related to the academic mission of the College, or (d) support of co-curricular, extra-curricular, or approved community-engagement activities. The Vice President of Academic Affairs may authorize an instructor to include hours spent off campus during which the instructor is engaged in scheduled online interactions or off-campus activities/programs similar to those described in this subsection on a semester-by-semester basis.

#### **1.03 Adjunct Instructors**

The job title for a part-time member of the faculty is “adjunct instructor”. Adjunct instructors are part-time, professional, at-will employees, and adjunct instructors are exempt from overtime compensation under the Fair Labor Standards Act (29 CFR 541.303(a)). The primary duties of adjunct instructors are teaching, learning assessment,



and supporting student success in the classroom. An adjunct instructor's assignment shall not exceed eight (8) semester credit hours, inclusive of classroom and laboratory instruction, without prior approval of the Vice President of Academic Affairs. The Board of Trustees approves the compensation rate by semester hour for adjunct instructors annually, and the College publishes the rate in the Operating Budget. See *Regulation DNA* for a detailed faculty position description.

#### **1.04 Noncredit Instructors**

All noncredit instructors (full-time and part time) are at-will employees who are qualified to teach workforce education classes, adult basic education classes, or personal interest classes. The primary duties of all noncredit instructors are teaching, learning assessment, and supporting student success. All noncredit instructors are exempt from overtime compensation under the Fair Labor Standards Act (29 CFR 541.303(a)). Full-time noncredit instructors work 40 hours per week in all weeks during which the College is open throughout the calendar year, and they accrue vacation leave. Upon initial employment, the salary of a full-time noncredit instructor is set according to the Instructor Salary Schedule. The teaching assignment for a part-time noncredit instructor is limited to 19.5 hours per week, except with prior approval from the Vice President of Workforce and Continuing Education. The hourly compensation for part-time noncredit instructors is set according to the noncredit pay schedule published in the annual Operating Budget.

### **SECTION TWO: STAFF**

Detailed job descriptions for all staff positions are available in the Office of Human Resources.

#### **2.01 Executive**

Executives are full-time, professional employees who contribute to the general leadership and direction of the institution with direct responsibility for a significant division of the College. Executive positions are exempt from overtime compensation under the Fair Labor Standards Act (29 CFR 541.100). The College President sets Executive compensation based on market conditions and College resources, and the Board of Trustees reviews Executive compensation when it considers the College President's annual personnel plan.

#### **2.02 Administrative Staff**

Administrative staff members are full-time, professional employees whose primary duties involve performing office or non-manual work directly related to the management or operations of the College. As part of their primary duties, Administrative Staff exercise discretion and independent judgment with respect to matters of significance in their assigned areas. Administrative staff are exempt from overtime compensation under the Fair Labor Standards Act (29 CFR 541.200). The College sets compensation for Administrative Staff using the Salary Grades chart, which is published annually in the Operating Budget.

**2.03 General Staff**

General staff members are full-time or part-time employees whose work requires specialized knowledge or skills; ability to reliably complete complex or nuanced tasks; and/or specialized service to students, internal clients, or the public. The College will determine if each general staff position is exempt from overtime compensation under the Fair Labor Standards Act on a case-by-case basis. The College sets compensation for General Staff using the Salary Grades chart, which is published annually in the Operating Budget.

**2.04 Clerical, Labor, and Trades Staff**

Clerical, Labor, and Trades staff members are full-time or part-time employees who are eligible to earn overtime compensation under the Fair Labor Standards Act. Clerical Staff generally perform day-to-day office tasks, such as answering telephones; entering or accessing data using software; providing routine service to students, internal clients, or the public; word processing; sorting and filing; photocopying and collating; record keeping; appointment scheduling; and minor bookkeeping. Trades Staff are employees who specialize in a particular occupation that requires work experience, on-the-job training, and often formal vocational education. Labor Staff are employees who perform tasks that require minimal training or education. The College sets compensation for Clerical, Labor, and Trades Staff using the Salary Grades chart, which is published annually in the Operating Budget.

**SECTION THREE: STUDENT EMPLOYEES**

The College may employ students to work in a broad range of jobs. The working conditions and pay rates for comparable student jobs are the same regardless of the source of funding for the position (see below). Student employees are eligible for overtime compensation under the Fair Labor Standards Act; however, in order to support students' academic endeavors, the College will not authorize overtime for student employees.

**3.01 Federal College Work Study**

Student employees in the Federal College Work Study program must qualify under Federal requirements, demonstrate financial need, and maintain satisfactory academic progress. The maximum work schedule is 19 hours per week during. Full- and part-time students may be eligible for Federal College Work Study.

**3.02 Texas College Work Study**

Student employees in the Texas College Work Study (TCWS) program must qualify under the TCWS program provisions. They may work only during the fall and/or spring semesters, not the summer semesters. They must demonstrate financial need and maintain satisfactory academic progress. The maximum work schedule is 19 hours per week. Full- and part-time students may be eligible for TCWS.

**3.03 Angelina College Work Study**

Student employees in the Angelina College work study program must maintain satisfactory academic progress, but do not have to demonstrate financial need. They may work during any semester. The maximum work schedule is 19 hours per week.

## **PERSONNEL POSITIONS: FACULTY POSITION DESCRIPTION**

### **SECTION ONE: DEFINITIONS**

- 1.01** “Instructors” are full-time, professional employees whose duties include teaching, academic advising, supporting student success, conducting learning assessment, engaging in curriculum development and continuous improvement, providing professional service to the College, and contributing to academic fields and to the College’s service area.
- 1.02** “Adjunct Instructors” are part-time, professional employees whose duties include teaching, learning assessment, and supporting student success.

### **SECTION TWO: MINIMUM QUALIFICATIONS**

- 2.01** Instructors and adjunct instructors shall meet or exceed the minimum qualifications (e.g., academic credentials, licensures, experience, etc.) for the field in which they teach as established by Angelina College, the Texas Higher Education Coordinating Board, and the Southern Association of Colleges and Schools Commission on Colleges.
- 2.02** The Vice President of Academic Affairs is responsible for ensuring all instructors and adjunct instructors meet or exceed minimum qualifications and for maintaining a credential file with appropriate and adequate documentation of qualifications for each instructor and adjunct instructor employed by Angelina College.
- 2.03** Instructors and adjunct instructors are responsible for providing appropriate documentation of academic credentials, licensures, and experiences to the Vice President of Academic Affairs to establish they meet or exceed minimum qualifications, including newly acquired credentials, renewed licenses, or new experiences.

### **SECTION THREE: SUPERVISION RECEIVED**

- 3.01** All instructors and adjunct instructors are assigned to one of the academic schools. The Vice President of Academic Affairs may reduce the number of credit hours a full-time instructor is assigned to teach (release time) in consideration of a temporary, part-time, non-teaching administrative assignment.
- 3.02** Instructors and adjunct instructors receive supervision from the Dean or Department Chair responsible for the school or department to which they are assigned.
- 3.03** For each academic program or curricular area, the College appoints one full-time instructor or qualified academic administrator to serve as lead instructor responsible for coordinating the program as well as for leading curriculum development, review, and outcomes assessment for the program under the supervision of the Dean to which the program or curricular areas is assigned.

**3.04** For any academic program that obtains program-level accreditation, the College appoints a Program Director responsible for all functions assigned to a lead instructor in addition to exercising functional supervision for all instructors and adjunct instructors assigned to that program. The Dean responsible for an academic school in which an accredited program is housed shall supervise the Program Director and exercise administrative supervision of instructors and adjunct instructors in that program.

**3.04.1** For the purposes of this Section, “functional supervision” shall involve tasks related to the assignment and distribution of work, including training, scheduling, learning outcome assessment, curriculum development and continuous improvement, task assignments, and checking on work performance. Functional supervisors shall provide input on the hiring, evaluation, and contract renewal of instructors and adjunct instructors assigned to a program.

**3.04.2** For the purposes of this Section, “administrative supervision” shall involve tasks requiring the exercise of independent judgment including hiring recommendations, performance evaluations, assignment of employee discipline, and termination or nonrenewal recommendations.

#### **SECTION FOUR: DUTIES AND RESPONSIBILITIES**

**4.01** The following subsections are not intended to provide a comprehensive listing of activities, duties, and responsibilities required of instructors and adjunct instructors. The specific duties and responsibilities of instructors and adjunct instructors may vary given the diverse nature of academic fields or best pedagogical practices.

**4.02** Instructors and adjunct instructors are generally responsible for ensuring the achievement of appropriate student learning and academic program outcomes as well as contributing to the overall educational environment of the College.

**4.03** The faculty has primary responsibility for the content, quality, and effectiveness of the curriculum, including the development and approval of new curriculum and the assessment and continuous improvement of existing curriculum. Individual instructors are expected to support the fulfillment of this responsibility.

**4.04** In addition to (a) providing quality instruction, (b) supporting curriculum development and review, and (c) helping foster an optimal educational environment, instructors are responsible for actively assisting the College fulfill its mission through service to the College and service to the community.

**4.04.1** Examples of service to the College include membership on a standing committee or ad hoc committee; advising a registered student organization; promoting, developing, or improving the instructional and student service programs of the College, the educational image and philosophy of the College, or the operational practices, policies, and procedures of the College; assisting in the student recruitment, registration, retention, and completion processes and initiatives; and/or continued professional growth through attendance and participation in professional meetings, subject area meetings, faculty development programs, further education, or other appropriate means.

**4.04.2** Examples of service to the community include membership on the board of directors for nonprofit organizations; volunteer service related to the instructor's field of study at independent school districts in the College's service area; participation in economic development, leadership, or community service campaigns, programs, or events in the College's service area; service in elected office in the College's service area; and/or participating in the outreach, marketing, or public relations efforts of the College.

- 4.05** The College expects all instructors to fulfill the following duties and responsibilities:
- Foster an engaging, supportive, and challenging learning environment in classrooms, laboratories, shops, and co-curricular programs.
  - Teach 15 credit hours per semester of organized courses according to the College Catalog description, the syllabus, and the schedule of classes.
  - In collaboration with instructors assigned to the same academic unit, exercise responsibility for the content, quality, and effectiveness of assigned curriculum.
  - For assigned academic unit and/or educational program, participate with colleagues and administrators in identifying expected learning outcomes, assessing the extent to which students achieve those outcomes, and provide evidence of improvement based on the analysis of the results.
  - As an individual and as a member of various Standing Committees, participate in the promotion, development, and continuous improvement of the College's academic and administrative policies, procedures, programs, and services.
  - Assist in the student registration and academic advising processes, including the maintenance and updating of associated records.
  - Maintain appropriate order and control of instructional settings to ensure a productive and engaging learning environment.
  - Report disruptive or inappropriate student behavior to the Executive Director of Student Affairs as necessary for the administration of the Student Conduct and Discipline Program (see *FLB Local*).
  - Appropriately exercise the authority to direct students who exhibit disruptive or inappropriate behavior to leave an instructional setting immediately.

**DNA  
(REGULATION)**

- At the beginning of each semester, distribute appropriate course information to students in each assigned course section according to the instructional arrangements policy (see: *EC Regulation*).
- Emphasize to students the importance of prompt, regular, and continuous class attendance according to the student admissions and attendance policy (see: *FBD Regulation*).
- Maintain accurate attendance and academic records of students enrolled in assigned course sections according to grading and credit policies and procedures (see: *EGA Regulation*).
- Submit semester class rolls, final class rolls, final grades, and grade book records to the Registrar's Office according to the directives of the Office.
- Provide regular and appropriate feedback to students enrolled in assigned course sections to help them gauge their academic performance and their acquisition of course content.
- Develop and proctor all examinations administered in assigned course sections.
- Post and hold a minimum of five (5) office hours per week according to the workload policy (see: *DJ Regulation*).
- Counsel students concerning problems related to the academic program. Counseling for personal, disciplinary, or other issues may, in the judgment of the instructor, be referred to the Executive Director of Student Affairs.
- Provide accommodations to students with disabilities as directed by Student Affairs.
- Aid in planning academic programs and policies in cooperation with the appropriate administrators and College Standing Committees.
- Prepare appropriate and current course syllabi according to the instructional arrangements policy (see: *EC Regulation*) .
- Attend scheduled faculty meetings, school meetings, and committee meetings.
- Review and uphold the established policies and procedures of the College, and communicate problems, grievances, or suggestions to the Dean or to the Vice President of Academic Affairs, as appropriate.
- Assist in the recruitment and retention of students as appropriate.
- Bolster the College's public image and support its educational philosophy through actions and interactions in all instructional settings and in the community.
- Strive for continued professional growth through attendance and participation in professional meetings, subject area meetings, faculty development programs, further education, or other appropriate means.

**4.06** The College expects all adjunct instructors to fulfill the following duties and responsibilities:

- Foster an engaging, supportive, and challenging learning environment in classrooms, laboratories, and shops.
- Teach assigned course sections according to the College Catalog description, the syllabus, and the schedule of classes.

**DNA  
(REGULATION)**

- Conduct learning assessments and implement improvements based on the analysis of the results as directed.
- Maintain appropriate order and control of instructional settings to ensure a productive and engaging learning environment.
- Report disruptive or inappropriate student behavior to the Executive Director of Student Affairs as necessary for the administration of the Student Conduct and Discipline Program (see: *FLB Local*).
- Appropriately exercise the authority to direct students who exhibit disruptive or inappropriate behavior to leave the instructional setting immediately.
- At the beginning of each semester, distribute appropriate course information to students in each class according to the instructional arrangements policy (see: *EC Regulation*).
- Emphasize to students the importance of prompt, regular, and continuous class attendance according to the admission and attendance policy (see: *FBD Regulation*).
- Maintain accurate attendance and academic records of students enrolled in assigned course sections according to the grading and credit policy and procedures (see: *EGA Regulation*).
- Submit semester class rolls, final class rolls, final grades, and grade book records to the Registrar's Office according to the directives of the Office.
- Provide regular and appropriate feedback to students enrolled in assigned course sections to help them gauge their academic performance and their acquisition of course content.
- Develop and proctor all examinations administered in assigned course sections.
- Appropriately refer students to the Executive Director of Student Affairs for personal, health, or other issues.
- Provide accommodations to students with disabilities as directed by Student Affairs.
- Execute assigned course sections in accordance with the approved course syllabi.



## **EMPLOYEE STANDARDS OF CONDUCT: HARASSMENT**

Sexual harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an employee, student, or group of employees or students because of his or her gender and that:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment; or
2. Has the purpose or effect of unreasonably interfering with an individual's performance of duties or studies; or
3. Otherwise adversely affects an individual's employment or academic opportunities

Harassing conduct includes (1) epithets, slurs, negative stereotyping, threatening intimidation, or hostile acts that relate to gender; and (2) written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of gender and that is placed on walls, bulletin boards, elsewhere on College District premises, or is circulated in the work place.

Employees shall not engage in conduct constituting sexual harassment. College District officials or their agents shall investigate all allegations of sexual harassment and officials shall take prompt and appropriate disciplinary action against employees found to engage in conduct constituting sexual harassment.

An employee or student who believes he or she has been or is being subjected to any form of sexual harassment shall bring the matter to the attention of the appropriate dean or their immediate supervisor, in accordance with the procedures in the College District's grievance policy. [See DGBA(LOCAL)] However no procedure or step in that policy shall have the effect of requiring the employee or student alleging harassment to present the matter to a person who is the subject of the complaint, nor shall a sexual harassment complaint be dismissed because it is not filed within the time lines set out in DGBA(LOCAL).

It is the policy of the College to provide a work environment free from oppression, harassment and hostility.

## **EMPLOYEE STANDARDS OF CONDUCT: HARASSMENT**

### **Notice of Employee Rights**

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#### **What is the College District policy concerning sexual harassment?**

The College District forbids employees from engaging in conduct that constitutes sexual harassment of other employees or of students.

The College District encourages employees to come forward with allegations of sexual harassment or misconduct in the workplace. Employees who report sexual harassment will not be subjected to adverse treatment for reporting the harassment.

#### **What is sexual harassment?**

“Sexual harassment” includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Such conduct constitutes sexual harassment when submission to such conduct is made a term or condition of employment or has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment. “Sexual harassment” includes same-sex harassment when the harassment constitutes discrimination because of sex.

#### **What laws address sexual harassment?**

Title VII is a federal law that prohibits discrimination on the basis of race, color, religion, sex, or national origin. The Texas Labor Code, Section 21.051, makes it an unlawful employment practice for an employer to discriminate on the basis of race, color, disability, religion, sex, national origin, or age.

Title VII does not prohibit genuine but innocuous differences in the way men and women routinely interact with members of the same sex and of the opposite sex. It forbids only behavior so objectively offensive as to alter the “conditions” of the victim’s employment.

#### **What do I do if I believe I have been the victim of sexual harassment?**

Employees are encouraged to report allegations of sexual harassment as soon as possible. Complaints may be brought to your supervisor, or the Title IX coordinator. You may make your request in writing or orally, and you are encouraged to file your complaint promptly, so that any problems may be resolved at the earliest possible time. Although the College District will not reject any such complaint because it is filed too late, employees should understand that the sooner the issue is brought to the College District’s attention, the Sooner it can be resolved.

#### **What will happen once I file a complaint?**

Whether you report your problem to an appropriate administrator, your supervisor, or the Title IX coordinator, the process will be the same. If you have made your complaint orally, the supervisor will reduce it to writing and ask you to verify that it has been transcribed accurately. The supervisor will hold a conference with you as soon as possible, but at the latest, within ten days. Following the conference, the supervisor ordinarily will have ten calendar days to offer a response, unless the investigation takes longer to resolve. You will be informed if there is a delay in the response.

**What if I'm not happy with my supervisor's response?**

The College District provides a three-level complaint process. If you are not satisfied with the initial outcome, you may appeal to the College President or the College President's designee. The College President or designee will hold another conference with you and attempt to resolve the situation. If you still feel that the problem has not been solved, you may appeal to the Board of Trustees.

**How will the College District respond to claims of sexual harassment?**

The College District will respond promptly to all allegations of sexual harassment. Prompt remedial action, reasonably calculated to end the harassment, will be taken when claims are substantiated.

**Will my complaint be confidential?**

To the greatest extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation.

## USE OF ANGELINA COLLEGE TRADEMARKS AND SERVICE MARKS

### SECTION ONE: GENERAL PRINCIPLES

- 1.01** The College develops and promotes various trademarks and service marks (hereinafter “marks”) to visually represent the College and to identify and distinguish the College’s programs and services.
- 1.02** The College acquires common law ownership rights to a mark simply by using the mark in commerce in connection with its goods or services. The College does not have to register a mark to acquire common law rights to it.
- 1.03** From time to time, the College registers certain marks with the Texas Secretary of State. Registration of a mark with the Texas Secretary of State is constructive notice throughout Texas of the College’s claim of ownership of the mark (*Tex. Bus. & Com. Code* § 16.060(b)). Texas law provides statutory cause of action for infringing upon a registered mark (*Tex. Bus. & Com. Code* §§ 16.102-.104), and it is a crime to counterfeit registered marks (*Tex. Penal Code* § 32.23).
- 1.04** The College uses the following marks in commerce.



- 1.05** The College will enforce its rights to its marks.

## **SECTION TWO: USE OF COLLEGE MARKS**

- 2.01** The College uses various marks in association with traditional and online messages to foster a factual and emotional perception of Angelina College that is recognizable, impactful, and unique. This perception is the College's "brand".
- 2.02** The AC Office of Communications publishes a visual style guide to help employees using the College's marks for College publications, correspondences, and online messages ensure their use is consistent, appropriate, and supports Angelina College's brand.
- 2.03** The College recognizes that employees and students may use the College's marks on personal websites and/or social media services to demonstrate their association with the institution. However, the College President or his/her designee may revoke an employee's or student's authorization to such use of the College's various marks if the person's private use of the College's marks is inconsistent with or damaging to the College's brand. If the messages or tone on a private website or social media account on which an employee or student has used a College mark are detrimental to the College's brand, the College President or his/her designee may revoke the person's authorization to use the College's marks, and direct the person to remove such marks from his/her site or account.

## **OFF-CAMPUS SITES AND DISTANCE LEARNING: DISTANCE LEARNING**

### **SECTION ONE: OFF-CAMPUS INSTRUCTIONAL SITES**

#### **1.01 Polk County Center**

The Assistant Dean of Arts and Education, in collaboration with instructional deans, has a responsibility to support credit course instruction offered at the Polk County Center. [See AC(LOCAL)] The Assistant Dean serves as a contact for the arrangement of instruction, dealing with public school officials, selection of courses, assignment of instructors, registration, and assistance to support instructors and students in the teaching/learning process. The Assistant Dean also supervises staff at the center, ensures the security of the facilities, and addresses problems relating to the operation of the teaching center. Continuing education courses and program may be scheduled in the same facilities used for credit instruction.

#### **1.02 Off-Campus Sites for Dual Credit Instruction**

The Director of Academic Success serves as a contact for the arrangement of instruction, dealing with public school officials, selection of courses, assignment of instructors, registration, and assistance to support instructors and students in the teaching/learning process at all locations approved to offer dual credit instruction.

### **SECTION TWO: ONLINE EDUCATION**

#### **2.01 eLearning**

The Interim Dean of eLearning supports instructors who teach online or hybrid courses and students enrolled in those courses.

#### **2.02 DIGITAL HIGHER EDUCATION CONSORTIUM OF TEXAS (DigiTex)**

DigiTex is a collaboration of Texas' 50 community college districts that functions as a service of the Texas Association of Community Colleges. Through DigiTex, students may take courses from colleges anywhere in Texas while receiving support services from the local college where they enroll. The Office of Academic Success assists students in registering for classes through DigiTex.

## INSTRUCTIONAL ARRANGEMENTS

### 1.01 Course Syllabus

The syllabus informs each student of the instructional aims, the course content, course requirements, instructional activities, and methods of evaluation. It is a guide to the expectations and rules to promote the teaching-learning process. It is reviewed during the first day of class.

The format for the course syllabus is distributed to all full-time faculty by the Dean or Dean's designee. The approved syllabus will be used by all instructors to guide their preparation and presentation in the assigned class(es).

The course information in the syllabus includes, but is not limited to, the following:

1. Course number, title, description, prerequisites, credit hours, meeting times, and the instructor's contact information to include name, email address, office location, and office hours.
2. Course objectives and assessment criteria.
  - a. Core objectives – critical thinking, communication, empirical and quantitative skills, teamwork, personal responsibility, and social responsibility as outlined by THECB; other specific objectives common to all sections; and program learning outcomes as appropriate.
  - b. Specific assessments for each of the core objectives as applicable.
3. Requirements and policies—text(s), supplemental materials, equipment, assignments, due dates, schedules, attendance punctuality, classroom behavior, test make-up, late work.
4. Schedule and course content—required topics/units.
5. Evaluation and grading of student performance—grade calculations.
6. Statement on syllabus revisions.

### 1.02 Instructional Procedures

Students or guests should not be allowed in class on a continuing basis unless they are on the class roll as a registered student except in the following situations:

1. The student presents a class-add form;
2. Permission to audit is received from the Registrar's Office; or
3. Special permission is received from the Vice President of Academic Affairs.

When space is available, permission to audit a course may be obtained from the admissions office. Auditing students are not required to meet course prerequisites listed in the bulletin. Students auditing a course may not under any circumstances claim credit for the course. A student who is registered for a course may not change from audit to credit, or credit to audit after the scheduled add-drop period. Charges for auditing a course are the same as regular tuition and fees.

### **1.03 Class Coverage**

All classes must meet as scheduled. If unable to meet a class, the faculty member must notify the division director; in the event the director is not available, notify the office of the Vice President of Academic Affairs. No “walks” are allowed.

When absent from campus during scheduled class, campus, or office hours, the division director should be informed.

### **1.04 Final Exams**

All instructors should offer their final exam according to the published schedule each semester. All proposed changes to the published schedule each semester must receive approval from the Vice President and of Academic Affairs.

### **1.05 Guest Speakers**

As a rule, individual faculty members should use discretion, diplomacy, and common sense regarding the invitation of speakers to their classes. The Dean and Vice President of Academic Affairs should be informed of guests in advance and grant approval for their appearance.

### **1.06 Guests and Children in Classroom, On Campus**

Instructors are responsible for providing a quality instructional environment that facilitates optimal education for students. [See instructor job description, DNA] Faculty members should generally not allow a student’s guests or children to visit classes. Young children should not be left unattended or unsupervised on campus. When children are present for scheduled learning activities, the parent or guardian remains responsible for the well-being of the child.

### **1.07 Student Course Schedules and Load**

The normal load during a long session (fall and spring semesters) is five courses or 15 semester credit hours. Physical education activity courses, and other one-hour courses may be added to the normal course load. However, no student will be permitted to enroll for more than 18 semester credit hours without the permission of the Vice President of Academic Affairs. The normal load during each summer session is seven semester hours. The maximum load for each summer session is eight semester hours.



## **INSTRUCTIONAL RESOURCES**

### **1.01 Textbooks**

Textbooks, generally, should not be changed in less than two years due to the costs to the student and the bookstore. Changes should be planned at least 60 days in advance of use according to the published dates on the calendar of activities. When a change is desired, the following procedure should be used:

1. Using the textbook designation or the textbook discontinuation processes as appropriate; textbooks, workbooks and any required materials must be submitted to and approved by the Dean. The Dean or Dean's designee will submit the approved materials list to the bookstore.
2. Book lists will be furnished to each Dean. If an instructor is planning to discontinue a text, mark through the title in red on your book list and complete discontinuation and designation forms along with estimate enrollment.
3. Edition changes only may be submitted in a memo to the bookstore with a copy to the office of Vice President of Academic Affairs.

### **1.02 Open Educational Resources**

#### **1.03 Instructional Supplies**

The bookstore must be contacted first to requisition all supplies. Other vendors will be approved only if the supplies are unavailable through the bookstore.

In no case should an instructor sell materials directly to students in a credit class without prior approval from the Vice President of Academic Affairs or the Vice President of Workforce and Continuing Education in a non-credit class.

The supply costs should be kept to a minimum for each student.

The required supplies should be listed on the syllabus.

All purchasing policies distributed from the business office must be followed. [See CF(LOCAL)]

Instructor-prepared materials (syllabus, notes, study guides, etc.) sold to the student through the bookstore must have written approval from the Vice President of Academic Affairs in a credit class or the Vice President of Workforce and Continuing Education in a non-credit class.

## **INSTRUCTIONAL MATERIALS: LIBRARIES AND LABORATORIES**

The library collections, including books, copies of bound and current periodicals, and audiovisual materials, shall be a sufficient size and quality to ensure effectiveness in the instructional program on and off-campus. Provisions must be made in the annual budget to keep the collection in good repair and to provide for continual improvement to meet current educational needs and trends. The library collection shall be inventoried periodically with recognized college library lists.

Circulation records that reflect student and faculty utilization of the library facilities shall be maintained. A program of orientation for the use of the library shall be maintained for freshman students.

The physical environment of the library shall be attractive and have adequate lighting, standard library furniture, fixtures, and equipment, adequate seating capacity, and sufficient work space for the library staff.

### **LIBRARY POLICIES AND PROCEDURES**

#### **1.01 Books**

Books from the regular collection are checked out for three weeks depending on the day they are checked out. Faculty members are expected to return their books on or before their date due unless special arrangements have been made to keep them for class use. Faculty are responsible for materials and equipment checked out to them. A statement will be sent for non-returned and damaged material based on replacement costs.

#### **1.02 Reserve Books**

Books that are involved in special assignments may be placed on reserve by faculty members for restricted use. These books are shelved behind the circulation desk and are restricted to library use only, overnight use, three-day reserve, or seven-day reserve, according to the wishes of the faculty member who placed them on reserve.

#### **1.03 Reference Books**

Such works as dictionaries, encyclopedias, almanacs, and certain other reference books so designated are to be used in the library only.

#### **1.04 Periodicals**

Magazines, newspapers, journals, etc., do not circulate outside the library.

#### **1.05 Audiovisual and Other Non-Book Materials**

The library has a collection of media, both audio and video, that may be used by faculty in connection with their classes. These materials may also be borrowed for short periods of time for personal use. Again, faculty members are expected to return A-V materials as soon as they are finished with them. All media are scheduled through the library. The library maintains a college-related collection of clippings, pamphlets, and other ephemeral material known as the archive. This material does not circulate.

**1.06 Collection Development**

Faculty members are expected to request relevant and current materials related to their discipline. The forms are provided in the library at the circulation desk.

The library staff is guided by a weeding policy and should periodically identify books to be removed from the collections. Faculty members must confirm that all of the materials are no longer relevant for current or archival use. The materials may then be discarded.

**1.07 Support Services**

The library provides copiers and computer work stations.

**1.08 Interlibrary Loan**

This service is provided to all users within the limitations of the ALA membership.

**1.09 Professional Development**

The faculty has a designated area for their books and periodicals related to current issues in the teaching-learning process. A faculty committee previews all materials recommended by the dean of instruction and admissions.

## **INSTRUCTIONAL RESOURCES: COPYRIGHTED MATERIALS**

Employees and students shall comply with the provisions of the United States Copyright Law. Subject to certain specific exceptions, as stated below, the owner of a copyright has the exclusive rights to reproduce, distribute, perform, or display the copyrighted work, or to authorize such reproduction, distribution, performance, or display by others. This policy applies to all full-time and part-time faculty, staff, students and student employees of Angelina College.

An exception to the exclusive rights enjoyed by copyright owners is the doctrine of fair use. The fair use of a copyrighted work for purposes of teaching, scholarship, or research is not an infringement of copyright. The following factors shall be considered in determining fair use:

1. The purpose and character of use, including whether the use is of a commercial nature or for non-profit educational purposes.
2. The nature of the copyrighted work.
3. The amount and importance of the portion used in relation to the copyrighted work as a whole.
4. The effect of the use upon the potential market for or value of the copyrighted work.

## **INSTRUCTIONAL RESOURCES: COPYRIGHTED MATERIALS**

### **AGREEMENT ON GUIDELINES FOR CLASSROOM COPYING IN NOT-FOR-PROFIT EDUCATIONAL INSTITUTIONS**

#### **I. Single Copying for Teachers**

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

- a. A chapter from a book.
- b. An article from a periodical or newspaper.
- c. A short story, short essay, or short poem, whether or not from a collective work.
- d. A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

#### **II. Multiple Copies for Classroom Use**

Multiple copies (not to exceed in any event more than one copy per student in a course) may be made by or for the teacher giving the course for classroom use or discussion, provided that:

- a. The copying meets the tests of brevity and spontaneity as defined below.
- b. The copying meets the cumulative effect test as defined below.
- c. Each copy includes a notice of copyright.

#### **Definitions**

##### **Brevity**

- (i) Poetry: (a) A complete poem if less than 250 words and if printed on not more than two pages or (b) from a longer poem, an excerpt of not more than 250 words.
- (ii) Prose: (a) Either a complete article, story, or essay of less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

[Each of the numerical limits stated in “i” and “ii” above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.]

- (iii) Illustration: One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.
- (iv) “Special” works: Certain works in poetry, prose, or in “poetic prose” which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph “ii” above notwithstanding such “special works” may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than ten percent of the words found in the text thereof, may be reproduced.

#### Spontaneity

- (i) The copying is at the instance and inspiration of the individual teacher, and
- (ii) The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

#### Cumulative Effect

- (i) The copying of the material is for only one course in the school in which the copies are made.
- (ii) Not more than one short poem, article, story, essay, or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.
- (iii) There shall not be more than nine instances of such multiple copying for one course during one class term.

[The limitations stated in “ii” and “iii” above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.]

## GUIDELINES FOR EDUCATIONAL USES OF MUSIC

### Permissible Uses

1. Emergency copying to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.
  - (a) For academic purposes other than performance, multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement or aria, but in no case more than 10% of the whole work. The number of copies shall not exceed one copy per student.
  - (b) For academic purposes other than performance, a single copy of an entire performable unit (section, movement, aria, etc.) that is, (1) confirmed by the copyright proprietor to be out of print or (2) unavailable except in a larger work, may be made by or for a teacher solely for the purpose of his or her scholarly research or in preparation to teach a class.
2. Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.
3. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.
4. A single copy of a sound recording (such as a tape, disc or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.)

*17 U.S.C. 107 historical note*

## CURRICULUM DESIGN: SUBSTANTIVE CHANGE POLICY & PROCEDURE

### SECTION ONE: SUBSTANTIVE CHANGE POLICY & PROCEDURE

The College's Substantive Change Policy & Procedure is based on Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) Policy *Substantive Change for SACSCOC Accredited Institutions* (<http://www.sacscoc.org>)

#### 17.01 Purpose

Angelina College will work to ensure all incidences of substantive change are reported in a timely manner. The College will establish a process for adherence to the policies and guidelines of SACSCOC related to institutional change. In accordance with SACSCOC policies, the College will notify the Commission on Colleges of substantive changes and will seek approval prior to the initiation of changes when appropriate. SACSCOC requires all substantive changes that occur after an institution's decennial review to be submitted in the next Compliance Certification.

SACSCOC policy states, "A substantive change is a significant modification or expansion of the nature and scope of an accredited institution. Substantive change includes high-impact, high-risk changes and changes that can impact the quality of educational programs and services."

Substantive changes, including those required by federal regulations, include:

- Substantially changing the established mission or objectives of an institution or its ~ programs.
- Changing the legal status, form of control, or ownership of an institution.
- Changing the governance of an institution.
- Merging / consolidating two or more institutions or entities.
- Acquiring another institution or any program or location of another institution.
- Relocating an institution or an off-campus instructional site of an institution (including a ~ branch campus).
- Offering courses or programs at a higher or lower degree level than currently authorized.
- Adding graduate programs at an institution previously offering only undergraduate ~ ~ programs (including degrees, diplomas, certificates, and other for-credit credential).
- Changing the way an institution measures student progress, whether in clock hours or ~ credit-hours; semesters, trimesters, or quarters; or time-based or non-time-based methods or measures.
- Adding a program that is a significant departure from the existing programs, or method of delivery, from those offered when the institution was last evaluated.
- Initiating programs by distance education or correspondence courses.
- Adding an additional method of delivery to a currently offered program.
- Entering into a cooperative academic arrangement.



- Entering into a written arrangement under 34 C.F.R. § 668.5 under which an institution or organization not certified to participate in the title IV Higher Education Act (HEA) programs offers less than 25% (notification) or 25-50% (approval) of one or more of the accredited institution's educational programs. An agreement offering more than 50% of one or more of an institution's programs is prohibited by federal regulation.
- Substantially increase or decreasing the number of clock hours or credit hours awarded or competencies demonstrated, or an increase in the level of credential awarded, for successful completion of one or more programs.
- Adding competency-based education programs.
- Adding each competency-based education program by direct assessment.
- Adding programs with completion pathways that recognize and accommodate a student's prior or existing knowledge or competency.
- Awarding dual or joint academic awards.
- Re-opening a previously closed program or off-campus instructional site.
- Adding a new off-campus instructional site/additional location including a branch campus.
- Adding a permanent location at a site at which an institution is conducting a teach-out ~ program for students of another institution that has ceased operating before all students ~ have completed their program of study.
- Closing an institution, a program, a method of delivery, an off-campus instructional site, or ~ a program at an off-campus instructional site.

*Closing an off-campus site (including dual credit sites) requires prior notification for closing notified sites (offering 25-49% of a program or award) and closing approved sites (offering 50% or more of a program or award). Specific approval and notification requirements for SACSCOC Substantive Change can be found at <https://sacscoc.org/accrediting-standards/substantive-changes/>.*

## **17.02 Persons Responsible**

The Vice President of Academic Affairs (VPAA) serves as the SACSCOC Accreditation Liaison. The VPAA/Accreditation Liaison monitors all institutional changes under consideration, oversees substantive change processes, ensures necessary documentation is prepared, and provides training in September each year to all deans, assistant deans, department chairs, program directors, lead faculty, and curriculum committee on the current requirements for substantive changes.

The President, Vice Presidents, academic leaders (academic deans, department chairs, program directors, and lead instructors) and faculty members report initial campus considerations or stakeholder discussions of future substantive institutional changes to VPAA/Accreditation Liaison.

## **17.03 Process**

Proposed substantive changes must be formally submitted to the VPAA/Accreditation Liaison at least 9 months prior to proposed implementation of the changes. The VPAA/Accreditation

Liaison coordinates review of proposed substantive changes with appropriate standing committee(s), the President, and other units of the College as necessary.

The Dean and Lead Faculty in the academic School, in which a program resides, present proposed program closures, award closures, or the creation of new programs to the curriculum committee and program advisory committee, as applicable for approvals. For each proposed substantive change, the VPAA/Accreditation Liaison will assign responsibility to appropriate School personnel to work with him/her to complete the required materials for submission (e.g., prospectus, letters, etc.).

The VPAA/Accreditation Liaison will notify the President prior to submission of any related documents to SACSCOC, and the President will notify the Board of Trustees of the substantive change at the next regular meeting of the Board (prior to the college submitting materials to SACSCOC).

The institutional documentation and submission must comply with the current *Substantive Change for SACSCOC Accredited Institutions* policy for all prior notifications, contact time, and/or prior approval.

The VPAA/Accreditation Liaison will send completed substantive change documents to SACSCOC according to the Commission's reporting timeline.

## ***SECTION TWO: PUBLICATION, APPROVAL, IMPLEMENTATION, AND ENFORCEMENT***

### **2.01 Publication**

The Policy is published in the online Angelina College Policies & Procedures Manual and is available in the Office of the President.

### **2.02 Approval**

The Policy was revised and approved by the Board of Trustees on September 9, 2019.

### **2.03 Implemented & Enforced**

The President is responsible for ensuring this policy is implemented, and the Vice President of Academic Affairs/Accreditation Liaison is responsible for its enforcement.

**SPECIAL PROGRAMS: ADULT AND CONTINUING EDUCATION**

**COMMUNITY SERVICES AND NON-CREDIT INSTRUCTION**

**1.01** Continuing education and community services is a public service component of the College District that provides lifelong learning opportunities. These opportunities may be referred to as adult vocational education, workforce education, public or community service programs, or extension services. The coordinating board recognizes that in order to prepare a literate and trained workforce for economic stability and development, a true joint partnership between private and public sectors is required. Accordingly, the coordinating board encourages contractual agreements between postsecondary institutions and business, industry, and other government agencies. The coordinating board policy intends to provide institutional incentives for college districts to work with business, industry, and government in the development of an educated workforce in Texas. Responsibility for establishing instructional contracts resides with the vice president of community services with final approval by the College President.

**1.02** The College District may enter into contractual arrangements with outside organizations to provide instruction. Contractual agreements for instruction with non-regionally accredited organizations shall have education as their primary purpose and be subject to the College District purchasing policy. Such courses and programs must be consistent with the educational purpose, mission, and goals of the College District. If state reimbursement is requested, such courses and programs must remain under the sole and direct control of the College District. Programs shall be operated in accordance with coordinating board regulations and subject to provisions of the Southern Association of Colleges and Schools Commission on Colleges.

## ACADEMIC ACHIEVEMENT: GRADING

### 1.01 Purpose of Grades

The final course grade should reflect an accurate evaluation of the student's understanding of course material, cumulative performance on required tasks and assignments, and achievement of intended learning outcomes. The college encourages instructors to provide graded feedback to students throughout each semester so that students can gauge their academic performance and their understanding of course content.

### 1.02 System for Grading

At the conclusion of each term, instructors calculate a final grade for each student, enter the final grade in the college's online system, and record the final grade for each student in a grade book for each section they teach in the term. Instructors are required to enter final grades in the college's online system by the deadline for each term published in the college's academic calendar. Students may view the final grade they earned in each course section by logging into the college's online system after the grade posting deadline. The college does not issue grade reports to students. Instructors submit all grade books for the term to the Registrar and to the Dean to whom the instructor reports. The Deans submit all gradebooks for their respective Schools to the Registrar. The Registrar is responsible for posting each grade to each student's college transcript.

### 1.03 Description of Grades

The following grades may be assigned by instructors:

- A Excellent
- B Good
- C Average
- D Minimum passing
- F Failure
- I Incomplete college-level course (see process below)
- IP In Progress developmental course
- P/F Pass or Fail
- W Withdraw
- AU Audit

In the course syllabus, each instructor will document the methodology used to determine the final grade and the score or points the student must earn to achieve each letter grade. The instructors and/or the Schools establish the numerical ranges for final grades.

The college designates a limited number of courses, typically developmental support courses, as "pass/fail" courses. The college will not calculate a "P/F" or "I" grade as hours attempted when calculating grade point average.

#### **1.04 Withdrawal**

In order to withdraw from a course and receive a “W” grade, a student must contact the Office of Academic Success. When a student withdraws from a class after the census date but before the last day to withdraw as indicated on the College’s academic calendar, the Registrar will enter a “W” grade on the student’s transcript.

Instructors may administratively withdraw a student from a class section if the student fails to participate and/or to attend the course by submitting the online drop form. The instructor must complete all necessary documentation, which includes recording the student’s last date of attendance in the class section.

### **SECTION TWO: INCOMPLETE AND IN-PROGRESS GRADES**

#### **2.01 Incomplete Grade**

For college-level courses, the incomplete (“I”) grade indicates that extenuating circumstances beyond the control of the student have prevented the student from completing the required coursework during the term, and that the student has completed at least 75 percent of the required coursework with a passing grade as defined in the course syllabus.

When the college authorizes the instructor to assign an “I” grade, the student must complete the coursework by the end of the next long term, or within a timeframe prescribed by the instructor and approved by the School’s Dean. Failure to complete the coursework during the prescribed timeframe will result in a failing grade for the course. The College will not calculate the “I” grade as hours attempted in computing the student’s grade point average.

#### **2.02 Incomplete Grade Process**

The following steps are necessary when an incomplete (“I”) grade is warranted.

1. Student informs instructor of extenuating circumstances beyond the student’s control that prevent the student from completing the course with a passing grade.
2. Instructor determines if the circumstances described by the student are significant enough to prevent the student from completing the course and are beyond the control of the student.
3. If the instructor determines the circumstances meet the significance threshold and are beyond the control of the student, the instructor calculates (a) the percentage of the total coursework required in the course that the student has completed, (b) the cumulative grade the student has earned on completed coursework to date, and (c) the reasonable timeframe the student will have to complete the remaining coursework.
4. After completing steps 2 and 3, if the instructor determines the student may be eligible to receive an “I” grade, the instructor will submit a written request to his/her dean for authorization to award the “I” grade. The request should include a description of the steps 2 and 3, as well as a detailed description of the coursework the student will need to complete for the course.
5. After reviewing the instructor’s request, the dean may approve or deny assigning the “I” grade in writing to the instructor, the student, and the Registrar.

6. It is the responsibility of the student to complete the course work within the required timeframe allowing for adequate time for the instructor to grade the assignments.
7. The instructor shall submit the student's final grade within the timeframe required by this regulation.

### **2.03 "In Progress" Grade**

An "In Progress" or "IP" grade indicates the student has earned less than a "C" grade in a developmental course, but has demonstrated a good faith effort in terms of course meeting attendance, assignment completion, and engagement in classroom activities. The student must repeat the developmental course in which the instructor assigns an "IP" grade and earn a passing grade in the course to progress to college-level courses or the next developmental course. At any time, the student may also progress by re-taking the Texas Success Initiative (TSI) examination and earning a passing score.

## **SECTION THREE: INCOMPLETE GRADE DURING PROLONGED CRISIS OR EMERGENCY SITUATION**

### **3.01 General Principles**

- A. During normal operating circumstances of the college, the standards and procedures established in EGA Regulation § 2.01-.02 should be used when assigning an incomplete ("I") grade.
- B. When the College President determines a crisis or emergency situation will significantly disrupt the normal operating circumstances of the college--especially affecting instructional and other academic activities--for a prolonged period of time, the Vice President of Academic Affairs may implement the standards and procedures described in this Section for instructors to assign "I" grades to impacted students.
- C. Generally, when operating pursuant to this Section, instructors should assign incomplete grades to all students enrolled in an affected course section because such circumstances affect the instructional and other academic activities for all students equally. The Vice President of Academic Affairs may make exceptions to this general principle if the exception is in the best interest of the student and is safe and prudent.

### **3.02 Incomplete Grade during Prolonged Crises or Emergency Situations**

For college-level courses, assigning an incomplete ("I") grade during a prolonged crisis or emergency situation indicates circumstances made it inadvisable for the college to allow a student to complete the required course assignments during the term. When the Vice President of Academic Affairs implements this Section, an instructor may assign an "I" grade to a student regardless of the percentage of the required coursework the student has completed and of the grade earned by student at that point in the term. When an instructor assigns an "I" grade during a crisis or emergency situation, the student must complete all coursework by the end of the next long term, or within the time frame prescribed by the instructor and approved by the Dean and the Vice President of Academic Affairs. If the student does not complete the coursework by the end of the next long term or during the prescribed time frame, the instructor will assign a failing grade for the course. The College will not calculate the "I" grade as hours attempted in computing the student's grade point average.

### **3.03 Process for Assigning an Incomplete Grade during Prolonged Crisis or Emergency Situation**

The following is the required process to assign an incomplete (“I”) grade under this Section:

1. The College President declares a crisis or emergency situation is currently or will disrupt normal operating circumstances of the college for a prolonged period of time.
2. The Vice President of Academic Affairs notifies in writing academic deans and instructors that he/she has implemented this Section.
- a. 3. An instructor, in consultation with the supervising Dean, believes the crisis or emergency situation makes it inadvisable to allow students to complete the required coursework during the current term.
3. The instructor shall discuss with each student the option of assigning an “I” grade.
4. If the student agrees to accept an incomplete grade instead of taking a different action such as dropping the course, the instructor will submit an Incomplete Grade - Crisis or Emergency Situation form to her/his dean for authorization to award the “I” grade. Using the form, the instructor should (a) provide a detailed description of the remaining coursework, and (b) prescribe the date by which the student must complete the remaining coursework.
- b. 6. After reviewing a completed Incomplete Grade - Crisis or Emergency Situation form, the supervising dean may approve or deny assigning an “I” grade in writing to the instructor, student, and Vice President of Academic Affairs.
8. Upon receipt of the completed form and approval of the dean (email approvals may be submitted), the Vice President will forward the documentation to the Registrar.
9. It is the responsibility of the student to complete the coursework within the prescribed timeframe. If necessary to the learning process, the college will allow the student reasonable access to laboratories, shops, and other relevant academic resources to complete the coursework once the resolution of the crisis or emergency situation makes such accommodations safe and prudent.
10. Within five business days of the end of the prescribed timeframe, the instructor shall submit the student’s final grade to the Registrar and the supervising dean.

## **SECTION FOUR: GRADE POINT AVERAGE**

### **4.01 Grade Point Average**

The student’s grade point average (GPA) is significant in determining eligibility for continued financial aid, for continuance of enrollment, for acceptance at a transfer institution, for graduation, and eventually for employment. Grade points are granted for all courses, with the exception of developmental courses, on the basis of the value in semester credit hours for the course and the grade earned as follows:

- |             |                                  |
|-------------|----------------------------------|
| • A         | 4 grade points per semester hour |
| • B         | 3 grade points per semester hour |
| • C         | 2 grade points per semester hour |
| • D         | 1 grade points per semester hour |
| • F, I, P/F | 0 grade points                   |

#### 4.02 Special Circumstances

When a student repeats a course, the college will use the most recent grade earned to calculate the student's grade point average. All developmental courses posted to a student's permanent record will be designated by brackets in the credit earned and grade point columns. While a grade will be shown for each developmental course taken, the grade will not be included in the cumulative grade point average calculation. Developmental courses may not be used to satisfy degree requirements.

#### 4.03 Grade Appeal

The College recognizes a student's right to consistent and relevant forms of assessment and grading. A grade appeal is a written request submitted by a student to change a course grade (not an assignment grade) for a legitimate reason. **Students have four (4) calendar months from the date the course grade was posted by the instructor to submit a grade appeal.**

Typically, a course grade may only be changed by the instructor of record. Should the employment of an instructor of record end and/or that instructor become incapacitated or unavailable to consider a grade appeal, the Dean responsible for the School offering the course or the Vice President of Academic Affairs have the authority to change a course grade if appropriate. For the purposes of this Section, "incapacity" means the physical or mental inability to enter grades.

Academic grievances involving assignment grading should be discussed with the course instructor as soon as possible after the instructor communicates the assignment grade to the student. However, if a student believes an instructor assigned an assignment grade through or because of illegal discrimination, harassment, or retaliation, the college encourages the student to file a complaint as described in Regulation FLD.

**4.03.1 Basis for Grade Appeal.** The college will not consider a grade appeal merely because a student is dissatisfied with a grade or disagrees with the instructor's professional judgment of the quality of the student's work or performance. When filing a grade appeal, the student must document credible evidence of one of the following three conditions:

1. a mathematical error in the course grade's calculation,
2. a deviation—by the instructor—from the course syllabus or the College's policy manual, or
3. the instructor's decision when assigning the course grade was arbitrary, capricious or prejudicial. For the purposes of this Section, "arbitrary" means the instructor had no reasonable factual basis for reaching the conclusion or assigning the grade; "capricious" means the instructor was unpredictable or subject to whim in assigning the grade; and "prejudicial" means the instructor exhibited an irrational attitude of hostility toward the student, which does not include hostility on the basis of any legally protected status.

Any basis for grade appeal outside of the three conditions listed in Section 4.03.1 or of illegal discrimination, harassment, or retaliation will not be considered, and the College will inform the student of this policy and refuse to grant the requested relief.



**If a student believes an instructor assigned a course grade through or because of illegal discrimination, harassment, or retaliation, the college encourages the student to file a complaint as described in Regulation FFD.**

**4.03.2 Grade Appeal Process.** When a student has credible evidence that one of the conditions described in Section 4.03.1 influenced an assigned course grade, the student should initiate the following procedure within four months after the course grade was posted.

Level One: Using the college's Student Complaint and Appeal Form (see FLD Exhibit in this manual), submit a written request to the instructor of record for the course section in which the student was enrolled to review the grade. The student should provide credible evidence establishing one of the three conditions described in Section 4.03.1 exist. The instructor of record shall respond to the student in writing within five (5) days of receiving the completed form.

Level Two: If the instructor of record denies the student's Level One appeal, the student may use the Student Complaint and Appeal Form to appeal to the Dean of the School offering the course. The student should provide credible evidence establishing one of the three conditions described in Section 4.03.1 exist.

Level Three: If the Dean denies the student's appeal, the student may use the Student Complaint and Appeal Form to appeal to the Vice President of Academic Affairs. The student should provide credible evidence establishing one of the three conditions described in Section 4.03.1 exist. The decision of the Vice President of Academic Affairs is final.

**4.03.3 Alignment with Regulation FLD.** Unless provided in this regulation, the definitions, requirements, and principles (e.g., timing, scheduling, costs, representative, etc.) of Regulation FLD also apply to this regulation.

## **ADMISSIONS AND ATTENDANCE: ATTENDANCE**

### **SECTION 1: ATTENDANCE**

- 1.01** A true evaluation of the teaching-learning situation involves a correlation between attendance and progress.

It is the responsibility of the student to attend all classes and a record of attendance will be kept for all classes by the instructor.

It is the responsibility of the student to withdraw from a class the student no longer desires to attend. The Office of Academic Success assists students who wish to withdraw from a class.

- 1.02** The College's instructional standards allow the instructor to determine the requirements for each course. The student who does not meet these requirements because of excessive absences and/or non-participation may be dropped by the instructor. The student will be notified after being dropped from the course by the Registrar's Office. The position of the instructor on submitting a non-attendance drop should be stated in the course syllabus.

- 1.03** Excessive absences are defined as three or more consecutive absences or four or more cumulative absences from regularly scheduled class periods or 15% or more of the scheduled class time. Virtual classes must document equivalent participation. The summer terms call for two or more consecutive, or three or more cumulative absences. A three-hour night class counts as two class periods.

Students will not be dropped and will be allowed to make up work for absences because of (1) College District (including early college high school) authorized and sponsored activities, and (2) religious holy days. It is the student's responsibility to arrange for make-up work with the instructor and to complete it within a reasonable time.

### **SECTION TWO: RELIGIOUS HOLY DAYS**

- 2.01** In accordance with the Texas Education Code, each student is allowed to be absent from a class for the observance of a religious holy day. A "religious holy day" means a holy day observed by a religion whose places of worship are exempt from property taxation under Section 11.20, Tax Code. The student must notify the instructor of each class of the anticipated absence not later than the 15th calendar day after the first day of the semester. A student who is excused under this section must complete all assignments or missed examinations at the direction of the instructor.

The form for notification of absences is in the Office of Admissions and will include the following:

1. Student name and identification number;
2. Name of religious institution and tax code number;
3. Name and date of holy day(s);
4. Class(es) to be missed;
5. Schedule for delivery of form by student to instructor(s);
6. Conditions and deadlines for completing missed assignments;
7. Instructor's signature and date; and
8. Student's signature and date.

### **SECTION THREE: READMISSION**

- 3.01** A student dropped because of excessive absences will be notified by the Registrar's Office and will follow the stated procedure on a readmission form if reinstatement is desired. Students must obtain approval from the instructor to be readmitted to a course. The Vice President of Academic Affairs must approve all readmission requests after the last date to withdraw from a course in that semester.

All make-up work is at the discretion of the instructor.

## STUDENT DISABILITY SERVICES AND ACCOMMODATIONS

### SECTION ONE: GENERAL PRINCIPLES

#### 1.01 Role of the Office of Disability Services

The Angelina College Office of Disability Services (ODS) ensures that all students with disabilities are afforded the opportunity to access the same educational opportunities, receive the same information, engage in the same interactions, and be empowered to enjoy the same college experience as students without disabilities by:

- Promoting self-advocacy, self-efficacy, and independence;
- Ensuring that students with disabilities are afforded reasonable and timely accommodations;
- Assisting the campus community in identifying barriers to accessibility and solutions for providing accessible facilities, courses, events, and activities;
- Utilizing and teaching Universal Design principles; and
- Facilitating a campus culture of inclusion and awareness.

#### 1.02 Legal Context

It is the policy of Angelina College (AC) to comply with the fundamental principles of nondiscrimination and accommodation in academic programs as set forth in the primary laws that affect higher education and disability. These include Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disability Act (ADA) and the ADA Amendments Act of 2008 (ADAAA).

Section 504 Act states, “No otherwise qualified person with a disability in the United States...shall, solely by reason of disability, be denied the benefits of, be excluded from participation in, or subjected to discrimination under any program or activity receiving federal financial assistance.”

Section 504 defines a person with a disability as: “Any person who: Has a physical or mental impairment which substantially limits one or more major life activities; Has a record of such an impairment; Is regarded as having such impairment.” At Angelina College, a “qualified person with a disability” is defined as one who meets the Section 504 definition of a person with a disability and who meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by AC.

Section 504 further states that an institution “shall make such modifications (reasonable accommodations) to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discrimination on the basis of handicap, against a qualified handicapped applicant or student ... Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses

required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.” Accommodations are reviewed on a case-by-case basis to ensure that each accommodation is both effective and reasonable.

The ADAAA provides further clarification of who qualifies as an “Individual with a Disability.” It also provides information on service animals, personal mobility devices, and documentation standards.

None of Section 504, the ADA, or the ADAAA requires colleges to lower academic standards or substantially alter the essential, fundamental elements of courses or programs to accommodate students with disabilities. The requirement to provide reasonable accommodations is designed to afford an equal opportunity for students with disabilities. Achieving reasonable accommodations for a student with a disability involves shared responsibility among students, faculty, and staff.

### **1.03 Student Rights and Responsibilities**

A student with a disability has a right to an equal opportunity to participate in and benefit from programs offered at Angelina College (AC). To ensure an efficient working relationship with the Office of Disability Services (ODS), students are urged to take an active role in applying for reasonable accommodations. To protect this right, an Angelina College student with a disability:

- Has a responsibility to provide documentation of disability to the ODS;
- Has a responsibility to identify as needing an accommodation according to the timelines listed in this Regulation;
- Has a responsibility to actively participate in the search for accommodations, as applicable;
- Has a responsibility to notify faculty of approved accommodations;
- Has the same obligation as any student to meet and maintain the College’s academic and technical standards and Student Code of Conduct;
- Has a right to be evaluated based on ability, not disability;
- Is entitled to an equal opportunity to learn;
- Is entitled to an equal opportunity to participate in and benefit from the academic community, including access to services, extracurricular activities, and transportation at a comparable level as that provided to any other student; and
- Has a right to appeal the College’s decisions concerning accommodations, first informally by working with the ODS Manager; second, formally and internally, by pursuing the College’s unlawful discrimination grievance process; and third, externally, by filing a complaint with the federal Office of Civil Rights at the U.S. Department of Education or through the civil court system.

### **1.04 Faculty Rights and Responsibilities**

Instructors have both rights and responsibilities when working with students with disabilities. The information provided below is designed to assist instructors in facilitating the process of integrating students with disabilities into the college environment.

**Instructors:**

- Have a responsibility to comply with Angelina College policies, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and the ADA Amendments Act, as these laws apply to higher education;
- Have a responsibility to refer students to the Office of Disability Services (ODS) if students self-identify as having a disability to the instructor and are not already receiving ODS services;
- Have a responsibility to implement the reasonable accommodations established by the ODS for each student with disability;
- Have a responsibility to provide the ODS all print material that needs to be converted to an alternate format (e.g. large print, electronic text, Braille, taped, etc.) a minimum of three (3) working days in advance of the beginning of class or within a minimum of three (3) working days of receipt of notification of accommodations after the beginning of class;
- Have a responsibility to protect and maintain confidentiality at all times when working with students with disabilities;
- Have a responsibility to treat every student with dignity and respect;
- Have a right to require all students, regardless of disability, to meet and maintain Angelina College's academic and technical standards because although students with disabilities may use accommodations, they must meet the same academic and technical standards as other students;
- Have a right to consult with the ODS Manager and student if the location, delivery system, or instructional methodology limits the access, participation, or ability to benefit of any student with a disability because collaboration ensures that reasonable accommodations in those aspects of the course or program are identified and implemented and do not cause a fundamental alteration in the nature of the course; and
- Have a right to teach in an environment supportive of learning and free of disruption because all students, regardless of disability, are required to follow the AC Student Code of Conduct.

**1.05 Office of Disability Services (ODS) Rights and Responsibilities**

The Office of Disability Services (ODS) is responsible for maintaining confidential student disability records and coordinating reasonable accommodations and services for students with disabilities. For some students this may involve a combination of student support services (e.g., tutoring, advising, etc.) and accommodations. For others, a single accommodation is all that may be required. The ODS Manager oversees the scope of support services needed by an individual student. As a part of this process, the ODS:

- Has a responsibility to comply with Angelina College policies, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act and the ADA Amendments Act, as they apply to higher education;
- Has a responsibility to maintain confidential records for self-identified students with disabilities;
- Has a responsibility to identify and coordinate reasonable accommodations as indicated by the student's documentation of disability and the interactive discussion;

- Has a responsibility to obtain and/or convert standard print material to alternate formats, as needed, in a timely manner;
- Has a responsibility to identify barriers for students with disabilities within ODS and to make recommendations for eliminating those barriers;
- Has a responsibility to protect and maintain confidentiality when working with students with disabilities;
- Has a responsibility to treat every student with dignity and respect;
- Has a right to require documentation of disability and need prior to making accommodations;
- Has a right to require all students, regardless of disability, to meet and maintain Angelina College's academic and technical standards and the Student Code of Conduct; and
- Has a right to work in an environment supportive of learning and free from disruption because all students, regardless of disability, are required to follow the AC Student Code of Conduct.

### **1.06 Confidentiality**

Records related to disabilities are considered to be highly confidential. The purpose of such confidentiality is to protect the student from discrimination on the basis of disability as well as to ensure that the student's medical records are not released except as needed to provide educational services. The Office of Disability Services (ODS) is responsible for collecting and maintaining these records, and only ODS personnel have direct access to the files. Information related to disability should be shared only when there is a legitimate educational need to know, and then only limited information shall be shared and only with designated college administrators. The ODS Manager determines when it is appropriate to share information about students' disabilities and/or accommodations and ensures that FERPA, HIPAA, and primary guidelines are followed. In addition, the ODS may not share the nature of a student's disability with faculty.

- **Confidentiality and Parents of Students with Disabilities**

Within the postsecondary education environment, ODS staff and other College employees may communicate only with the student who is an adult. Parents are not authorized to contact the ODS or try to complete accommodations processes on behalf of a student, and the ODS is not able to work with parents who attempt to do so. It is the student's right and responsibility to self-identify. If the student wants parents involved, the student may invite them to attend appointments. In that case, the student must complete the college's release form granting permission for a parent to have access to information about their accommodations and other information related to the College. Confidentiality also extends to instructors, who may not share information with parents.

- **Limits to Confidentiality**

Exceptions to the protection of confidentiality include; (1) a court-ordered subpoena, (2) the student expresses intent to harm self or others; and (3) report of abuse of a child, an individual with a disability, or an elderly individual.

## SECTION TWO: DEFINITIONS

### 2.01 Definitions

The following definitions of terms apply to all procedures and regulations developed and used by the Office of Disability Services (ODS). *Subsection 7.01* of this Regulation provides additional definitions of terms relevant to animals on campus.

- **Accessible:** Individuals with disabilities are able to independently acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as their nondisabled peers, with substantially equivalent ease of use.
- **Accommodation:** Supports, including auxiliary aids and services, provided by Angelina College (AC) at no cost to qualified students with disabilities to ensure they have equal access.
- **Accommodation Memo:** Document issued by the ODS after the interactive discussion to a student with a disability that authorizes instructors and other AC personnel to provide approved accommodations to the student.
- **ADA/504 Coordinator:** The individual at the College who is assigned the responsibility of assuring compliance with the Americans with Disabilities Act (ADA), Sections 503 and 504 of the Rehabilitation Act of 1973, and other federal and state laws and regulations pertaining to persons with disabilities. For students, the ADA/504 Coordinator is the Manager of the Office of Disability Services.
- **Alternative Testing:** Any type of testing that is an exception to the normal testing environment for a class. Includes, but is not limited to, extended time, testing in a distraction-reduced environment, and/or use of technology, software, or other devices to make the test more accessible for the student.
- **Alternative Text or Media:** Text or media that ensures accessibility for individuals with varying disabilities. The nature of the alternative depends on the access needs of the individual and the original form of the content. Textbooks, course packs, and other print-based material may need to be converted to an accessible format, which could include but is not limited to accessible PDFs, audible text, large print, Braille, and tactile renderings. Electronic information may need to be converted to audible text or may need to include captioning and/or descriptive narration of videos.
- **Assistive Technology for Note-Taking:** The use of software or technology to provide students with an effective means of accessing notes independently while still being able to engage interactively within the classroom environment.
- **Auxiliary Aids:** Equipment, technology, and/or software provided by Angelina College (AC) at no cost to qualified students with disabilities to promote the accessibility of AC's programs, classes, activities, and events.
- **Communication Aids and Services:** Interpreting, real-time captioning, computer-assisted real-time transcription (CART), note-taking services, and other auxiliary aids and services that assist with communication, primarily for students who are deaf or hard of hearing.



- **Computer-Assisted Real-Time Transcription (CART):** The process of a third-party individual converting spoken English into text viewable on a computer or smart phone. The transcription is word-for-word, including noting laughter, throat-clearing by the instructor, and other audible elements. The purpose of CART is to provide access for a student who is deaf/hard of hearing to the spoken word within a class setting. The CART provider may be present in the room with the student or may access the spoken lectures and discussions through a high-quality microphone while located in another location. The student is provided a copy of the CART transcription after class to use for notes.
- **Course Substitution:** Substituting an alternative course that teaches similar competencies and skills for a required course.
- **Descriptive Narration:** Softly spoken English within a video or film that provides descriptions of what is occurring to provide access for individuals who are blind or have low vision.
- **Direct Threat:** There is a significant risk to others that cannot be eliminated or reduced to an acceptable level by reasonable modifications to AC's policies, practices, or procedures or by the provision of appropriate accommodations, auxiliary aids, or services. The determination that a person or device poses a direct threat to the health or safety of others may not be based on generalizations or stereotypes about the effects of a particular disability; it must be based on an individual assessment that considers the particular activity and the actual abilities and disabilities of the individual.
- **Office of Disability Services (ODS):** Angelina College's designated office where students with disabilities request services and provide confidential documentation of disabilities. It is the first point of contact for students and faculty who have questions or concerns regarding accommodations or other issues related to students' disabilities.
- **Documentation:** Material that provides official information or evidence or that serves as a record; the act or an instance of furnishing or authenticating with documents.
- **Dual Credit Courses:** Courses in which students receive credits that apply toward both high school graduation and college requirements.
- **Emotional Support Animal (ESA):** An animal that provides comfort to an individual with a disability upon the recommendation of a healthcare or mental health professional; its role is to alleviate the symptoms of an individual's disability, but not to assist an individual with a disability with activities of daily living.
- **Equal Access:** Within higher education, students with disabilities are provided an equal opportunity to participate in, and benefit from the educational opportunities, activities, and events offered at or by Angelina College.
- **Fundamental Alteration:** A change that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered. Auxiliary aids, accommodations, and services provide a modification to the academic environment, but cannot lower requirements of a course, program, or event. Although students, employees, and campus guests with disabilities can choose courses, academic programs, or events as any other person chooses, people with disabilities are strongly encouraged to explore the learning outcomes of the courses and/or programs prior to enrolling or engaging in this pursuit.

- **Individual with a Disability:** Defined by Section 504 of the Rehabilitation Act as “Any person who: Has a physical or mental impairment which substantially limits one or more major life activities; Has a physical or mental impairment which substantially limits one or more major life activities; Has a record of such an impairment.”
- **Interactive Discussion:** The process in which a student with the disability and ODS personnel have a conversation about the functional limitations that the student experiences as a result of the disability (particularly within a class environment); accommodations, services, and/or auxiliary aids previously used; and other factors that are relevant for determining the individualized reasonable accommodations, services, and/or auxiliary aids for this specific student taking specific classes. The purpose is to ensure that the student has the opportunity to share critical or relevant information that could impact accommodations, services, and auxiliary aids, such as the student’s preferred modality of communication.
- **Interpreting:** The process of a third-party individual converting spoken English into sign language (usually American Sign Language [ASL]). Additionally, the interpreter converts sign language into appropriate spoken English.
- **Modality of Communication:** Primary and preferred method of the individual student who is deaf or hard of hearing. Can include, but is not limited to, American Sign Language interpreting, real-time captioning, and computer-assisted real-time (CART) transcription.
- **Note-Taking Services:** The process of having a third-party individual present in class to take notes for a student with a disability who cannot take notes effectively due to the nature of the disability.
- **Online Courses:** College courses that are taught completely online.
- **Other Power-Driven Mobility Device (OPDMD):** Any mobility device powered by batteries, fuel, or other engines, whether or not designed primarily for use by individuals with mobility disabilities, that is used by individuals with mobility disabilities for the purpose of locomotion. For the purposes of this policy, motorized wheelchairs are not considered an OPDMD.
- **Personal Care Attendant:** An individual who provides services of a personal nature (e.g., bathing, feeding, toileting) for another individual. Angelina College allows these services, but is not responsible for paying for the services.
- **Real-Time Captioning:** The process of a third-party individual converting spoken English into text viewable on a computer or smart phone. The words are concept-for-concept, rather than word-for-word. The purpose of real-time captioning is to provide access for a student who is deaf/hard of hearing to the spoken word within a class setting. The third-party captionist may be present in the room with the student or may access the spoken lectures and discussions through a high-quality microphone while located in another location. The student is provided a transcript of the real-time captioning after class to use for notes.
- **Service Animal:** A dog (or a miniature horse, provided it meets the same work and safety requirements as a dog) trained to assist people with disabilities in the activities of daily living. As defined by the ADA Amendments Act (ADAAA), only dogs and miniature

- horses qualify as service animals; the ADAAA states in part, “other species of animals, whether wild or domestic, trained or untrained, are not service animals.”
- **Services:** Services provided by Angelina College at no cost to qualified students with disabilities to ensure they have equal access.
- **Student Assistant:** An individual who provides services to ensure access to AC classes and labs for a student with a disability who would not otherwise have access. The student assistant is arranged for and paid by the ODS and is an employee of the ODS.
- **Timely Request:** The amount of advance notice that a student with a disability must provide in order to schedule ODS appointments, accommodations, services, and/or auxiliary aids. The length of advance notice varies depending on what the student is requesting and the amount of time required by ODS to procure, convert, or provide the requested appointment, accommodations, services, and/or auxiliary aids.
- **Undue Burden:** Significant difficulty or expense. In determining whether an action would result in an undue burden, factors to be considered include: (a) the nature and cost of the action; (b) the overall financial resources of the site or related sites involved in the action; (c) the number of persons employed at the site; (d) the effect on expenses and resources; (e) legitimate safety requirements that are necessary for safe operation, including crime prevention measures; and/or (f) the impact otherwise of the action upon the operation of the site.
- **Universal Design:** Composition of an environment, whether physical or digital, such that it can be accessed, understood, and used to the greatest extent possible by all people regardless of their age, size, ability, or disability.
- **Working Day:** Monday through Friday when Angelina College is open.

## 2.02 Interpretation of Terms

Angelina College reserves the right to interpret any term related to this regulation. Generally, Manager of the ODS, in collaboration with Angelina College legal counsel as necessary, is authorized to interpret any term related to this regulation.

## SECTION THREE: DISABILITY SERVICES ELIGIBILITY DETERMINATION AND DOCUMENTATION

### 3.01 Documentation

A student registering for approval of accommodations for a disability is required to provide documentation of the disability to the Office of Disability Services (ODS). Documentation is required for the following three purposes:

- To establish that the student is an individual with a disability and thus a member of the protected class;
- To establish the need for accommodations on a case-by-case basis due to consideration of functional limitations, the nature of the individual class, and in order to have equal access; and
- To be prescriptive in assigning reasonable accommodations through an interactive process.

Documentation from external sources may include, but is not limited to, educational or medical records, reports, and assessments created by health care providers, school psychologists, teachers, or other qualified employees of an educational institution. External documentation will vary in its relevance and value based on the original context, credentials of the evaluator, level of detail provided, and the comprehensiveness of the narrative.

### **3.02 Documentation Requirements**

A diagnosis related to a disability must be made by a professional with the appropriate credentials for diagnosing/identifying the specific disability. Documentation must include:

1. A specific diagnostic statement on letterhead identifying the disability and date of the current diagnostic evaluation;
2. A description of the diagnostic criteria and/or diagnostic test(s) used;
3. As appropriate and available, information about how each condition or disability affects the student with regard to physical, emotional, and/or cognitive limitations and the severity of limitations within the classroom;
4. Pertinent information regarding treatments, medications, assistive devices, and resources currently prescribed or in use, particularly if these will have an academic impact;
5. Specific suggestions as to the types of resources that may be considered by the ODS Manager as reasonable accommodations; and
6. Credentials of the diagnosing professional(s).

ODS staff will determine whether the evaluation documentation is sufficiently current. The ODS Manager will combine the documentation with information attained during the interactive discussion and approve appropriate and reasonable accommodations on a case-by-case basis.

### **3.03 Registration for Services Process**

In order for a student with a disability to be approved for accommodations, the registration for services process requires three steps:

1. The student applies for services through the ODS by completing the *Educational Accommodations Application* and submitting it to the ODS;
2. The student submits documentation of disability to the ODS; and
3. The student meets with an ODS Manager for an interactive discussion (see *Subsection 3.04*) no less than fourteen (14) working days prior to the first class meeting.

If the student does not complete registration for services process a minimum of fourteen (14) working days prior to the first day of class, the ODS cannot guarantee that all accommodations will be available on the first day of class.

The student may submit the registration form and documentation by (a) hand delivery to the ODS in Room 205 in the AC Student Center, (b) mail via the US Postal Service to the ODS, or (c) online through the ODS webpage.

Students should use the following mailing address for the ODS:

Angelina College  
Office of Disability Services  
PO Box 1768  
Lufkin, TX 75902-1768

In the ODS Manager's sole discretion subject to applicable law, if the documentation provided is not sufficient, ODS staff will explain to the student what kind of documentation is needed.

Additionally, the Manager can discuss options for obtaining the necessary documentation if the student is unsure if the documentation is available. Options may include, but are not limited to, accessing records from high school, medical or psychiatric documentation (or a letter on letterhead from the doctor who made the diagnosis or is treating the condition, and who has signed and dated the letter), audiograms, psychological testing reports, and evaluations from state or community agencies and organizations.

If additional information is required before a determination of reasonable accommodations can be made, the ODS may provide temporary accommodations for a specified period of time if deemed appropriate by the ODS Manager. Providing a temporary accommodation does not imply that the accommodation will be approved on a permanent basis. If a student granted a temporary accommodation does not comply with requests to produce additional information or documentation by the date specified, the ODS Manager may determine it is not appropriate to extend the temporary accommodations beyond the end of the specified period of time for temporary accommodations.

### **3.04 Registration for Services Process - Interactive Discussion**

After the student completes the *Educational Accommodations Application* and submits documentation, the ODS staff will review the documentation and contact the student to schedule an interactive discussion with the ODS Manager.

The purpose of the interactive discussion is to include important student input and provide the information needed in order to make informed decisions regarding reasonable accommodations. The interactive discussion provides critical information regarding each individual student's preferred modality of communication, which drives decisions about which reasonable accommodations best address the needs and preferred modality of communication of each student.

The type of accommodation necessary to ensure equal access will vary in accordance with the modality of communication used by the student; the nature, length, and complexity of the communication involved, including the nature and vocabulary of the student's individual courses; and the context in which the communication takes place. When determining what type of accommodation is necessary, the ODS will give primary consideration to the accommodation the student indicates is most effective. To be effective, accommodations must be provided in accessible formats that address the individual and unique needs of each student in a

timely manner and in such a way as to protect the privacy and independence of the student. To be effective, accommodations, are not required to produce the identical result or level of achievement for individuals with and without disabilities, but must afford equal access.

### **3.05 Reconsideration of Approved Accommodations**

Students with disabilities who wish to request reconsideration of the reasonable accommodations that have been approved by the ODS may do so on an informal basis by scheduling an appointment with the Manager to review the approved accommodations.

- **Timeline for Requesting Reconsideration**

Typically, a request for a revision to approved accommodations should be made within the first two (2) weeks of a term. However, there are occasions when the need to revise approved accommodations may not become apparent until later in a term.

- **Reconsideration Process**

The ODS Manager shall review the student's request and the supporting disability documentation, engage in an interactive discussion with the student, and make any revisions the ODS Manager determines are appropriate.

If additional information is required before a decision can be made, the ODS may temporarily provide the revised accommodations for a specified period of time if deemed appropriate by the ODS Manager. This temporary revision to accommodations does not imply that the revisions will be approved on a permanent basis. If a student granted a temporary revision to accommodations does not comply with requests to produce additional information or documentation by the date specified, the ODS Manager may determine it is not appropriate to extend the temporary accommodations beyond the end of the specified period of time for temporary accommodations.

In some cases, it is necessary for the ODS Manager to consult with a faculty member to determine which accommodations are reasonable for a specific class. Decisions about reasonable accommodations are made on a case-by-case basis and should take into account the fundamental elements (as documented in core competencies, learning outcomes, and metrics) of each class as well as the impact of the disability on the individual student.

If a student's concerns are not resolved during the informal process of meeting with the ODS Manager, the student may file a formal grievance. Additional information on the grievance procedure is provided in *College Policy FLD* in the College Policy and Procedures Manual.

## **SECTION FOUR: REQUESTING APPROVED ACOMMODATIONS**

### **4.01 Requesting Approved Accommodations - Accommodations Memo**

Following the interactive discussion, the ODS Manager will issue the student an accommodations memo authorizing AC personnel to provide approved accommodations to the student. Students who have already enrolled in classes can immediately request approved accommodations by presenting the accommodations memo to the instructor. If the student has

not already registered for classes, approved accommodations can be requested once the student enrolls in classes.

#### **4.02 Timeline for Initiating Approved Accommodations**

The timeline for initiating approved accommodations varies based on the specific accommodations approved for the student. *Subsection 4.03* provides the minimum amount of advance notice for various accommodations requests. These timelines apply to already-approved accommodations that a student is requesting to use in specific classes. They do not include the additional time needed to complete the registration for services process.

#### **4.03 Approved Accommodation Type and Notice Needed**

- Alternative Media or Text: Fifteen (15) working days' minimum advance notice before first day accommodation is needed. Accommodation will be provided by fifteen (15) working days from the day of the request.
- Alternative Testing: Five (5) working days' minimum advance notice before each exam. Accommodation will be provided on day of exam.
- Communication Aids and Services: Five (5) working days' minimum advance notice before first day accommodation is needed. Accommodation will be provided by five (5) working days into the term or from the date of approval.
- Note-Taking Services: Five (5) working days' minimum advance notice before first day accommodation is needed. Accommodation will be provided by five (5) working days into the term or from the date of approval.
- Student Assistant: Ten (10) working days' minimum advance notice before first day accommodation is needed. Accommodation will be provided by ten (10) working days into the term or from the date of approval.
- Other Approved Accommodations: Ten (10) working days' minimum advance notice before first day accommodation is needed; additional time recommended. Every effort will be made to provide the approved accommodation(s) by ten (10) working days into the term or from the date of approval.

For special requests, such as meeting with professors, tutors, or advisors, or attendance at workshops, club activities, off-campus-field trips, and other events that occur outside of regularly scheduled class time, the student should request the necessary accommodation according to the timelines in *Subsection 4.03* by emailing [studentservices@angelina.edu](mailto:studentservices@angelina.edu). Students are encouraged to notify the ODS as far in advance as possible, particularly for off-campus events, to facilitate scheduling of accommodations.

- **Late Requests**

It is advisable for students to enroll in classes as far in advance as possible and request accommodations at the time they enroll to ensure that services are provided without delay. Every effort will be made to provide approved accommodations for late requests, but the ODS cannot guarantee that these will be in place within five working days.

- **Delays in Providing Accommodations**

The ODS staff members make their best effort to provide approved accommodations within the timeframes specified in its policies. If the ODS determines a student requires an accommodation that is not readily available and will be delayed, ODS personnel will take steps to ensure that the student is not denied an opportunity to participate in the academic program by using available alternatives to minimize the impact of the delay.

#### **4.04 Requests for Changes to Accommodations Due to Schedule Changes**

If a student drops, adds, or changes classes, the student must notify the ODS at [studentservices@angelina.edu](mailto:studentservices@angelina.edu) immediately to request a change to accommodations. Timely notification of changes is necessary so arrangements for changes can be established as quickly as possible. The following advance notice periods are required:

- Alternative Media or Text: Fifteen (15) Working Days minimum advance notice; additional time recommended.
- Communication Aids and Services: Five (5) Working Days minimum advance notice.
- Note-Taking Services: Five (5) Working Days minimum advance notice.
- Student Assistant: Ten (10) Working Days minimum advance notice.
- Other Approved Accommodations: Ten (10) Working Days minimum advance notice; additional time recommended.

The ODS staff will strive to expedite requests for changes to approved accommodations, but cannot guarantee a faster turnaround time.

#### **4.05 Cancelling Approved Accommodations**

It is the responsibility of the student using approved accommodations to notify the ODS at [studentservices@angelina.edu](mailto:studentservices@angelina.edu) as soon as the student is aware that that the student will not attend class, class has been cancelled, or there is an exam that does not require accommodations. A minimum of thirty-six (36) hours advance notice (not including weekends or holidays) is required.

If a student is a “no show” to class three (3) times during a term and fails to cancel scheduled accommodations in advance, the student’s approved accommodations will be temporarily suspended unless there are extenuating circumstances that are reviewed and approved by the ODS Manager. To reinstate accommodations, the student must schedule an appointment with the ODS Manager to review ODS policies in order to ensure that the student fully understands ODS policies and how to adhere to them.

#### **4.06 Reporting Issues with Approved Accommodations**

A student who experiences issues with any approved accommodations should immediately inform the ODS Manager.

To ensure redundancy and avoid delays in addressing issues or concerns, there are three primary methods for contacting the ODS to meet with the Manager or to schedule an appointment:

- Visit the ODS in person
- Email [studentservices@angelina.edu](mailto:studentservices@angelina.edu)



- Call/relay call 936-633-5344.

## **SECTION FIVE: PERSONAL CARE ATTENDANTS**

### **5.01 Statement on Personal Care Attendants**

Angelina College (AC) strives to accommodate individuals with disabilities as required by Section 504 of the Rehabilitation Act and the Americans with Disabilities Act Amendments Act. AC recognizes that personal care attendants may be necessary, in some instances, to address the personal needs of a student with a disability in order for the student to participate in the College's activities, classes, services, and programs. If necessary, a student may hire an impartial personal care attendant in order to ensure an equitable and independent experience similar to other College students. However, since a personal care attendant is a personal service, personal care attendants are not provided or paid by Angelina College.

### **5.02 Requirements for Bringing a Personal Care Attendant to Campus**

The responsibilities of a student requesting to bring a personal care attendant to campus include the following:

- Submit appropriate documentation to the ODS supporting the necessity of having a personal care attendant present on campus;
- Secure one or more personal care attendants, as needed, prior to attending any College-related event or class;
- Ensure that each personal care attendant registers with the ODS each term;
- Ensure that if personnel changes occur during a term, the new personal care attendant registers with the ODS;
- Have a back-up plan or alternative plan of action should the regular personal care attendant not be available on a particular day or during a particular class period;
- Comply with, and ensure the personal care attendant complies with, Angelina College policies and ODS procedures, as well as the AC Student Code of Conduct; and
- Pay for all personal care attendant services.

The personal care attendant is expected to:

- Follow all applicable AC policies, rules, regulations, procedures, and practices;
- Assist the student before and after class;
- Wait outside the classroom during class periods (unless attendance in class is deemed appropriate by documentation and approved by the ODS);
- Allow the student to take responsibility for his/her own progress and/or behavior;
- Refrain from intervening in conversations between the student and faculty, staff, or students; and
- Refrain from discussing any confidential information about the student with faculty, staff, or students, except when necessary;

If a personal care attendant fails to abide by the above practices, the ODS Manager may determine that the personal care attendant will no longer be allowed to accompany the student to

classrooms and/or other College sites. In that case, the student will need to make other arrangements.

## **SECTION SIX: COURSE SUBSTITUTIONS AS DISABILITY ACCOMMODATIONS**

### **6.01 Course Substitutions**

In some circumstances, the specific nature of a student's disability may require consideration of a course substitution. If, as a direct result of the student's disability, the student is unable to complete the work required within a specific class, with or without accommodations, without creating a fundamental alteration to the nature of the class, it may be appropriate to substitute another course. The purpose of a course substitution is to provide an alternative course with similar educational goals that could be completed by the student with accommodations without fundamentally altering the nature of the class or program.

### **6.02 Requesting a Course Substitution**

The student requests a course substitution through the Vice President of Academic Affairs. It is recommended that the student first schedule an appointment with the ODS Manager for assistance consulting with appropriate academic administrators about course substitutions. The ODS Manager may provide the student a letter of support that documents the necessity of a course substitution based upon documentation of disability, prior academic history, and input from current instructors.

### **6.03 Approval Process for Course Substitutions as Accommodation**

The Vice President of Academic Affairs will consult with academic administrators and faculty members within the student's field of study or academic program regarding potential courses that would provide similar educational outcomes and be appropriate as a substitution. The final decision on whether to approve a course substitution is made by the academic administrator for the school in which the student's field of study or academic program is housed.

## **SECTION SEVEN: ANIMALS ON CAMPUS**

### **7.01 Definitions**

The following definitions of terms apply to animals on campus related to disability services and accommodations.

- Emotional Support Animal (ESA): An animal that provides comfort to an individual with a disability upon the recommendation of a healthcare or mental health professional; its role is to alleviate the symptoms of an individual's disability, but not to assist an individual with a disability with activities of daily living.
- Guide Dog: A trained dog that serves as a travel tool for persons with severe visual impairments or who are blind or have low-vision.

- Hearing Dog (sometimes referred to as a signal dog): A dog trained to alert a person with significant hearing loss, or who is deaf, to the presence of sounds or people.
- Partner: The person assisted by a service animal.
- Pet: An animal kept for ordinary use and companionship.
- Psychiatric Service Dog: A dog trained to detect the onset of psychiatric episodes and lessen their effects.
- Seizure Response Dog: A dog trained to assist a person with a seizure disorder.
- Service Animal: A dog (or a miniature horse, provided it meets the same work and safety requirements as a dog) trained to assist people with disabilities in the activities of daily living. As defined by the Americans with Disabilities Act (ADA), only dogs and miniature horses qualify as Service Animals; “other species of animals, whether wild or domestic, trained or untrained, are not service animals...”
- Service Animal in Training: A dog or miniature horse that is being trained as a service animal. For the purposes of this policy, all statements that pertain to service animals apply equally to service animals in training.
- Social Signal (SSig) Dog: A dog trained to assist a person with autism.

### **7.02 Animals Allowed on Campus**

The Americans with Disabilities Act (ADA) allows service animals and service animals in training to be on the Angelina College campus. If a person with a disability requires a service animal, the animal must be allowed to accompany the person anywhere on campus, including food service areas, except in situations where the service animal may cause a safety issue or interfere with the fundamental nature of campus activities, such as research or clinical areas that require a sterile environment.

The Fair Housing Act (FHA) and the Rehab Act Section 504 allows emotional support animals in residential housing. An emotional support animal (ESA) must be approved through the ODS.

### **7.03 Animals Other than Service Animals and Emotional Support Animals**

Angelina College prohibits individuals from bringing animals, other than service animals or approved emotional support animals in the residence hall, to campus without prior written approval from the Vice President of Academic Affairs. Animals other than service animals and emotional support animals in campus housing may be on campus only if they are approved in advance as part of a campus-sponsored event, program, or service (e.g., test anxiety relief days sponsored by a unit). The academic or office administrator of the sponsoring unit is responsible for securing approval, ensuring proper supervision and control over the animal, and any necessary waste clean-up. Failure to do so will result in revocation of approval to have the animal on campus. Moreover, an animal participating in a campus-sponsored event, program, or service may be removed for any of the reasons listed in *Subsection 7.06*.

#### **7.04 Eligibility for Service Animal Status**

To qualify as a service animal, a dog (or, if approved, a miniature horse) must perform work or tasks that directly relate to the partner's disability. According to Section 504 of the Rehabilitation Act (including clarifications issued in September 2010), examples include, but are not limited to:

- Assisting individuals who are blind or have low vision with navigation or other tasks;
- Alerting deaf or hard-of-hearing individuals of the presence of people or sounds;
- Providing non-violent protection or rescue work;
- Pulling a wheelchair;
- Assisting an individual during a seizure;
- Alerting an individual to the presence of allergens;
- Retrieving items such as medicine or a telephone;
- Providing physical support and assistance with balance and stability to individuals with mobility disabilities;
- Helping individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

If an animal meets one of these criteria, it qualifies as a service animal.

If the service an animal performs is not obvious, the ODS may ask two questions to determine if it qualifies as a service animal:

- Is the animal a service animal that is required because of a disability?
- What disability-related work or task has the animal been (or is the animal being) trained to perform?

The ODS may not require other proof of a service animal's status. Faculty and staff may not require medical documentation of the need for the animal, training documentation, or a demonstration of its ability to perform a task. Service animals do not have to be licensed or certified by the state, local government, or any training program.

- **Dogs**

A dog used as a service animal may be any breed or size. Service animals may (but are not required to) wear specialized equipment, such as a backpack, harness, or special collar or leash, as needed to assist their partners with activities of daily living. Types of service animals include, but are not limited to, guide dogs, hearing dogs, psychiatric service dogs, social signal (SSig) dogs, and seizure response dogs.

- **Miniature Horses**

The ADA requires institutions to make appropriate provisions for miniature horses that have been individually trained to do work or perform tasks for people with disabilities. Miniature horses generally range in height from twenty-four (24) to thirty-four (34) inches at the shoulders and weigh seventy (70) to one hundred (100) pounds.

Assessment factors: ODS will determine whether to grant permission for a miniature horse to serve as a service animal on a case-by-case basis. When making such a determination, the ODS will take the following factors into account:

- Whether the miniature horse is housebroken;
- Whether the miniature horse is under the partner's control;
- Whether AC facilities can safely accommodate the miniature horse's type, size, and weight; and
- Whether the miniature horse's presence will compromise legitimate safety requirements necessary for safe operation of AC facilities.
- 

### **7.05 Emotional Support Animals**

Emotional support animals (ESA) do not qualify as service animals under the ADA, ADAAA, or Section 504 of the Rehabilitation Act. An ESA may be allowed to stay in campus housing under the protections granted by the Fair Housing Act (FHA) or the Rehab Act Section 504. ESAs are subject to the same regulations described in *Sections 7.06 and 7.07*.

For a student to qualify to have an emotional support animal in his or her campus housing:

- The student must have a disability as defined by the ADA;
- The student must be registered with the ODS office;
- The student must have an already established relationship with the animal;
- The animal must be housebroken and up-to-date on all vaccinations;
- The emotional support animal must be approved through the ODS office as an official accommodation;
- The owner must re-submit permission for the ESA to be housed on campus each new term with the ODS;
- The owner must notify ODS if the animal is no longer needed or is no longer residing on College property. If the animal will be replaced, the owner must submit a new request;

For information regarding this process, students should contact the Residential Life Specialist by emailing [dorms@angelina.edu](mailto:dorms@angelina.edu) and the ODS at [studentservices@angelina.edu](mailto:studentservices@angelina.edu) as early as possible, and no later than two months prior to the dorm move-in date.

### **7.06 Responsibilities of Individuals Using Service Animals or Emotional Support Animals**

Partners using service animals on campus, or emotional support animals in campus housing (ESA), are responsible for the following:

- **Safety:** the animal must not pose a direct threat to the health and safety of others on campus.
- **Compliance with Local Ordinances:** the animal must have all immunizations, licenses, and other items required by the city or comparable governmental entity in which the campus, site, or ac activity exists or occurs and must comply with laws regulating noise, restraint, and at-large animals. Dogs used as service animals or ESA must wear a City of Lufkin (or other relevant municipality) license tag and a current rabies vaccination tag at all times.

- **Control of Animal:** Partners must maintain control over their animal at all times. Animals must be harnessed, leashed, or tethered unless the animal needs to perform a task requiring it to travel beyond the length of the restraint or if the partner's disability prevents the use of such devices. In that case, the partner must maintain control through voice, signal, or other commands.
- **Care and Supervision:** The care and supervision of the animal is solely the responsibility of the partner. The partner must provide the animal with food and water at appropriate intervals. Food and water should not be provided in classrooms, laboratories, the library, the campus café, or other areas where it may present a health risk or create a disturbance. Food and water should be provided outside or in a public area of campus, such as a lobby. The partner is responsible for bringing clean bowls for food and/or water and for cleaning up the area as necessary after the service animal or ESA eats or drinks.
- **Hygiene:** The animal should be bathed regularly to avoid significant odors and/or shedding. Regular grooming may be necessary for flea, tick, and shedding control.
- **Waste:** Animals must be housetrained and able to control their waste elimination, which should take place outdoors. The partner is responsible for independently removing or arranging for the removal of the animal's feces and/or urine, placing the waste in a closed container or bag, and disposing of it in an outdoor trash bin. The partner must carry sufficient equipment and/or bags for cleaning up and disposing of the animal's waste. Partners who are physically unable to pick up and dispose of waste are responsible for making all necessary arrangements for assistance.
- **Damage:** The partner is responsible for any damages caused by the animal.
- **General Regulations:** Partners accompanied by a service animal or ESA are subject to the same campus conditions, regulations, and limitations that apply to individuals without service animals or ESA.

Temporary visitors with service animals who visit campus for conferences, workshops, class work, or other circumstances must adhere to all requirements listed in this section.

### **7.07 Removing a Service Animal or Emotional Support Animal (ESA)**

A service animal, or emotional support animal (ESA) in campus housing, may be temporarily or permanently asked to leave Angelina College facilities, grounds, or sponsored events for any of the following circumstances:

- The partner is unable to control the animal's behavior (including barking) and/or does not take effective action to control the behavior;
- An animal intended for use as a service animal is objectively determined to be presently incapable of performing appropriate and disability-related work or tasks for the partner and is deemed not to qualify as a service animal under the ADA;
- An animal demonstrates unruly or disruptive behavior that indicates it has not been successfully trained to function as a service animal in public settings or as a ESA in campus housing;
- The animal is ill;

- The animal is not clean (this does not apply to animals that become wet from weather-related incidents but are otherwise clean);
- The animal is destructive;
- The animal is aggressive;
- The partner violates the responsibilities set out in this policy;
- The animal is abandoned or left for an extended time without supervision.

The timeframe for removing the animal will be determined based on the facts of the specific case and whether the animal poses an imminent threat of harm to members of the campus community. If asked to remove an animal the partner may return to campus without the service animal/ESA and the College will provide the partner a reasonable accommodation in place of the service animal/ESA.

### **7.08 Complaints about Animals on Campus**

Individuals with medical issues that are affected by a service animal or emotional support animals (ESA) should contact the Office of Disability Services (ODS). The person raising the concern must provide verifiable medical documentation supporting the claim that the presence of the animal is a medical issue. The ODS will consider the needs of the partner and the person filing the complaint in attempting to resolve the problem as efficiently and effectively as possible. If there is cause to be concerned that an animal may be a health or safety risk, contact the ODS to discuss these concerns. Such reports will be handled on a case-by-case basis.

## **SECTION EIGHT: STUDENT GRIEVANCES**

### **8.01 Right to Grieve**

A student may engage in the grievance process if the student believes the ODS is not reasonably accommodating a disability. A student may also file a grievance based on a belief that there has been discrimination due to the student's disability, whether in class, at a college event, or in any other activity associated with Angelina College.

### **8.02 Filing a Grievance at Angelina College**

A student wishing to file a grievance related to disability services should contact the Manager of Disability Services (see: *College Regulation FFD* in the AC Policies and Procedures Manual). If the student's grievance is against the ODS Manager, the student should file the complaint with the College President (see *College Regulation FFD Section 3.08*).

### **8.03 External Grievance Process**

If a student believes that there has been discrimination and/or that Angelina College has failed to remediate the issue, the student may, at any time, file a complaint with the federal Office of Civil Rights (OCR). The student may contact OCR at <https://www.hhs.gov/ocr/index.html>.

## **HEALTH REQUIREMENTS AND SERVICES: COMMUNICABLE DISEASES**

### **HEALTH AND WELLNESS**

- 1.01** Health-related campus policies referring to HIV/AIDS, other communicable diseases, alcohol and substance abuse, and immunizations are available in the office of the school nurse located in the student center. The College District shall promote the health and well being of the College District community through direct medically related services, health education and counseling, and referrals to appropriate community agencies.

### **COMMUNICABLE DISEASES**

- 2.01** Communicable diseases include, but are not limited to, measles, influenza, viral hepatitis-A and B, HIV/AIDS, and tuberculosis. For the purpose of this policy, the term “HIV infection” shall include AIDS, AIDS-Related Complex (ARC), and a positive test for the antibody to human immunodeficiency virus.
- 2.02** The College District’s decisions involving students who have communicable diseases shall be based upon current and well-informed medical judgments concerning the disease, the risks of transmitting the illness to others, the symptoms and special circumstances of each individual who has a communicable disease, a careful weighing of the identified risks, and the available alternatives for responding to a person with a communicable disease.

The College District shall not discriminate in enrollment against any student solely on the grounds that the student has a communicable disease. Students shall not be denied access to College District facilities or campus activities solely on the grounds that they have a communicable disease, however, the College District reserves the right to exclude a student with a communicable disease from College District facilities, programs, and activities if the College District makes a medically based determination that the restriction is necessary for the welfare of the student with the disease and/or the welfare of other members of the College District community.

- 2.03** The College District shall comply with all pertinent statutes and regulations that protect the privacy of students with a communicable disease. The College District shall ensure that procedural safeguards are in effect in all offices of the College District in order to maintain the confidentiality of students who have HIV infection.
- 2.04** The College District shall maintain a comprehensive HIV infection education program and shall make its policy on HIV/AIDS available to students by including said policy in the student handbook and distributing the handbook at registration.
- 2.05** The College District is required to, and shall report, on the day of the recognition, all suspected or known cases of communicable diseases as described in the appropriate federal and state statutes and regulations.



## **IMMUNIZATIONS**

- 3.01** The College District does not require proof of immunization for the general student population, except proof of bacterial meningitis immunization for most new students as required by state law.

Immunizations are required for students whose course work involves direct patient contact in a medical or clinical setting. These requirements are distributed with the information packets admission materials for each program involving clinical coursework.

## **ALCOHOL AND SUBSTANCE ABUSE**

- 4.01** In compliance with the Drug-Free Schools and Communities Act of 1989, the College District has adopted and shall prescribe to the following alcohol and drug policy:

To ensure a safe, productive working and learning environment on all property either owned or controlled by the College District, the unlawful manufacture, use, sale, dispensation, or possession of alcohol, controlled substances, drugs, or drug paraphernalia is strictly prohibited.

The College District shall strictly prohibit any member of the College District community, visitor, or contractor being on any property either owned or controlled by the College District while under the influence alcohol, drugs, or controlled substances. Anyone under the influence of alcohol, drugs, or controlled substances on property either owned or controlled by the College District will be refused entry or removed from said property.

Anyone taking a drug or other medication, whether or not prescribed by the individual's physician for a medical condition, that is known or advertised as possibly affecting or impairing judgment, coordination, or other senses, or that may adversely affect ability to perform work or studies in a safe and productive manner, shall notify his /her instructor or supervisor prior to starting work or entering the classroom.

Members of the College District community with drug or alcohol problems who voluntarily disclose their problem and enroll in an employer or student assistance or rehabilitation program will not be subject to disciplinary action when they follow recommendations made by the referral source and successfully complete the treatment program.

The complete alcohol and drug policy can be found in the Student Handbook.

## **STUDENT COMPLAINTS: SEXUAL HARASSMENT**

### **NOTICE OF STUDENT RIGHTS**

#### **What is the College District policy concerning sexual misconduct?**

The College District forbids employee conduct constituting sexual harassment of students. The College District forbids students from engaging in unwanted and unwelcome verbal or physical conduct of a sexual nature directed toward another student or a College District employee.

#### **What is sexual harassment?**

Sexual harassment of a student by an employee includes any unwelcome sexual advances, requests for sexual favors, and other verbal (oral or written), physical, or visual conduct of a sexual nature. It also includes such activities as engaging in sexually oriented conversations for purposes of personal sexual gratification, telephoning a student at home or elsewhere to solicit inappropriate social relationships, physical contact that would be reasonably construed as sexual in nature, and enticing or threatening a student to engage in sexual behavior in exchange for grades or other school-related benefit.

Sexual harassment of a student by another student includes unwanted and unwelcome verbal or physical conduct of a sexual nature, whether by word, gesture, or any other sexual conduct, including requests for sexual favors.

#### **What laws address sexual harassment of students?**

Sexual harassment or abuse of students by College District employees may constitute discrimination on the basis of sex and is prohibited by Title IX (the federal law prohibiting gender-based discrimination by schools that receive federal funds).

#### **What will the College District do when it learns of sexual harassment of a student?**

When a college administrator receives a report that a student is being sexually harassed or abused, he or she will initiate an investigation and take prompt action to intervene.

#### **What do I do if I have been sexually harassed at college?**

A student who has a complaint alleging sexual harassment by other student(s) or sexual harassment by an employee may request a conference with the appropriate administrator or designee, or the College District's Title IX coordinator. The conference will be scheduled and held as soon as possible but within seven calendar days. The appropriate administrator or Title

IX coordinator will coordinate an investigation. Oral complaints should be reduced to writing to assist in the College District's investigation.

A complaint may also be filed separately with the Office of Civil Rights:

Regional Director  
Office of Civil Rights, Region VI  
1999 Bryan Street, Suite 2600  
Dallas, Texas 75201  
Telephone: (214) 880-2459  
Fax: (214) 880-3082 TDD: (214) 880-2456

**Who is the Title IX coordinator and how do I contact that person?**

The Title IX coordinator for the College District is:

Name: Tifini Whiddon

Position: Director of Human Resources

Address: Administration Building Room 201

Telephone: (936) 633-4555

The Title IX coordinator is a College District employee who has the responsibility to assure College District compliance with the requirements of Title IX. The coordinator will investigate or oversee an investigation of a complaint alleging violations of Title IX.

The College District has adopted complaint procedures for handling Title IX complaints, which may be obtained from the appropriate administrator or Title IX coordinator. The student may be accompanied by an advisor throughout the complaint process.

**Will my complaint be confidential?**

To the greatest extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation.

**What if I am not satisfied by the College District's resolution of my complaint?**

If the student is not satisfied with the College District's initial response to the complaint, he or she has seven calendar days to request a conference with the College President or designee, who will schedule and hold a conference. Prior to or at the conference, the student must submit a written complaint that contains: a statement of the complaint; any evidence to support the

complaint; the resolution sought; the student's and/or student's signature; and the date of the conference with the appropriate administrator.

If the student considers the resolution unsatisfactory, he or she may request that the complaint be heard by the Board of Trustees at its next regular meeting, in accordance with policy BD(LOCAL). The Board will hear the complaint in closed meeting, unless otherwise required by the Texas Open Meetings Act. At the conclusion of the hearing, the Board will decide what action it deems appropriate.

## **STUDENT FINANCIAL AID**

### **SCHOLARSHIPS**

- 1.01** There are a number of scholarships made available to College District students by individuals and organizations interested in the education of worthy students in the community. Scholarships are awarded by various divisions of the College, local industries, organizations, businesses and the scholarship committee. All scholarship awards, regardless of the sources, are administered by the Scholarship Coordinator and the Dean of Student Services.

Although primary emphasis of scholarship awards is placed on recruitment, awards may be given for the purpose of retention or when upgrading a recipient's award is deemed appropriate by the committee.

- 1.02** In the interest of providing adequate control over scholarships and fairness in the distribution of scholarships among students, the following policy and procedures will apply to scholarship awards with the exception of athletic and cheerleader scholarships.

### **SCHOLARSHIP COMMITTEE MEMBERSHIP AND DUTIES**

- 2.01** The committee shall consist of full-time faculty, with each division of the College District being represented by one or more members, (See BGC).
- 2.02** The committee shall award academic scholarships to eligible students, except for those scholarships awarded by the divisions. The committee shall recommend policy changes, recommend scholarship recipients to the office of student services and elect a chairperson during the September meeting.

### **SCHOLARSHIP COMMITTEE MEETING DATES**

- 3.01** The committee shall have regularly scheduled meetings in August, December, March and July during the academic year.
- 3.02** The chairperson shall call additional meetings as necessary.

### **COORDINATION AND COMMUNICATION BETWEEN THE SCHOLARSHIP COMMITTEE AND DIVISIONS AWARDING SCHOLARSHIPS**

- 4.01** In addition to the committee, the Fine Arts Division, the Health Careers Division and the Technology/Workforce Division award scholarships. There are also several personal consultation scholarships awarded that are personally recommended by faculty.
- 4.02** In order to facilitate adequate control and fairness in the distribution of scholarships, the Fine Arts, Health Careers and Technology/Workforce Divisions must provide the following information to the Scholarship Coordinator and chair of the scholarship

committee immediately after the selection of award recipients: name and student identification number of recipient, name of award, amount and duration of award.

- 4.03** The committee shall notify the above-mentioned divisions of any awards made by the committee for the purpose of ensuring fairness in the distribution of academic scholarships.

#### **SCHOLARSHIP AWARDS/LIMITATIONS**

- 5.01** The committee shall generally award only one scholarship to a prospective recipient. However, under exceptional circumstances, the committee may deem it appropriate to award multiple scholarships.

- 5.02** Full-time scholarship recipients may receive awards for up to four semesters, fall and spring semesters only, provided they meet the eligibility criteria outlined in the specific award. No scholarships awarded by the committee shall be available during the summer terms.

- 5.03** Part-time students, enrolled in less than 12 semester hours, shall be eligible for academic scholarships that do not specifically state in the eligibility criteria that the student must be full-time. Part-time scholarship recipients may be eligible for awards in excess of four semesters. The total dollar amount shall not exceed the amount a full-time student would receive on a comparable scholarship.

#### **DIRECTOR OF FINANCIAL AID/SCHOLARSHIP COORDINATOR/OFFICE OF STUDENT SERVICES RESPONSIBILITIES**

- 6.01** The Director of Financial Aid and Scholarship Coordinator shall ensure that scholarship information is current in the College District bulletin. The Scholarship Coordinator shall create and be responsible for distribution of applications, brochures and other related documents. The Scholarship Coordinator shall provide scholarship information and applications to students at orientation sessions.
- 6.02** The Scholarship Coordinator shall compile a master list of all scholarship applicants and provide a list of applicants ranked by entrance exam scores, high school class rank, College District grade point average and other pertinent information to the committee members at least three days prior to committee meetings.
- 6.03** The Scholarship Coordinator shall receive the current scholarship balances from the designated staff in the business office in order to determine scholarship availability. The Scholarship Coordinator shall provide the committee with a list of available scholarships, the eligibility requirements for each scholarship and the number of awards that can be made from each scholarship.

The Scholarship Coordinator shall create and disburse letters of acceptance or rejection to scholarship applicants promptly after committee action. A master file of all acceptance letters shall be maintained.

The Scholarship Coordinator shall review the income-by account, or summary, of all scholarship awards and shall reconcile it and make necessary corrections and initiate reimbursements when necessary.

The Scholarship Coordinator shall work with recipients in sending letters of gratitude to donors and coordinate news releases concerning scholarships.

The Scholarship Coordinator shall ensure the orderly processing of non-institutional and general criteria-driven awards and review awards prior to each semester to ensure that recipients meet the eligible criteria.

The Scholarship Coordinator shall compile a list of all recipients awarded scholarships by the committee, including the recipient's grade point average, total number of hours taken each semester and semesters on this scholarship. This information will be made available to the committee during the January and June meetings.

The Scholarship Coordinator shall review the list of graduates at the conclusion of each term and notify the committee of graduation status.

The Executive Director of Marketing and Strategic Enrollment, or his designee, shall provide scholarship information and applications to prospective students at high school career days and other similar activities throughout the service area of the College District.

## STUDENT FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

### SECTION ONE: STATEMENT OF NONDISCRIMINATION

#### 1.01 Statement of Nondiscrimination

The College prohibits discrimination, including harassment, against any student on the basis of sex, gender, race, color, religion, national origin, disability, age, or any other basis prohibited by law.

#### 1.02 Retaliation

The College prohibits retaliation by a student or by a College employee against a student alleged to have experienced discrimination or harassment or another student who, in good faith, makes a report of harassment or discrimination, serves as a witness, or otherwise participates in an investigation.

#### 1.03 False Claims and Statements and Noncooperation with Investigations

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College investigation regarding discrimination or harassment shall be subject to appropriate disciplinary action.

### SECTION TWO: DEFINITIONS

#### 2.01 Discrimination

Discrimination against a student is defined as conduct directed at a student on the basis of sex, gender, race, color, religion, national origin, disability, age, or on any other basis prohibited by law that adversely affects the students.

#### 2.02 Prohibited Harassment

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's sex, gender, race, color, religion, national origin, disability, age, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct limits or denies a student's ability to participate in or benefit from the College's educational program. Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

#### 2.03 Sexual Harassment by an Employee

Sexual harassment of a student by a College employee includes unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

**2.03.1** A College employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the



employee will make an educational decision based on whether or not the student submits to the conduct; or the conduct is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity.

**2.04 Sexual Harassment by Others**

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it limits or denies a student's ability to participate in or benefit from the College's educational program.

**2.05 Sexual Violence**

Sexual violence is a form of sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability.

**2.06 Examples of Sexual Harassment**

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; rape; sexual assault; sexual battery; sexual coercion; and other sexually motivated conduct, communications, or contact. Physical contact not reasonably construed as sexual in nature is not sexual harassment.

**2.07 Gender-Based Harassment**

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity.

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

**2.08 Retaliation**

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation proceeding, or hearing. Intimidation, threats, coercion, or discrimination including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise

out of the same facts or circumstances as a report or complaint of sex discrimination, or a report of formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. Retaliation is punishing students for asserting their rights to be free from discrimination including harassment.

**2.09 Prohibited Conduct**

In this policy, the term “prohibited conduct” includes discrimination, harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

**SECTION THREE: REPORTING PROCEDURES**

**3.01 Student Report**

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a responsible employee or the Title IX Coordinator.

**3.02 Employee Report**

Any College employee who suspects and any responsible employee who receives notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the Title IX Coordinator listed in this policy and shall take any other steps required by this policy.

**3.03 Reporting Exceptions**

A person who holds a professional license requiring confidentiality, such as a counselor, or who is supervised by such a person shall not be required to disclose a report of prohibited conduct without the student’s consent. A person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source shall not be required to disclose information regarding an incident of prohibited conduct that constitutes personally identifiable information about a student or other information that would indicate the student’s identity without the student’s consent, unless the person is disclosing information as required for inclusion in the College’s annual security report under the Clery Act.

**3.04 Responsible Employee**

For purposes of this policy, a “responsible employee” is an employee:

**3.04.1** Who has the authority to remedy prohibited conduct;

**3.04.2** Who has been given the duty of reporting incidents of prohibited conduct; or

**3.04.3** Whom a student reasonably believes has the authority to remedy prohibited conduct or has been given the duty of reporting incidents of prohibited conduct.

The College designates the following persons as responsible employees: any instructor, any administrator, or any College official designated below.

**3.05 Title IX Coordinator**

Reports of discrimination based on sex, including sexual harassment or gender-based harassment, may be directed to the Title IX Coordinator. The College designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Name:	<b>Ms. Tifini Whiddon</b>
Title:	Director of Human Resources
Mailing Address:	Office of Human Resources, 3500 S. First St, Lufkin, TX 75901
Campus Address:	201 Administration Building
Phone:	936-633-4511
Email:	twhiddon@angelina.edu

**3.06 Student ADA/Section 504 Coordinator**

Reports of discrimination based on disability may be directed to the ADA/Section 504 Coordinator. In matters relating to students, the College designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands the requirements of Section 504 of the Rehabilitation Act of 1973 as amended.

Name:	<b>Ms. Renee McCain</b>
Title:	Manager of Disability Services
Mailing Address:	Office of Disability Services, 3500 S. First St, Lufkin, TX 75901
Campus Address:	206 Student Center
Phone:	936-633-4504
Email:	rmccain@angelina.edu

**3.07 Other Antidiscrimination Laws**

The College President or designee shall serve as coordinator for purposes of College compliance with all other antidiscrimination laws.

**3.08 Alternative Reporting Procedures**

A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX Coordinator or the ADA/Section 504 Coordinator, may be directed to the College President. A report against the College President may be made directly to the Board President. If a report is made directly to the Board President, the Board shall appoint an appropriate person to conduct an investigation.

**3.09 Timely Reporting**

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the College's ability to investigate and address the prohibited conduct.

### **3.10 Investigation of Report**

**3.10.1** After the written notice of a formal complaint has been given to the College, the Title IX Coordinator shall contact the complainant within 10 days to discuss supportive measures, inform the complainant of the right to a formal complaint investigation consistent with the Title IX and the informal resolution process. After the written notice of a formal complaint has been given to the College, both the complainant and the respondent will receive written notice. An investigation shall follow the filing of the complaint.

**1.10.2** Investigation of the Report upon receipt or notice of a report, the Title IX Coordinator shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the Title IX Coordinator shall immediately authorize or undertake an investigation, except as provided below Section 3.10.5.

If the Title IX Coordinator determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy, the Title IX Coordinator shall refer the complaint for consideration under the Student Complaints policy (FLD Local in the College's Policy and Procedure Manual), as appropriate.

#### **1.10.3 Interim Action**

If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the College shall promptly take interim action calculated to address prohibited conduct prior to the completion of the College's investigation.

#### **1.10.4 College Investigation**

The investigation shall be conducted by the Angelina College Chief of Police or a designee. The investigator shall have received appropriate training regarding the issues related to the complaint and the relevant College's policies and procedures. The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

#### **1.10.5 Criminal Investigation**

If a law enforcement or regulatory agency notifies the College that a criminal or regulatory investigation has been initiated, the College shall confer with the agency to determine if the College's investigation would impede the criminal or regulatory investigation. The College shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has completed gathering its evidence, the College shall promptly resume its investigation.

**1.10.6 Concluding Investigation**

Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the College to delay its investigation, the investigation should be completed within ten College business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation. The investigator shall prepare a written report of the investigation. The report shall be filed with the Title IX Coordinator overseeing the investigation.

**3.10.7 Notification of the Outcome** The College shall provide written notice of the outcome, within the extent permitted by the Family Educational Rights and Privacy Act (FERPA) or other law, to the complainant and the person against whom the complaint is filed.

**SECTION FOUR: COLLEGE ACTION**

**4.01 Prohibited Conduct**

If the results of an investigation indicate that prohibited conduct occurred, the College shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct, in accordance with College policies and procedures.

**4.02 Examples of Corrective Action**

Examples of corrective action may include a training program for those involved in the complaint, a comprehensive education program for the College community, counseling for the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving students in efforts to identify problems and improve the College climate, increasing staff monitoring of areas where prohibited conduct has occurred, and reaffirming the College's policy against discrimination and harassment.

**4.03 Exception - Sexual Harassment**

The College shall minimize attempts to require a student who complains of sexual harassment to resolve the problem directly with the person who engaged in the harassment; however, if that is the most appropriate resolution method, the College shall be involved in an appropriate manner. Mediation shall not be used to resolve sexual harassment complaints.

**4.04 Improper Conduct**

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct, the College may take disciplinary action in accordance with College policies and procedures or other corrective action reasonably calculated to address the conduct.

**4.05 Confidentiality**

To the greatest extent possible, the College shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

**4.06 Appeal**

A student who is dissatisfied with the outcome of the investigation may appeal through the Student Complaints policy's appeal process (see *FLD LOCAL* in the AC Policies and Procedures Manual), beginning at the appropriate level. A student shall be informed of his or her right to file a complaint with the U.S. Department of Education Office for Civil Rights.

**4.07 Records Retention**

The College will maintain certain documents relating to Title IX activities for seven years to include sexual harassment investigations, any appeal and the result therefrom, any information resolution, all materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

**4.08 Access to Policy, Procedures, and Related Materials**

Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, shall be distributed annually to College employees and students in compliance with law and in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the College Policy and Procedure Manual, and other major College publications. Information regarding the policies, procedures, and related materials shall also be prominently published on the College's website, taking into account applicable legal requirements. Copies of the policies and procedures shall be readily available at the College's Human Resources Office and shall be distributed to a student who makes a report.

See AFA (Local) Title IX: Prohibited Discrimination and Harassment

Updated: 09/2020

## **STUDENT HOUSING**

The College District maintains one residence hall and rooms are reserved on a first-come, first-served basis after full scholarship recipients are housed and returning resident students have exercised their option to renew a reservation for the ensuing semester or term.

Dormitory residents are expected to obey all local, state, and federal laws in addition to all the College District regulations outlined in the code of student conduct and the residence hall agreement.

The code of student conduct shall be found in the current Student Handbook.

## **SOLICITATIONS**

As used in this regulation, the word solicitation shall mean the free distribution, sale or offer for sale of any property or service, whether for immediate or future delivery, and the receipt of or request for any gift or contribution by a student, a recognized student organization, or individuals or groups unaffiliated with the College District.

No solicitation shall be conducted in or on any property either owned or controlled by the College District except in accordance with the following provisions when they do not violate a sole source vendor contract clause:

1. The sale of any newspaper, magazine, or other publication in an area designated in advance by the dean of student services for the conduct of such an activity.
2. The sale or offer for sale of any food or drink item in an area designated in advance by the dean of student services for the conduct of such an activity.
3. The collection of membership fees or dues by recognized student organizations at meetings of such organizations scheduled in accordance with the College District's regulations on use of facilities.
4. The collection of admission fees for programs sponsored by recognized student organizations and scheduled in accordance with the College District's regulations.
5. The activities of a recognized student organization that can present to the dean of student services written evidence from the Internal Revenue Service that the organization has been granted an exemption from taxation under 26 U.S.C. 501(c)(3), internal revenue code. No organization may solicit under this section without the approval of the activity from the dean of student services, and if approved, for no more than fourteen days, whether continuous or intermittent, during the school year.
6. Solicitations involving only the campus community must be approved by the dean of student services.

Solicitation made pursuant to the terms of this policy shall be conducted according to the following:

1. The solicitation shall not disturb or interfere with the regular academic or institutional programs being conducted in buildings or on property owned or controlled by the College District.



2. The solicitation shall not interfere with the free or unimpeded flow of pedestrian and vehicular traffic on sidewalks and streets and at places of ingress and egress to and from buildings owned or controlled by the College District.
3. The solicitation will not harass, embarrass, or intimidate the person or persons being solicited.

If, after a reasonable investigation, the dean of student services determines that a solicitation is being conducted in a manner violating this policy, the dean may prohibit that party from soliciting on the campus.

## **STUDENT RECORDS**

### **DIRECTORY INFORMATION AND STUDENT RECORDS**

- 1.01** The student educational records maintained by the College District fall into two general categories: directory information and student records. The purpose of this policy is to describe various kinds of educational records and to state the permissible uses of these records. These policies and procedures are in full accord with the final regulations implementing the Family Educational Rights and Privacy Act of 1974.

### **CONFIDENTIALITY OF RECORDS**

- 2.01** That part of a student's educational record defined as directory information is public information and will be made available to the public. The Family Education Rights and Privacy Act of 1974 defines directory information. Directory information includes, but is not limited, to the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (e.g., undergraduate or graduate; full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended.

- 2.02** Student records include all educational records except for directory information and are not public records. The College District will maintain the confidentiality of these student records.

Information in a student's educational record may be released by the College District as directed by the College President in response to a health or safety emergency.

- 2.03** The College President shall be the College District's officer for public records. Each department head shall be an agent of the officer for public records for the purposes of complying with the Public Information Act and the College District's policy on public records.

- 2.04** Students may at any time request that all directory information be withheld by completing a non-disclosure statement in the registration and admissions office.

## **STUDENT ACTIVITIES: STUDENT PUBLICATIONS**

- 1.01** College student publications shall support freedom of the press as a right guaranteed by the First Amendment of the U.S. Constitution.
- 1.02** Publications shall be produced by and for students in keeping with the goals and mission of the College District for the purpose of information and entertainment.
- 1.03** The College District newspaper and publications shall accept signed letters to the editor expressing the opinions of students and faculty in response to topics of interest to the college community. If published, the letters will be held to the same journalistic standards of fairness and accuracy as is expected in the work of the newspaper staff members.
- 1.03.1** The College District may subject student expression to prior screening under clear and reasonable regulations.
- 1.04** The College District’s educators shall exercise editorial control over style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns.
- 1.05** The College District may refuse to disseminate or sponsor student speech that:
1. Would substantially interfere with the work of the school.
  2. Impinges on the rights of other students.
  3. Is vulgar or profane.
  4. Might reasonably be perceived to advocate drug or alcohol use, irresponsible sex, or conduct otherwise inconsistent with the shared values of a civilized social order.
  5. Is inappropriate for the level of maturity of the readers.
  6. Does not meet the standards of the educators who supervise the production of the publication.
  7. Associates the school with any position other than neutrality on matters of political controversy.

## **STUDENT ACTIVITIES: REGISTERED STUDENT ORGANIZATIONS**

Participation of students in student activities is based upon interests, abilities, and maintenance of satisfactory academic standing and progress. The general objectives of all student activities shall be the development of intellectual potential, to attain physical wellbeing, and to enrich student's social, cultural, and civic experiences.

The student activities program shall be under the supervision of the Executive Director of Student Affairs or designee. The Executive Director of Student Affairs or designee in conjunction with the student activities and athletic committee, the College District student association, and the dormitory council will plan and schedule student activities.

The College District shall not discriminate on the basis of race, creed, color, sex, national origin, or disability in providing student activities to the students. The College District shall provide qualified disabled students an equal opportunity to participate in collegiate clubs, intramural sports, and other student activities.

### **REGISTERED STUDENT ORGANIZATIONS**

- 1.01** Members of student organizations are expected to obey all local, state, and federal laws in addition to all the regulations of the College District. The standards of student conduct, including disciplinary procedures are designed to provide and conform to the basic tenets of due process.

Freedom of discussion, inquiry, and expression is fostered by the College District and the privileges of citizenship are protected. Accordingly, the College District has developed regulations pertaining to students and student organizations. Any student or organizations violating a regulation of the College District is subject to disciplinary action according to the provisions of this code.

- 1.02** Personal conduct of students or student organizations on the College District campus, or at College District-sponsored events is subject to College District disciplinary jurisdiction. The College District may enforce its disciplinary policy and procedure when personal conduct, regardless of where it occurs, directly, seriously, or adversely interferes with, or disrupts the overall mission, programs, or other functions of the College District.
- 1.03** Recognition of student groups shall not be denied on the basis of views expressed by the group. However, emphasis for recognition is placed on the activity orientation of the prospective organization and is generally related to instructional areas or recreational pursuits. Recognition may be denied if the group violates reasonable campus rules and/or does not serve an expressed mission of the College District.

### **FACULTY/STAFF ADVISOR**

- 2.01** Student organizations must have an approved faculty or staff advisor who shall ensure that the College District regulations pertaining to student organizations are fulfilled.

The faculty/staff advisor shall provide leadership and guidance to the student organization as well as continuity from one year to the next. It is especially noted that the role of the faculty/staff advisor is not one of control but rather advisement and counsel.

### **RECOGNITION OF STUDENT ORGANIZATIONS**

- 3.01** Student organizations may be officially recognized when formed for purposes that are consistent with the philosophy, goals, and mission of the College District. To be recognized, student groups must:

1. Have an approved faculty/staff advisor.
2. File a constitution and statement of purpose with the office of student services.
3. File an annual request with the office of student services for official recognition.
4. Conduct the activities of the organization in a manner that reflects the goals of the College District.
5. Ensure that the purpose, goals, and activities of the organization does not duplicate those of another.
6. Ensure that participation is not denied based on sex, disability, race, nationality, or religion.

### **ELIGIBILITY CRITERIA FOR STUDENT PARTICIPATION**

- 4.01** Students participating in student organizations must maintain satisfactory academic progress as outlined in the College District Student Handbook.
- 4.02** Students selected as officers in student organizations will have at least a 2.00 grade point average at the time of election and post at least a 2.00 GPA during subsequent semesters. Officers shall be enrolled in a minimum of six semester hours.

### **RIGHTS AND DUTIES**

- 5.01** A recognized student organization shall be entitled to invite and sponsor speakers for its group. However, organizations are not authorized to present programs to an all-College audience unless they are approved to do so by the Executive Director of Student Affairs. An event open to an all-College audience shall generally be defined as one that is promoted as being open to persons who are not members of the sponsoring organization.

- 5.02** The Vice President of Business Affairs shall negotiate and sign contracts for all entertainment, recreational, cultural, or educational events that are being considered for an all-College District audience.

The organization inviting a speaker or performer to the campus shall be responsible for any and all damages proximately caused by acts of misfeasance or malfeasance on the part of the speaker/ performer or those acting in concert with the speaker. The inviting organization shall hold the College District harmless from any and all damages caused by the speaker/performer or those acting in concert with the speaker.

The College District reserves the right to cancel any event deemed likely to cause an interruption in the College District's orderly activities. The President or a duly authorized representative may order an event to be terminated on grounds that it constitutes disruptive activity as defined by the Texas Education Code.

All student organizations will have their functions, whether on or off campus, approved by their official faculty/staff advisors.

- 5.03** State law as it regards candidates for public office and campaigning on public property and all other applicable statutes shall be observed. Political organizations inviting candidates to speak to an all-College District audience shall afford equal time to opponents seeking that political office.

## **POSTING GUIDELINES**

- 6.01** General publicity shall be defined as any method or device for disseminating informational material on the College District campus. General publicity must be approved by the office of student services before posting on College District bulletin boards.

Only events sponsored by a recognized student organization may be promoted under these guidelines.

All publicity posted on bulletin boards shall be no larger than 616 square inches, 22" x 28".

There shall be no more than one poster or announcement of a particular announcement per bulletin board.

All publicity shall contain the name of the sponsoring organization.

Recognized organizations posting publicity are responsible for removal of the material when the date for posting has expired. An expiration date shall be considered as one day following the date of the posted event. The posting period shall not exceed three weeks.

General publicity printed in a foreign language shall have the same information presented in English and shall have the name of the recognized organization presented in English.

General publicity shall be posted to bulletin boards and other designated posting areas only. No posting shall be attached to glass surfaces, indoor or outdoor walls, doors, vending machines, cars, trees, light posts, or other similarly unauthorized locations. Chalking of sidewalks is prohibited.

- 6.02** A recognized organization shall not advertise or promote events or activities in a manner that falsely suggests that the event or activity is sponsored by the College District.

### **FISCAL PROCEDURES**

- 7.01** Fund-raising activities shall be conducted in a manner that does not jeopardize support the College District receives. Fund-raising activities by recognized student organizations shall be approved by the Executive Director of Student Affairs.
- 7.02** The College District business office maintains accounts for all recognized organizations. All funds earned through fund-raising activities or membership dues shall be deposited in the organization's account.

### **ATHLETICS**

- 8.01** The athletic program functions in accordance with the goals and mission of the College District. The athletic program adheres to the rules and regulations set forth by the National Junior College Athletic Association and the Region 14 Athletic Conference and strives to promote a sense of community in the College District and its service area.
- 8.02** The intercollegiate athletic program operates under the supervision of the athletic director who reports to the College President. The student activities and athletic committee is a standing faculty committee charged with the review and recommendation of student activities and athletics regarding their contributions to the College District community. The committee's review shall include athletic department policies and input into the evaluation of the program's effectiveness.
- 8.03** The granting of intercollegiate athletic scholarships shall follow the regulations set forth by the National Junior College Athletic Association and the Region 14 Athletic Conference.

## **STUDENT RIGHTS AND RESPONSIBILITIES: INVOLVEMENT IN DECISION- MAKING**

The College District shall maintain a student association organized to deal with programs, issues, enhancement of student activities, and to provide input to the College District administration on policies, planning, and evaluation. The name of the student association shall be the Angelina College Student Association, (ACSA).

### **ASCA MEMBERSHIP AND DUTIES**

- 1.01** Membership of the association shall be representative of the various recognized student organizations active on the College District campus. Members-at-large shall be appointed by instructional divisions only when the respective division is not represented by a recognized student organization.
- 1.02** Members shall be elected by their respective student organizations, or, if necessary, appointed by their instructional division annually and no member shall serve more than two years.
- 1.03** The association shall meet on a regular schedule to discuss policy implementation, modification, or elimination, discuss the enhancement of student programs, issues, and activities, and to provide input to the faculty committee on activities and athletics and the institutional planning and evaluation council (IPEC).

The chairperson shall call additional meetings as necessary.

- 1.04** The association shall elect a chairperson, vice chairperson, and secretary at the September meeting.

The officers, or their appointed representatives, shall attend all scheduled meetings of the faculty committee on activities and athletics and the IPEC.

Two members of the association shall serve on the IPEC student services committee and two members shall serve on the IPEC learning resources committee. These four members shall be appointed by the association officers.

### **COORDINATION AND COMMUNICATION BETWEEN ASSOCIATION AND ADMINISTRATION**

- 2.01** The Executive Director of Student Affairs or designee shall be responsible for providing administrative support to the association. This support shall include, but not be limited to, scheduling of meeting facilities, access to photocopying equipment, supplies, and financial support for the orderly conduct of association business.



- 2.02** The Executive Director of Student Affairs or designee shall be responsible for ensuring that open communication exists between the ACSA and the faculty committee on activities and athletics, the IPEC, and the administration's executive committee.

## STUDENT CONDUCT AND DISCIPLINE PROGRAM

### SECTION ONE GENERAL PRINCIPLES

#### 1.01 Intent

It is the intent of the Student Conduct and Discipline Program to provide an educational and developmental response to student misconduct while ensuring a safe and appropriate teaching and learning environment.

#### 1.02 Progressive Discipline

In keeping with the educational intent of the Student Conduct and Discipline Program, the College engages in progressive discipline to help students understand and behave in accordance with the College's conduct standards. The progressive discipline process includes (a) selecting a proportional response to a student's misbehavior and (b) increasing the level of response if the student subsequently misbehaves.

#### 1.03 Exceptions to Progressive Discipline

Although the College generally engages in progressive discipline in the Student Conduct and Discipline Program, in circumstances wherein the College determines it is likely a student's behavior will continue (a) to be disruptive to the teaching and learning environment, (b) violate another person's rights, and/or (c) represent a potential threat to campus or individual safety and security, the College may expel the student for the first occurrence of misconduct.

#### 1.04 Program Authority

The College President delegates authority and responsibility for administering the Student Conduct and Discipline Program to the Dean of Student Affairs.

#### 1.05 Responsible Employees

A responsible employee is a College employee required to report allegations of student misconduct promptly to the Dean of Student Affairs. Responsible employees are not confidential reporting resources. At the Angelina College, responsible employees include, but are not limited to:

- administrators
- employees assigned an apartment in College student housing
- student success coaches
- coaches, and other athletic staff who interact directly with students
- faculty members
- police officers and security staff
- all supervisory staff

## SECTION TWO PERSONAL CONDUCT

### **2.01 Jurisdiction of the Student Conduct and Discipline Program**

The personal conduct of students is subject to the Student Conduct and Discipline Program in all of the following settings:

- on the grounds of any College site or campus, in any facility or building owned or operated by the College, and in any vehicle owned by or operated by the College;
- when participating in or attending College functions regardless of the location of the function; and
- when participating in recognized student organizations, college-sponsored groups or organizations, or intercollegiate athletic teams.

### **2.02 Connection to the College**

The College may address the personal conduct of students through the Student Conduct and Discipline Program--regardless of where the behavior occurs--if the student has a clear connection to the College when engaging in the conduct and if such behavior may adversely affect the safety and security, programs, or reputation of the College.

### **2.03 Expectations for Students Employed by or Representing the College**

The College may require students to meet appropriate behavioral expectations if the College employs them or engages them to represent the College as volunteers at events or programs. These expectations may include appropriate guidelines for the students' apparel and expression or speech that may otherwise be protected. If a student fails to meet these expectations, the College may take appropriate disciplinary action up to and including termination of the student's employment, may refuse to continue allowing the student to volunteer, and/or may hold the student accountable for his/her behavior through the Student Conduct and Discipline Program.

### **2.04 Local, State, and Federal Laws and Ordinances**

The College expects students to obey all local, state, and federal laws and ordinances. The College may administer appropriate disciplinary sanctions through the Student Conduct and Discipline Program if a student violates a law or ordinance.

## SECTION THREE EXAMPLES OF PROHIBITED BEHAVIOR

The following are examples of prohibited behavior. The College may conduct investigations, administer processes, and assign penalties related to behaviors that are not listed below but that the College finds are disruptive to the teaching and learning environment or College operations and/or present a threat to campus or individual safety and security.

### **3.01 Academic Integrity and Honesty**

A college's intellectual reputation depends on maintaining the highest standards of academic integrity and honesty. Commitment to those standards is a responsibility of every

Angelina College student, instructor, and staff member. The College requires complete honesty from each student in all phases of coursework. Breaches of academic integrity and honesty include cheating, plagiarism, and the unauthorized possession or disposition of academic materials. The College considers any breach of academic integrity and honesty as a violation of acceptable student conduct, and instructors and/or the Dean of Student Affairs will address any violation.

***Cheating:*** Cheating is the act of using unauthorized materials or receiving unauthorized assistance during an examination or any other academic exercise. Examples of cheating include: copying the work of another student during an examination or any other academic exercise, or permitting another student to copy one's work; taking an examination for another student, allowing another student to take one's examination, or facilitating this behavior among other students; possessing unauthorized notes, study sheets, examinations, or other materials during an examination or other academic exercise; collaborating with another student during an academic exercise without the instructor's consent; falsifying examination results; or otherwise acquiring or submitting as one's work any research paper or writing assignment prepared by another individual or firm.

***Plagiarism:*** Plagiarism is defined as the use of another's ideas or words without appropriate acknowledgment. Examples of plagiarism include: failing to use quotation marks when directly quoting from a source; failing to provide appropriate citation when using distinctive ideas from a source, including websites, message boards, or the social media accounts of others; and fabricating or inventing sources.

***Unauthorized Possession or Disposition of Academic Materials:*** Unauthorized possession or disposition of academic materials may include: selling or purchasing examinations, papers, reports or other academic work; taking another student's academic work without permission; possessing examinations, papers, reports, or other materials not released by an instructor; and/or submitting the same paper for multiple classes without advance instructor authorization and approval.

### **3.02 Alcoholic Beverages**

The College prohibits student possession or consumption of alcoholic beverages on College property. Behavior subject to disciplinary action include the possession and/or consumption of alcoholic beverages and/or being under the influence of alcohol at a campus or site or while representing the College during an off-campus activity.

### **3.03 Illegal Substances**

The College prohibits the possession, distribution, or use of any illegal substance on campus or at any College function on or off campus.

### **3.04 Tobacco**

Angelina College is a *Tobacco Free* campus. The College prohibits the use of tobacco products on all College property.

**3.05 Vapor and e-cigarettes**

The College prohibits use of vapor and e-cigarettes on all College property.

**3.06 Housing and Residence Life**

The College prohibits violations or breaches of the Angelina College Residential Contract by students living in College housing.

**3.07 Animals on Campus**

The College prohibits pets and other privately-owned animals in any College building unless the Vice President of Academic Affairs (VPAA) makes a specific exception for academic purposes. When the VPAA makes an exception, animals on campus must be on a leash or be otherwise under the direct and positive control of the owner.

The College permits service animals assisting individuals with disabilities in all College facilities, programs, and events. Students with disabilities should contact the Office of Student Success and Inclusion to obtain guidelines and regulations related to service animals.

**3.08 Children in the Classroom**

The College prohibits students bringing children to class without prior consent from the instructor.

**3.09 Discrimination and Harassment**

In accordance with federal and state law, the College prohibits unlawful discrimination, including harassment, on the basis of race, color, religion, national origin, gender, including sexual harassment, age, disability, citizenship, and veteran status. Pursuant to College policy, the College also prohibits discrimination on the basis of sexual orientation, gender identity, and gender expression. Angelina College also fosters an environment of open communication and is committed to protecting individuals from retaliation who participate or engage in protected activities.

Interested individuals should also see the following College policies and regulations:

- AF (Local) - Equal Employment and Educational Opportunities Statement
- AFA (Local) - Title IX: Prohibited Discrimination and Harassment
- FFD (Regulation) - Student Freedom from Discrimination, Harassment, and Retaliation
- FLD (Local) - Student Complaints

**3.10 Disruptions**

The College prohibits use of force, violence, tactics, or behavior that cause obstruction or disruption of teaching, administration, disciplinary procedures, or other authorized activities on College premises.

**3.11 Distribution of Literature, Advertising, Selling or Solicitation**

Selling and soliciting are only permitted on the College's campus and sites with official authorization. The College prohibits solicitation of students, faculty, or staff members by personal contact or through the distribution of advertising leaflets or handbills on any College property or in any buildings to promote sales without prior approval of Dean of Student Affairs or his/her designee.

**3.12 False Reports**

The College prohibits false reporting of incidents including intentional activation of fire alarms or fire suppression systems on campus when a threat is not imminent.

**3.13 Falsification of Records**

The College prohibits knowingly furnishing false information to the College by forging or altering a document, record, or identification.

**3.14 Financial Responsibilities**

The College prohibits students from failing to promptly address all financial responsibilities owed Angelina College. This prohibition includes any student unpaid debts, returned checks, overdue borrowed books, and other cases of financial irresponsibility.

**3.15 Firearms, Fireworks, and Explosives**

The College prohibits the unauthorized possession or use of firearms, fireworks, explosives, or unauthorized hazardous chemicals of any description on College grounds or property, including residence halls.

**3.16 Food and Drinks**

The College prohibits possession and consumption of food and drinks in the computer labs, classrooms, laboratories, shops, theatre, library, and other designated areas on campus without prior approval by appropriate College personnel.

**3.17 Gambling**

The College prohibits gambling in any form on College grounds and property, including College residence halls.

**3.18 Lewd, Vulgar, Indecent, or Obscene Conduct & Expression**

The College prohibits lewd, vulgar, indecent, or obscene conduct and expression infringing upon the rights of others to the point where the behavior is so severe, persistent or pervasive that it explicitly or implicitly affects an individual's employment or enrollment, unreasonably interferes with an individual's work or educational performance, or creates an intimidating or hostile work or educational environment. The College also prohibits lewd, vulgar, indecent, or obscene conduct that disrupts the campus learning environment, including all College activities conducted on and off campus property.

**3.19 Misuse of Student Identification Card**

The College prohibits the use of a student identification card by anyone other than the person to whom it is issued, and the failure to present or relinquish a student identification card to a member of the faculty, staff, or administration upon request.

**3.20 Official Directives**

The College prohibits failure to comply with the lawful directives of all College officials acting within the scope of their responsibilities.

**3.21 Stalking**

The College prohibits students from attempting to control or intimidate another student through behavior or threats. “Stalking” is a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s own safety or for the safety of others or would cause that person to suffer substantial emotional distress. A “course of conduct” means two or more acts in which a person directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person or interferes with a person’s property. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the complainant. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**3.22 Student Dress**

Classroom instructors and College staff in charge of College events may remove or debar a student from an activity if the student’s clothing may cause an unsafe learning environment for the student and/or for other students participating in the activity or contributes to creating an intimidating or hostile work or educational environment.

**3.23 Terroristic and Bomb Threats**

The College prohibits terroristic behavior such as sending threatening letters or electronic mail, communicating threats through telephone calls or text messages, and bomb threats.

**3.24 Unauthorized Entry**

The College prohibits unauthorized entry or use of College buildings, offices, or facilities.

**3.25 Unauthorized Possession of Keys**

The College prohibits possession by students of keys to College buildings or facilities that have not been issued by an authorized College official.

**3.26 Vandalism**

The College prohibits the willful malicious destruction, damage, or defacing of property whether it belongs to the College, a College employee, or another student.

**3.27 Violent Behavior**

The College prohibits the use or threat of physical violence against another person on College property or at College-sponsored events.

**3.28 Inappropriate Use of College Information Resources**

Each student is responsible for the use of the College information resources to which he/she is granted access. The College expects students to promote efficient use of information resources that is consistent with the instructional, public service, and administrative goals of the College. The College permits incidental use of College information resources, but such use must not interfere with the performance of official College business, result in direct costs to the College, expose the College to unnecessary risks, or violate applicable laws or College policies and regulations. Users have no expectation of privacy in any personal information stored on a College information resource, including College email accounts. The College prohibits the following:

- incidental use to conduct or promote a student's or an employee's outside employment, including self-employment;
- use of any College-provided information resource to do something illegal, threatening, or deliberately destructive;
- falsification of identity or enabling others to falsify identity using College information resources;
- unauthorized use or disclosure of confidential data or of data that are otherwise restricted;
- use of College information resources to send an unsolicited message(s) to a large number of recipients (known as "spamming"), consuming a disproportionate share of network resources without prior authorization, and deliberately causing any denial of service or introduction of computer viruses to College information resources.

**3.29 Violation of Local Ordinances and of State or Federal Law**

The College prohibits any action, event, or group of events that provides grounds for a charge or violation of local ordinances or of state or federal laws.

**SECTION FOUR  
SPECIAL PROVISIONS**

**4.01 Attempted Violations**

In most circumstances, the College will treat an attempt to commit a prohibited behavior as if the actor had exhibited the behavior.

**4.02 College as Complainant**

As necessary, Angelina College reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim of misconduct.



**4.03 Immunity for Victims and Witnesses**

At the sole discretion of the Dean of Student Affairs, the College may choose to not issue charges nor to administer punishment for prohibited behavior to victims and witnesses of serious criminal activity.

**4.04 Bystander Engagement**

At the sole discretion of the Dean of Student Services, the College may choose to not issue charges nor to administer punishment for prohibited behavior when students report a dangerous situation to a College official or seek emergency assistance for themselves or other students.

**4.05 Parental Notification**

The College reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status, or conduct situation related to alcohol and/or drug violations. The College may also notify parents/guardians of nondependent students under age 21 of alcohol and/or drug policy violations. Where a student is nondependent, the College will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The College also reserves the right to designate which college officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA).

**4.06 Interim Actions for Safety and Security**

If the College receives evidence indicating a student's behavior presents a continuing danger to people or property or poses an ongoing threat of disrupting the academic process, the Dean of Student Affairs may take immediate interim protective action against the student pending a final determination of an alleged violation of this policy. Such protective/interim measures may include, but are not limited to, suspending the right of the student to be present on campus (including living in campus residence halls) and to attend classes, and otherwise altering the status of the student. Other protective measures may be implemented given the student's relationship with the College. When the Dean of Student Affairs temporarily removes or debars a student, the student will continue to be presumed innocent during the investigation and conference stages of the Student Conduct and Discipline Program process. When the Dean of Student Affairs exercises the authority described in this subsection, he/she will immediately notify the College President, and appoint an appropriate College employee to conduct an investigation on behalf of the College.

**4.07 Notification of Outcomes**

The outcome of a campus hearing is part of the educational record of the accused student, and is protected from release pursuant to the Family Educational Rights and Privacy Act (FERPA). However, the College observes the legal exceptions as follows:

- Complainants in nonconsensual sexual contact/intercourse, sexual exploitation, sexual harassment, stalking, and relationship violence incidents have an absolute right to be informed of the outcome, essential findings, and sanctions of the hearing, in writing, without condition or limitation.

- The College may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a college policy that is a “crime of violence,” including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/ damage/ vandalism of property and kidnapping/abduction.

## SECTION FIVE PENALTIES FOR MISCONDUCT

Penalties for student misconduct include, but are not limited to the following:

### **5.01 Warning or Reprimand**

Warning or Reprimand may include, but is not limited to, counseling with or writing a letter to the student. These actions are cumulative and are considered official college actions that are recorded in the Office of the Dean of Student Affairs.

### **5.02 Restriction**

Restriction involves specifically prohibiting a student from attending campus activities, occupying campus facilities, or using campus equipment or services.

### **5.03 Community Service**

Community service is an assignment of unpaid work on campus or in the community with a restorative intent.

### **5.04 Disciplinary Probation**

Disciplinary probation is applied for a stated period with or without specified restrictive conditions. Restrictive conditions may include but are not limited to:

- removing the right of the student to receive any college award, scholarships, or financial aid;
- removing the right to occupy any position of leadership in any college or student organization or activity; and
- debarment from enrolling in courses based on the delivery modality (i.e., in person, online, or hybrid).

Disciplinary probation will become a part of the student’s permanent academic record.

### **5.05 Removal from College Housing**

In certain instances, the college may remove a student from College housing and allow him/her to continue attending classes.

### **5.06 Course Grade Reduction**

Faculty members may reduce a student’s course grade in response to student behaviors that violate standards set forth in the course syllabus and/or prohibited in this policy.

### **5.07 Administrative Course Withdrawal**

Administrative course withdrawal results in a “W” grade. Angelina College reserves the right to withdraw students from a class or all classes if, in the judgment of the appropriate

college official, such withdrawals are in the best interests of students and the college. Students may be withdrawn for reasons of lack of attendance, irresponsible financial conduct, personal misconduct, academic integrity violations, or other academic infractions.

**5.08 Disciplinary Suspension**

Suspension is for a stated period, but never less than the remainder of the semester in which the offense is committed. During suspension, the student shall not attend classes, participate in any college related activity, or be on campus for any reason except application for readmission. Readmission on probation may be granted at the end of the suspension period. Disciplinary suspension will become a part of the student's permanent academic record.

**5.09 Expulsion**

Expulsion is the permanent removal from Angelina College with no opportunity for readmission. Expulsion will become a part of the student's permanent academic record.

**SECTION SIX  
PROCEDURES FOR STUDENT CONDUCT AND DISCIPLINE PROGRAM**

**6.01 Authority**

The Dean of Student Affairs shall administer the Angelina College Student Conduct and Discipline Program. At his discretion, the Dean of Student Affairs may appoint trained College employees to conduct investigations or proceedings as described below on a case-by-case basis.

**6.02 Student Conduct Panel**

Each year, the Dean of Student Affairs shall request the Angelina College Student Affairs Standing Committee assign not less than three (3) faculty members and three (3) professional staff members to the Student Conduct Panel to serve one year terms. A faculty or professional staff member may serve additional one year terms at his/her request if the Dean of Student Affairs approves. The Dean of Student Affairs will recruit and appoint not less than three (3) currently enrolled students to serve on the Student Conduct Panel during each semester. The Dean of Student Affairs or designee shall conduct thorough, appropriate training with the Student Conduct Panel each semester. If a panelist cannot complete his/her term for any reason, the Dean of Student Affairs shall appoint and train a panelist from the exiting panelist's group (i.e., faculty, professional staff, student) who will serve the remainder of the exiting panelist's term. The Student Conduct Panel shall elect a Chief Panelist each semester by majority vote.

**6.03 Rules of Evidence and Burden of Proof**

Disciplinary decisions will be based on the preponderance of evidence. "Preponderance of Evidence" means it is more likely than not that an alleged incident occurred. The College will use a totality of all available and relevant evidence to reach findings of responsibility. The burden and responsibility for gathering and evaluating evidence rests with the College. Accused students may elect not to self-incriminate and may present relevant evidence to support their positions. Witness statements that are unsigned and/or undated will not be

considered in discipline process; however, if an investigation stemming from an unsigned and/or undated statement results in the discovery of evidence that misconduct may have occurred, the student responsible for that misconduct may be subject to disciplinary action.

#### **6.04 Manner of Correspondence**

The College shall send all “in writing” correspondence related to this Policy to the email address assigned by the College to the student who is the intended recipient of the correspondence. Students may submit verbal or written complaints to the Dean of Student Affairs or to any responsible employee (see Subsection 1.05 of this Policy).

Students must file appeals in writing to the Dean of Student Affairs. Hand-delivered filings shall be timely filed if received by the close of business on the deadline. Email filings shall be timely filed if received by the close of business on the deadline, as indicated by the date/time shown on the email message. U.S. Mail filings shall be timely filed if postmarked by U.S. Mail on or before the deadline and received no more than three (3) days after the deadline. The following are the addresses for each manner of correspondence:

**Hand-delivered:** Administration Building Office 104

**Email:** shudman@angelina.edu

**U.S. Postal Service:** Angelina College Dean of Student Affairs; PO BOX 1768;  
Lufkin, TX 795902-1768

#### **6.05 College Business Days**

Throughout the process outlined in Subsection 6.08 of this Policy, a “day” shall mean a College business day according to the official College calendar. In calculating timelines under this policy, the day a College official sends a correspondence is “day zero.” The following business day is “day one”, and so forth.

#### **6.06 Scheduling Conferences**

The College will make reasonable attempts to schedule conferences at a mutually agreeable time for all intended participants. If a student fails to appear at a scheduled conference, the College may hold the conference and issue a decision in the student’s absence.

#### **6.07 Penalties during Appeals**

All penalties imposed by a College official or Student Conduct Panel will be in effect during any appeal. In cases where the appeal results in reinstatement to the institution or of privileges, all reasonable attempts will be made by the College to restore the student to his/her prior status, recognizing that some opportunities lost may be irretrievable in the short term.

## 6.08 Steps in the Student Conduct Process

### Report/Complaint & Investigation

1. An employee submits a written report of alleged student misconduct, or a student, guest, or vendor of the College (hereinafter “complainant”) submits a verbal or written complaint or report about alleged misconduct.
2. Dean of Student Affairs or designee (hereinafter “College Official”) investigates alleged student misconduct.

### Level One Process - College Official

3. If the College Official finds sufficient evidence of misconduct by a student, he/she issues a notice to the student (hereinafter “respondent”) to attend a conference. Failure to appear at the scheduled conference without prior authorization from the Dean of Student Affairs is a violation of *Subsection 3.20 Official Directives* of this Policy.
4. College Official conducts conference with the respondent during which he/she explains the respondent’s right to due process, reviews appeal procedures, lists the charge(s), and presents all evidence collected during his/her investigation. The respondent may present evidence, call witnesses, and/or address witness statements and any evidence presented. Complainants may present witnesses and other evidence during the conference. The College Official may temporarily suspend the conference for a reasonable timeframe, as determined solely by the College Official, to allow the respondent to obtain witness statements, gather evidence, or otherwise prepare to respond to the charge(s) and/or evidence.
5. The outcome of the conference will be one of the following:
  - a. The respondent admits misconduct. The College Official will assign an appropriate penalty in writing to the respondent.
  - b. The College Official finds the evidence and testimony provided by the respondent presents a preponderance of all evidence that the respondent is not responsible for the alleged misconduct. The College Official will dismiss the charge(s) against the respondent in writing.
  - c. After considering all evidence, the College Official finds the preponderance of evidence supports the charge(s). The College Official will assign an appropriate penalty in writing to the respondent.
6. The respondent or complainant may appeal the finding and/or penalty to the Student Conduct Panel in writing to the Dean of Student Affairs within five (5) business days of when he/she receives the notice (see Subsections 6.04 and 6.05).

### Level Two Process - Student Conduct Panel

7. When the Dean of Student Affairs receives an appeal by a respondent or complainant, the Dean will request the Chief Panelist of the Student Conduct Panel appoint a subpanel comprising three members of the Panel to conduct a conference addressing the appeal. The subpanel shall include at least one (1) student but not more than two (2) students.
8. The subpanel will conduct a conference. During the conference, the College Official will present the charge(s) and all evidence collected during the

investigation. The subpanel will allow the complainant to present witnesses and other evidence during the conference. The respondent may present evidence, call witnesses, and/or address witness statements and any evidence presented. The outcomes of the conference may be one of the following:

- a. The subpanel finds the preponderance of evidence supports the charge(s) and assigns appropriate discipline in writing.
- b. The subpanel finds the preponderance of evidences does not support the charge(s) and dismisses the charge(s) in writing.

### **Level Three - College President**

9. A respondent or complainant may appeal the subpanel's findings or discipline assignment in writing to the College President within five (5) business days of receiving documentation from the subpanel. The following are the only grounds for appeal to the College President.
  - a. A procedural error occurred that significantly impacted the outcome of the conference(s). Examples of procedural errors include substantiated bias by the College Official, failure by the College Official or the Student Conduct Panel to document findings, and material deviation from established procedures.
  - b. New evidence unavailable during the original conference or investigation that could substantially impact the original finding or discipline assignment becomes available. A summary of this new evidence must be included in the written appeal.
  - c. The assigned discipline is materially disproportionate to the severity of the violation.
10. The College President will review the charge(s), the written findings of the College Official and of the subpanel, and the written appeal from the respondent or complainant to decide the merits of the appeal. At his/her sole discretion, the President may meet with the respondent and complainant during his/her deliberation of the appeal. Pursuant to authority delegated to the College President by the Angelina College Board of Trustees, the decision of the College President is final. If the College President does not make a decision regarding the appeal by the end of the tenth business day, the lack of a response by the College President upholds the decision(s) reached prior to the appeal to the College President.

## **STUDENT RIGHTS AND RESPONSIBILITIES – STUDENT COMPLAINTS**

The student complaints policy is designed to resolve complaints in a timely and equitable manner. All complaints will be handled in a confidential manner, and information will not be disclosed to anyone except as required by law, as needed to effectively investigate the complaint, and/or as required to respond to legal proceedings.

### **SECTION ONE: GUIDING PRINCIPLES**

**1.01** The College encourages students to discuss their concerns with the appropriate instructor or other College employee who has the authority to address the concerns.

**1.02** Concerns should be expressed as soon as possible to allow timely resolution.

**1.03** Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

### **SECTION TWO: FORMAL PROCESS GENERAL PRINCIPLES**

**2.01** A student may initiate the formal process described below by timely filing a written complaint form (see: FLD Exhibit).

**2.02** Even after initiating the formal complaint process, students are encouraged to seek informal resolution of their concerns. A student whose concerns are resolved may withdraw a formal complaint at any time. The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

#### **2.03 Freedom from Retaliation**

Neither the Board nor any College employee shall unlawfully retaliate against any student for appropriately communicating a concern or complaint.

#### **2.04 Notice to Students**

The College shall inform students of this policy through appropriate College publications.

#### **2.05 Other Complaint Processes**

Student complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with this policy after the relevant complaint process.

1. Complaints alleging discrimination, including violations of Title IX of the Education Amendments Act of 1972, as amended (gender), Title VII of the Civil Rights Act of 1964, as amended (sex, race, color, religion, national origin), Age

Discrimination in Employment Act of 1967 (age), or Section 504 of the Rehabilitation Act, as amended and Americans with Disabilities Act of 1990 as amended (disability), shall be submitted in accordance with the Student Freedom from Discrimination, Harassment, and Retaliation policy (see: FFD Regulation in the AC Policies and Procedures Manual).

2. Complaints concerning retaliation relating to discrimination and harassment (see: FFD Regulation in the AC Policies and Procedures Manual).
3. Complaints concerning student disciplinary decisions (see: FLB Local in the AC Policies & Procedures Manual).
4. Complaints concerning a commissioned peace officer who is an employee of the College shall be submitted in accordance with state law.
5. Complaints or appeals regarding course grades (see EGA Regulation in the Policies and Procedures Manual).

## **2.06 Filing a Complaint**

Complaint forms and appeal notices (see FLD Exhibit) may be filed by hand-delivery; by electronic communication, including e-mail and fax; or by U.S. Mail.

- Hand-delivered filings shall be timely filed if received by the appropriate employee by the close of business on the deadline.
- Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication.
- Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than five (5) days after the deadline.

## **2.07 Scheduling Conferences**

If a student fails to appear at a scheduled conference, the College may hold the conference and issue a decision in the student's absence.

## **2.08 Response**

At Levels One, Two, and Three, "response" shall mean a written communication to the student from the appropriate College employee. Responses may be hand-delivered, sent by electronic communication to the student's e-mail address of record, or sent by U.S. Mail to the student's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

## **2.09 Days**

"Days" shall mean College business days. In calculating timelines under this policy, the day a document is filed is "day zero." The following day is "day one."



### **2.10 Representative**

“Representative” shall mean any person who or organization that is designated by the student to represent the student in the complaint process. The student may designate a representative through written notice to the College (see FLD Exhibit) at any level of this process. If the student designates a representative with fewer than five days’ notice to the College before a scheduled conference or hearing, the College may reschedule the conference or hearing to a later date, if desired, in order to include the College’s counsel. The College may be represented by counsel at any level of the process.

### **2.11 Consolidating Complaints**

Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

### **2.12 Untimely filings**

All time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student, at any point during the complaint process. The student may appeal the dismissal by seeking review in writing within five (5) days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

### **2.13 Costs Incurred**

Each party shall pay its own costs incurred in the course of the complaint.

### **2.14 Complaint and Appeal Form**

Complaints and appeals under this policy shall be submitted in writing on a form provided by the College (see FLD Exhibit). Copies of any documents that support the complaint should be attached to the complaint form. If the student does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the student unless the student did not know the documents existed before the Level One conference.

A Complaint and Appeal Form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refileing is within the designated time for filing.

## **SECTION THREE: FORMAL COMPLAINT PROCESS**

### **3.01 Level One - Staff Member or Faculty Member**

Complaint forms must be filed within five (5) days of the date the student first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint;

and with the lowest-level staff member or faculty member who has the authority to remedy the alleged problem.

If the complaint is not filed with the appropriate staff member or faculty member, the receiving employee must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate staff member or faculty member.

The appropriate College employee shall investigate as necessary and schedule a conference with the student within five (5) days after receipt of the written complaint. The employee may set reasonable time limits for the conference.

Absent extenuating circumstances, the employee shall provide the student a written response within five (5) days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the employee may consider information provided at the Level One conference and any relevant documents or information the employee believes will help resolve the complaint.

The employee shall develop a record of the Level One process that includes the following documents and files, and submit the entire record to the Executive Director of Student Affairs:

- The original complaint form and any attachments;
- All other documents submitted by the student;
- The written response issued by the employee and any attachments;
- All other documents relied upon by employee in reaching the initial decision; and
- Any audio or video recordings of conferences.

### **3.02 Level Two - Supervisor**

If the student did not receive the relief requested at Level One or if the time for a response has expired, the student may request a conference with the appropriate supervisor to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the College, within five (5) days of the date of the written Level One response or, if no response was received, within five (5) days of the Level One response deadline.

After receiving notice of the appeal, the Level One employee shall forward the full Level One record to the Level Two supervisor. The student may request a copy of the Level One record.

The Level Two supervisor shall schedule a conference within five (5) days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the student may provide information concerning any documents or information presented at the Level One conference. The Level Two supervisor may set reasonable time limits for the conference.

The Level Two supervisor shall provide the student a written response within five (5) days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Level Two supervisor may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Level Two supervisor believes will help resolve the complaint.

The Level Two supervisor shall develop a record of the Level Two process that includes the following documents and files, and submit the entire record to the Executive Director of Student Affairs:

- The complete Level One record;
- All other documents submitted by the student;
- The written response issued by the supervisor and any attachments;
- All other documents relied upon by supervisor in reaching the initial decision; and
- Any audio or video recordings of conferences.

### **3.03 Level Three - Executive**

If the student did not receive the relief requested at Level Two or if the time for a response has expired, the student may request a conference with the appropriate College Official (hereinafter “executive”) to appeal the Level Two decision.

The appeal notice must be filed in writing, on a form provided by the College, within five (5) days of the date of the written Level Two response or, if no response was received, within five (5) days of the Level Two response deadline.

After receiving notice of the appeal, the Level Two supervisor shall forward a record of the Level Two complaint to the Level Three executive. The student may request a copy of the Level Two record.

The Level Three executive shall schedule an appeals conference within five (5) days after the appeal notice is filed. The conference shall be limited to the issues and documents presented at Level Two. At the conference, the student may provide information concerning any documents or information relied on by the supervisor for the Level Two decision. The Level Three executive may set reasonable time limits for the conference.

The Level Three executive shall provide the student a written response within five (5) days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the executive may consider the Level One and Level Two record, information provided at the Level Three conference, and any other relevant documents or information the Level Three executive believes will help resolve the complaint.

The Level Three executive shall develop a record of the Level three process that includes the following documents and files, and submit the entire record to the Executive Director of Student Affairs:

- The complete Level One record;
- The complete Level Two record;
- All other documents submitted by the student;

- The written response issued by the executive and any attachments;
- All other documents relied upon by executive in reaching the initial decision; and
- Any audio or video recordings of conferences.

#### **3.04 Level Four - College President**

Within five (5) days of receiving notice of the Level Three response, any party to the complaint may petition in writing the College President to review the decision. The petition shall state with particularity why the decision is believed to be incorrect or unfair. The College President shall review the Level Three record, and may -- at the College President's sole discretion -- schedule a conference with the involved parties to discuss the appeal.

Within five (5) days of receiving the petition, the College President may act to affirm, modify, remand, or reverse the decision in a written response to all parties. If no action is taken within five (5) days, the Level Three decision shall thereby be affirmed and final.

### ANGELINA COLLEGE STUDENT COMPLAINT AND APPEAL FORM

All formal complaints/grievances and appeals must be submitted using this form, and all fields must be completed. If a field is not relevant, write "N/A" in the space provided. Please note that complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504(disability), must be submitted to the Executive Director of Student Affairs, Administration Building room 204-A, and in accordance with Angelina College policy.

Field 1 **Student Name:** \_\_\_\_\_ **Field 2 Date:** \_\_\_\_\_

**Field 3 Select One Option Below:**

- LEVEL ONE: Complaint filed with Staff or Faculty Member
- LEVEL TWO: Appeal to Associate Dean or Director
- LEVEL THREE: Appeal to Vice President or Dean
- LEVEL FOUR: Appeal to College President
- Title IX, Title VII, ADEA & Section 504, and all other Discrimination: submit to Dean of Student Affairs
- DISCRIMINATION

You may attach any relevant documents to this form. You may also attach additional pages if the spaces provided below are insufficient. If you choose to attach additional pages, please write "see attached" in the space(s) below.

**Field 4 Complaint**

Be specific (e.g., include full names, **date the alleged incident occurred**, places, relevant rules & regulations, etc.). The complaint must be in relation to an incident that has already occurred. Do not reference multiple matters or matters already addressed in a grievance you previously submitted.

**Field 5 Adverse Effect**

Explain how the alleged action or issue adversely affected or interfered with your right to an education.

**Field 6 Requested Relief**

State the specific corrective action or relief you are requesting. The corrective action or requested relief shall be within the authority of AC to grant and shall not include a request for another student/employee to be disciplined.

**Field 7 Names of Witnesses** who have firsthand knowledge of the events being grieved if you want to present a witness(es) or testimony from such a witness or witnesses:

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**Field 8 Name of Representative:** \_\_\_\_\_

You may elect to identify a representative when the complaint/grievance is initially submitted or when submitting an appeal to a Level One, Level Two, or Level Three response. If you fail to identify a representative when this form is submitted, a representative shall not be allowed to attend the corresponding conference or hearing.

**ADMINISTRATION USE ONLY**

Name of supervisor or administrator who received this form: \_\_\_\_\_

Date complaint form received: \_\_\_\_\_

Did student discuss complaint with you informally (y/n) \_\_\_\_\_

Date of complaint conference or hearing: \_\_\_\_\_

Date written response sent to employee: \_\_\_\_\_

**Supervisor/Administrator must retain** (a) the original complaint form and any attachments, (b) all other documents submitted by the student, (c) the written response issued by the supervisor/administrator and any attachments, (d) all other documents relied upon by the supervisor in reaching the initial decision, and (e) any recordings of conferences.

Administrative Notes:

## **PUBLIC INFORMATION PROGRAM**

### **COMMUNICATIONS, COMMUNITY, AND GOVERNMENTAL RELATIONS**

Important factors in the overall effectiveness and image of the College District are the relationships with various community, educational, and governmental organizations.

The following guidelines are designed to enhance the image of the College District and ensure consistency in community relations:

1. The College President is the only official designated to legally obligate the College District in contractual relationships with other schools, governmental and community agencies, or accreditation agencies. This authority may be delegated only if specifically provided in the document or agreement.
2. All major news releases, articulation agreements, or community information initiatives should be approved by the College President or his designee, including the Executive Director of Marketing, and the Vice President of Academic Affairs.
3. The College President or his designee should be the only official spokesperson with elected officials or government agencies.
4. All news releases and advertising material should be approved by the College President or his designee, the Executive Director of Marketing.
5. All communication devices (phones, faxes, computers, Internet connections) are the property of the College District and should be used for College District business only. Any personal use shall be reimbursed to the College District.
6. Telephone advertising must be approved by the office of public information.
7. The Communications and Publications Office will send flowers, cards, and remembrances on the behalf of the College District at appropriate times.

### **WEB PAGE AND PROTOCOL**

The College District has created and maintains a College District Web page for public information about the College District. The Communications and Publications Office is charged with the responsibility for changing and maintaining the Web pages.

### **PUBLIC INFORMATION PROGRAM**

1. The College District Web page is administered through the Executive Director of Marketing and a Web page administrator.
2. The faculty technology committee will periodically review the Web page and its use.

3. Each division will be responsible for its own web content subject to approval by the Executive Director of Marketing.
4. Instructors and students are not permitted to create and maintain private Web pages or social media sites that represent the College District or its programs and services.



**PUBLIC RIGHT TO KNOW**

**SECTION ONE: PERSONNEL TIME PRODUCING PUBLIC INFORMATION FOR INSPECTION**

- 1.01** Pursuant to Texas Government Code Section 552.275, the college limits the amount of time that college personnel are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor to 40 hours in a 12-month period corresponding to the fiscal year of the college, which is September through August.
- 1.02** Each time the college complies with a request for public information, the college shall provide the requestor with a written statement of the amount of personnel time spent complying with that request and the cumulative amount of time spent complying with requests for public information from that requestor during the applicable 12-month period. The amount of time spent preparing the written statement may not be included in the amount of time included in the statement provided to the requestor.
- 1.03** If in connection with a request for public information, the cumulative amount of personnel time spent complying with requests for public information from the same requestor equals or exceeds 40 hours in a 12-month period, the college shall provide the requestor with a written estimate of the total cost, including materials, personnel time, and overhead expenses, necessary to comply with the request. The written estimate must be provided to the requestor on or before the 10th day after the date on which the public information was requested, and the estimate must comply with rules prescribed by the Texas Attorney General.
- 1.04** If the college determines that additional time is required to prepare the written estimate under Subsection 1.03, and provides the requestor with a written statement of that determination, the college will provide the written statement as soon as practicable, but on or before the 10th day after the date the college provided the statement.
- 1.05** If the college provides a requestor with the written statement under Subsection 1.03, the college will not produce public information for inspection or duplication or provide copies of public information in response to the requestor's request unless on or before the 10th day after the date the college provided the written statement under that subsection, the requestor submits a statement in writing to the college in which the requestor commits to pay the lesser of:
- 1.51** The actual costs incurred in complying with the requestor's request, including the cost of materials and personnel time and overhead; or
  - 1.52** The amount stated in the written statement provided under Subsection 1.03.

- 1.06** If the requestor fails or refuses to submit the written statement under Subsection 1.05, the requestor is considered to have withdrawn the requestor's pending request for public information.

## **PUBLIC COMPLAINTS**

### **SECTION ONE: GUIDING PRINCIPLES**

#### **1.01 Informal Process**

The College encourages the public to discuss concerns with an appropriate administrator who has the authority to address the concerns.

Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this regulation, except by mutual written consent.

#### **1.02 Formal Process**

An individual may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. An individual whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this regulation shall not be construed to create new or additional rights beyond those granted by law or College policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

#### **1.03 Freedom from Retaliation**

Neither the Board nor any College employee shall unlawfully retaliate against any individual for bringing a concern or complaint.

#### **1.04 Complaints**

In this regulation, the term “complaint” and “grievance” shall have the same meaning.

This regulation shall apply to all complaints from the public except complaints regarding a commissioned peace officer who is an employee of the College.

### **SECTION TWO: GENERAL PROVISIONS**

#### **2.01 Filing**

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including e-mail and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are

postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

**2.01 Scheduling Conferences**

The College District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the individual fails to appear at a scheduled conference, the College District may hold the conference and issue a decision in the individual's absence.

**2.02 Response**

At Levels One and Two, "response" shall mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the individual's e-mail address of record, or sent by U.S. Mail to the individual's mailing address of record. Mailed responses shall be timely if they are post-marked by U.S. Mail on or before the deadline.

**2.03 Days**

"Days" shall mean College District business days. In calculating timelines under this policy, the day a document is filed is "day zero." The following day is "day one."

**2.04 Representative**

"Representative" shall mean any person who or organization that is designated by an individual to represent the individual in the complaint process.

The individual may designate a representative through written notice to the College at any level of this process. If the individual designates a representative with fewer than three days' notice to the College before a scheduled conference or hearing, the College may reschedule the conference or hearing to a later date, if desired, in order to include the College's counsel. The College may be represented by counsel at any level of the process.

**2.05 Consolidating Complaints**

Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

**2.06 Untimely Filings**

All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the individual, at any point during the complaint process. The individual may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

**2.07 Costs Incurred**

Each party shall pay its own costs incurred in the course of the complaint.

**2.08 Complaint and Appeal Form**

Complaints and appeals under this regulation shall be submitted in writing on a form provided by the College (see GB Exhibit).

Copies of any documents that support the complaint should be attached to the complaint form. If the individual does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the individual unless the individual did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed, but may be refiled with all the required information if the refiling is within the designated time for filing.

**SECTION THREE: COMPLAINT PROCESS**

**3.01 Level One**

Complaints should be filed with the lowest level

Complaint forms must be filed:

1. Within 15 days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

If the only administrator who has authority to remedy the alleged problem is the College President or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

The appropriate administrator shall investigate as necessary and schedule a conference with the individual within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any relevant documents or information.

**3.02 Level Two**

If the individual did not receive the relief requested at Level One or if the time for a response has expired, he or she may request a conference with the College President or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the College, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The individual may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the individual at Level One.
3. Any audio recording or video/audio recording of the Level One conference.
4. The written response issued at Level One and any attachments.
5. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Level Two administrator shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents presented at Level One. At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Level Two administrator may set reasonable time limits for the conference.

The Level Two administrator shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Level Two administrator may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Level Two administrator believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

### **3.03 Level Three**

If the individual did not receive the relief requested at Level Two or if the time for a response has expired, he or she may appeal the decision to the Board.

The appeal notice must be filed with the Office of the President in writing, on a form provided by the College, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The College President or designee shall inform the individual of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board. The College President or designee shall provide the Board with the record of the Level Two complaint. The individual may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. Any audio recording or video/audio recording of the Level One and/or Level Two conferences.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents presented at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the individual notice of the nature of the evidence at least three days before the hearing.

The College shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law.

The presiding officer may set reasonable time limits and guidelines for the presentation including an opportunity for the individual and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the individual or his or her representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

**ANGELINA COLLEGE  
PUBLIC COMPLAINT AND APPEAL FORM**

All formal complaints and appeals must be submitted using this form, and all fields must be completed. If a field is not relevant, write "N/A" in the space provided.

Field 1 **Complainant Name:** \_\_\_\_\_ Field 2 **Date:** \_\_\_\_\_

Field 3 **Mailing Address:** \_\_\_\_\_

Field 4 **Email Address:** \_\_\_\_\_ Field 5 **Phone Number:** \_\_\_\_\_

Field 6 **Select One Option by Filling in the Corresponding Circle:**

<b>Levels</b>	<b>Filing Instructions</b>
Level One	e with appropriate College administrator who has the authority to address the concern
Level Two	e with College President or designee
Level Three	e with the Office of the President for appeal to the Board of Trustees

You may attach any relevant documents to this form. You may also attach additional pages if the spaces provided below are insufficient. If you choose to attach additional pages, please write "see attached" in the space(s) below.

**Field 7 Complaint**

Be specific (e.g., full names - including the name(s) of responsible person(s), date the alleged incident occurred, location(s), relevant rule(s) & regulation(s), etc.). The complaint must be in relation to an incident that has already occurred. **Do not reference multiple matters or matters already addressed in a complaint you previously submitted.**

**Field 8 Adverse Effect:** Explain how the alleged action or issue adversely affected you.

**Field 9 Requested Relief:** State the specific corrective action or relief you are requesting. The corrective action or requested relief must be within the authority of AC to grant.

Field 10 **Names of Witnesses** who have firsthand knowledge of the events being grieved:



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**Field 11 Name of Representative:** \_\_\_\_\_

“Representative” means any person who or organization that is designated by an individual to represent the individual in the complaint process. The individual may designate a representative through written notice to the College at any level of this process. If the individual designates a representative with fewer than three days’ notice to the College before a scheduled conference or hearing, the College may reschedule the conference or hearing to a later date, if desired, in order to include the College’s counsel.

**SIGNATURE**

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\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PRINTED NAME

**ADMINISTRATION USE ONLY**

Name of administrator who received this form: \_\_\_\_\_

Date complaint form received: \_\_\_\_\_.

Date of complaint conference or hearing: \_\_\_\_\_ Date written response sent to complainant: \_\_\_\_\_

**Administrator must retain** (a) the original complaint form and any attachments, (b) all other documents submitted by the employee (Level One only), (c) the written response issued by the supervisor/administrator and any attachments, (d) all other documents relied upon by the supervisor/administrator in reaching the initial decision, and (e) any recordings of conferences.

## OFFICIAL INSTITUTIONAL RELATIONSHIPS

The Angelina College Board of Trustees recognizes the potential value of official institutional relationships with individuals, civic and nonprofit organizations, government agencies and districts, businesses and corporations, other higher education institutions, independent school districts, and other entities. Official institutional relationships shall not detract from the College's values, dignity, integrity, or reputation, nor shall any official institutional relationship create a conflict of interest or the appearance of a conflict of interest.

The Board of Trustees delegates exclusively to the College president authority to develop and negotiate on behalf of the College District official institutional relationships with the intent of contributing to the overall operation, development, and promotion of the College District. On behalf of the College District, the College president shall execute an appropriate instrument such as a memorandum of understanding, articulation agreement, or contract with any entity with which he or she negotiates an official institutional relationship. A provision allowing the College District to terminate the agreement within a reasonable timeframe for breach of contract or material changes in circumstances must be incorporated in the agreement instrument. The College president shall exclusively recommend official institutional relationships to the Board of Trustees, and all official institutional relationships are pending upon final approval of the Board of Trustees.

For the purposes of this policy, official institutional relationships are those that (a) involve a substantial or material commitment of College District financial, physical, or personnel resources; (b) publicly associate the College District's name or brand with the name or brand of another entity; and/or (c) establish an exclusive association between the College District and an entity for the provision of a service, program, or activity.

The Board delegates to the College president authority to enter into unofficial relationships on behalf of the College District providing an unofficial relationship does not result in a commitment, association, or establishment as described in the definition of an official institutional relationship.

## STUDENT AND COMMUNITY USE OF COLLEGE FACILITIES

### SECTION ONE GENERAL PRINCIPLES

#### 1.01 First Amendment of the U.S. Constitution

The College shall take no action respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Board for a redress of grievances (*U.S. Const. Amend. I, XIV*); however, the College may enforce reasonable time, place and manner restrictions that are viewpoint/content neutral.

#### 1.02 Facilities as Polling Places

The College shall make any building that it owns or operates available for use as a polling place in any election that covers territory in which the building is located.

**1.02.1** If more than one authority requests the use of the building for the same day and simultaneous use is impractical, the College shall determine which authority may use the building. *Election Code 43.031(c)*

**1.02.2** No charge, including a charge for personnel, utilities, or other expenses incurred before or after regular business hours, may be made for the use of a public 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 an 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. *Election Code 43.033(a)*

**1.02.3** When a building that the College owns or controls is being used as a polling place the College will not at any time during the voting period prohibit electioneering on the building's premises outside of the area within 100 feet of an outside door through which a voter may enter the building, but will enact reasonable regulations concerning the time, place, and manner of electioneering. *Election Code 61.003(a)–(a-1)*

#### 1.03 Trespass and Damages

It is unlawful for any person to trespass on the grounds of Angelina College, or damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of Angelina College. *Education Code 51.204*

## SECTION TWO DISRUPTIVE ACTIVITIES

### 2.01 Disruptive Activities

A person commits an offense if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of Angelina College (*Education Code 37.123(b), 51.935(a)–(c)*). For purposes of this section, disruptive activity is:

- 1.04.1 Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the College.
- 1.04.2 Seizing control of a building or portion of a building to interfere with an administrative, educational, research, or other authorized activity.
- 1.04.3 Preventing or attempting to prevent by force or violence or the threat of violence a lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.
- 1.04.4 Disrupting by force or violence or the threat of force or violence a lawful assembly in progress.
- 1.04.5 Obstructing or restraining the passage of a person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats of force or violence the ingress or egress of a person to or from the property or campus without the authorization of the administration of the school.

### 2.02 Periods of Disruption

A period of disruption is any period in which it reasonably appears that there is a threat of destruction to institutional property, injury to human life on the campus or facility, or a threat of willful disruption of the orderly operation of the campus or facility. *Education Code 51.231*

### 2.03 Identification of Persons on Campus during Periods of Disruption

During periods of disruption, as determined by the College President, the College President or designee may require that any person on the campus or facility present evidence of identification, or if the person is a student or employee of the College, require the student or employee present official institutional identification card or other evidence of the person's relationship with the institution.

If any person refuses or fails upon request to present evidence of identification, or if the person is a student or employee of the College, the person's student or employee official identification card, or other evidence of relationship with the institution, and if it reasonably appears that the person has no legitimate reason to be on the campus or facility, the person may be ejected from the campus or facility. *Education Code 51.232*

### 2.04 Withdrawal of Consent to Remain on Campus

During periods of disruption, the College President or an officer or employee of the College designated by the College President to maintain order on the campus or facility of the College, may notify a person that consent to remain on the campus or facility has

been withdrawn whenever there is reasonable cause to believe that the person has willfully disrupted the orderly operation of the campus or facility and that the person's presence on the campus or facility will constitute a substantial and material threat to the orderly operation of the campus or facility.

- 2.04.1** In no case shall consent be withdrawn for longer than 14 days from the date on which consent was initially withdrawn. Whenever consent is withdrawn by any authorized officer or employee other than the College President, the officer or employee shall submit a written report to the College President within 24 hours, unless the officer or employee has reinstated consent for the person to remain on the campus. The report must contain all of the following:
1. The description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number; and
  2. A statement of the facts giving rise to the withdrawal of consent.

If the College President or, in his/her absence, a person designated by the College President for this purpose, upon reviewing the written report finds that there was reasonable cause to believe that the person has willfully disrupted the orderly operation of the campus or facility, and that the person's presence on the campus or facility will constitute a substantial and material threat to the orderly operation of the campus or facility, the College President or designee may enter written confirmation upon the report of the action taken by the designee.

If the College President or his/her designee, does not confirm the action of the officer or employee within 24 hours after the time that consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect, except that any arrest made during the period shall not for this reason be deemed not to have been made for probable cause. *Education Code 51.233, .235–.236*

**2.04.2 Notice, Hearing, and Reinstatement**

When the College President, or an officer or employee of the College designated by him/her to maintain order on the campus or facility, decides to withdraw consent for any person to remain on the campus or facility, he/she shall notify that person in writing that consent to remain is withdrawn. The written notice must contain all of the following:

1. That consent to remain on the campus has been withdrawn and the number of days for which consent has been withdrawn, not to exceed 14;
2. The name and job title of the person withdrawing consent, along with an address where the person withdrawing consent can be contacted during regular working hours;
3. A brief statement of the activity or activities resulting in the withdrawal of consent; and
4. Notification that the person from whom consent has been withdrawn is entitled to a hearing on the withdrawal not later than three days from the

5. date of receipt by the College President of a request for a hearing.  
*Education Code 51.234*

### **Request for a Hearing**

A person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal to the College President within the 14-day period. The written request must state the address to which notice of hearing is to be sent. The College President shall grant a hearing not later than three days from the date of receipt of the request and shall immediately mail a written notice of the time, place, and date of the hearing to the person.

The hearing shall be held before a duly designated discipline committee or authorized hearing officer of the College. In no instance shall the person issuing the withdrawal notice or causing it to be issued serve on any committee where the validity of his order of withdrawal is in question. *Education Code 51.237*

### **Hearing Procedures**

A person from whom consent to remain on the campus of the College has been withdrawn is entitled, in addition to the procedures set out in **Education**

**Code 51.234**, to the following:

1. To be represented by counsel;
2. To the right to call and examine witnesses and to cross-examine adverse witnesses;
3. To have all matters upon which the decision may be based introduced into evidence at the hearing in the person's presence;
4. To have the decision based solely on the evidence presented at the hearing;
5. To prohibit the introduction of statements made against the person unless the person has been advised of their content and the names of the persons who made them, and has been given the opportunity to rebut unfavorable inferences that might otherwise be drawn; and
6. To have all findings made at the hearing be final, subject only to the person's right to appeal to the president and the governing board of the College. *Education Code 51.243*

### **Reinstatement of Consent to Remain on Campus**

The College President shall reinstate consent whenever he/she has reason to believe that the presence of the person from whom consent was withdrawn will not constitute a substantial and material threat to the orderly operation of the campus or facility. *Education Code 51.238*

## **2.05 Entering or Remaining on Campus after Withdrawal of Consent**

Any person who has been notified by the College President, or by an officer or employee designated by the College President to maintain order on the campus or facility, that

consent to remain on the campus or facility has been withdrawn pursuant to *Education Code 51.233*, 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 set out in *Education Code 51.244*.

This section does not apply to any person who enters or remains on the campus or facility for the sole purpose of applying to the College President or authorized officer or employee for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal. *Education Code 51.239*

**2.06 Students and Employees Barred from Campus after Suspension or Dismissal**

Every student or employee who has been suspended or dismissed from the College after a hearing, in accordance with procedures established by the College, for disrupting the orderly operation of the campus or facility of the College, as a condition of the suspension or dismissal, may be denied access to the campus or facility, or both, of the institution for the period of suspension, and in the case of dismissal, for a period not to exceed one year. A person who has been notified by personal service of the suspension or dismissal and condition and who willfully and knowingly enters upon the campus or facility of the institution to which the person has been denied access, without the express written permission of the College President, is guilty of a misdemeanor and is subject to punishment as set out in Section 51.244. *Education Code 51.241(a)–(b)*

**2.07 Refusing or Failing to Leave Building Closed to Public**

No person may refuse or fail to leave a building under the control and management of the College, during those hours of the day or night when the building is regularly closed to the public, upon being requested to do so by a guard, watchman, or other employee of the College controlling and managing the building or property, if the surrounding circumstances are such as to indicate that the individual or individuals have no apparent lawful business to pursue. *Education Code 51.242*

**2.08 Fireworks**

A person may not explode or ignite fireworks within 600 feet of the College unless the person receives authorization in writing from the College President. *Occupations Code 2154.251(a)(1)*

**SECTION THREE  
STUDENT AND COMMUNITY USE**

**3.01 Authority**

The Angelina College Board is authorized to fix and collect rentals, rates, charges, and/or fees from students and others for the occupancy, use, or availability of all or any of its property, buildings, structures, activities, operations, or facilities, in such amounts and in such manner as may be determined by the Board (*Education Code 130.123(c)*). See GF Exhibit in the AC Policy and Procedure Manual for a schedule of current rates, charges, and fees.

### **3.01 Reservation of Facilities**

For the purposes of this policy, “facilities” include services, property, grounds, buildings, and structures owned or operated by the College.

#### **3.01.1 Academic Affairs**

The Vice President of Academic Affairs or designee may schedule course sections in any academic space owned or operated by the College to maximize student convenience, enrollment efficiency, and facility use.

#### **3.01.1 College Units**

If a College unit needs to use a facility for purposes other than course scheduling, a representative of the unit must contact the designated employee for that facility to reserve the space.

#### **3.01.2 Non-College Entities and Individuals**

If an entity or individual that is not a unit of the College desires to use a College facility, the entity or individual should contact the Angelina College Community Service Division at 936-633-5400.

#### **3.01.3 Affiliate Entities and Students**

If an entity affiliated with the College, including a registered student organization, or a student desires to use a College facility, the entity or student should contact the Angelina College Student Life at 936-633-3253.

### **3.02 Priority of Use**

College activities have first priority for use of College facilities (i.e., services, property, buildings, and structures). Reservations made more than four months in advance are subject to cancellation by the College if the College must use the facility for an event that it is sponsoring or cosponsoring. The College will make a good faith effort to offer alternative facilities in the event of a cancellation.

### **3.03 Restrictions**

All activities are scheduled subject to availability and must not supplant the regularly scheduled activities of the College. Use may be denied groups engaging in activities that:

1. Disrupt the normal operations or academic activities of the College;
2. Engage in commercial profit-making or recruiting; or
3. Cause a security concern.

**3.03.1** Non-College parties or individuals may be denied use of College facilities. Non-College entities or individuals that have previously received disciplinary action by the College, have damaged College property, or have a current unpaid debt to the College may be denied use of College facilities. The College will prohibit activities that disrupt instructional programs or conflict with College organizations. Non-College organizations that charge admission or solicit funds may be denied use of facilities or charged an additional fee by the College. Facilities are not normally available for use between semesters, during spring break, or on holidays when the College is closed. Facility use when the College is closed may require the payment of additional fees.



**3.03.2** Designated College facilities have features or equipment that (a) present potential safety risks, (b) may be highly expensive to repair or replace if used inappropriately, and/or (c) if damaged or lost may result in unacceptable interference with College operations or academic activities. The College may deny use of such facilities by Non-College entities or individuals, affiliated entities, and students. The College President is authorized to add facilities to the following list as necessary. The designated facilities include:

- The Angelina Center for the Arts, including art studios, the Temple Theater, the art gallery, the black box theater;
- Instructional shops, certain rooms in Health Careers I and II, and science laboratories;
- Hudgins Hall auditorium;
- The softball facility;
- The baseball facility;
- The College Activity Center, including the Shands Gymnasium, the weight room, and the dance studio;
- The Student Center cafeteria, including kitchen and food service areas;
- The Auxiliary Gymnasium; and
- The Ropes Course;

### **Student and Community Use of College Facilities**

The Angelina College Board of Trustees have established the following rates, charges, and fees for use of College facilities by Non-College Entities and individuals, affiliated entities including registered student organizations, and students. The College President is authorized to adjust rates, charges, and fees on a case-by-case basis if the intended use supports the fulfillment of the College's mission, contributes to the College's student recruitment efforts, or is associated with the College's Community Services division. Outside events that raise funds, solicit donations, charge admission, or sell items are subject to a College charge of 10% of gross receipts.

For the purposes of GF Local Policy and this exhibit, "facility" is any service, property, grounds, building, and structure owned or operated by Angelina College.

## **SECTION ONE FACILITY RENTAL RATES**

**1.01** Rates include exclusive use and occupancy of space described below for up to eight (8) hours from 8 am to 5 pm or from 5 pm to 10 pm. Exclusive use does include exclusive use of building or premises unless otherwise noted.

- General Purpose Classroom  
Weekday 7 am to 5 pm \$400/day

Weekday after 5 pm	\$500/day
Weekend	\$750/day

- Technology and Workforce Building Room 139
 

Weekday 7 am to 5 pm	\$500/day
Weekday after 5 pm	\$600/day
Weekend	\$850/day
- Specialized shop, laboratory, health careers instructional space
 

Weekday 7 am to 5 pm	\$1,400/day
Weekday after 5 pm	\$1,500/day
Weekend	\$1,750/day
- Cafeteria, large lecture halls, computer lab
 

Weekday 7 am to 5 pm	\$750/day
Weekday after 5 pm	\$850/day
Weekend	\$1,000/day

Note: the College will not rent the cafeteria during scheduled student meal times.

- Community Services building room 104
 

Weekday 7 am to 5 pm	\$750/day
Weekday after 5 pm	\$850/day
Weekend	\$1,000/day

Note: a \$100 nonrefundable deposit is required to reserve 104 Community Services

- Dormitory
 

\$50 per student per day
\$100 per non-student per day

Note: Non-student rental of dormitory rooms is restricted to periods when classes are not in session. Rental is based on availability and subject to approval by Dean of Student Affairs or his/her designee.

- Hudgins Hall Auditorium
 

Weekday 7 am to 5 pm	\$1,750/day
Weekday after 5 pm	\$2,000/day
Weekend	\$2,500/day

Note: a \$300 nonrefundable deposit is required to reserve Hudgins Hall Auditorium

- Angelina Center for the Arts, Temple Theater
 

Weekday 7 am to 5 pm	\$3,000/day
Weekday after 5 pm	\$3,500/day
Weekend	\$4,000/day expenses

Note: a \$500 deposit is required to reserve the Angelina Center for the Arts, Temple Theater

- Activity Center, Shands Gymnasium

Weekday 7 am to 5 pm	\$1,500/day
Weekday after 5 pm	\$1,750/day
Weekend	\$2,000/day

Note: The College may negotiate rates on a case-by-case basis for use of the Shands Gymnasium for athletic tournaments or games of high schools located in Angelina County.

- Auxiliary Gymnasium

Weekday 7 am to 5 pm	\$750/day
Weekday after 5 pm	\$850/day
Weekend	\$1,000/day
  
- Baseball Facility or Softball Facility

Weekday 7 am to 5 pm	\$1,750/day
Weekday after 5 pm	\$2,000/day
Weekend	\$2,500/day expenses

Note: The College may negotiate rates on a case-by-case basis for use of the baseball or softball facilities for athletic tournaments or games of high schools located in Angelina County.

- Ropes Course
    - \$25 per person per day
- Note: additional charges for required instruction and safety supervision will be assessed

### **1.02 Equipment Rental**

- Desktop Computer Use \$15/day per station
- Piano Rental \$1,300/day
- Overhead projector \$75/day
- Laptop Computer \$100/day
- Use of Copier \$.10/page
- TV/VCR \$25/day

### **1.03 Service Fees**

- Required security \$75/hour per officer
- Ushers: \$85/hour per usher
- Custodial (required): \$250/event
- Building supervision: \$75/hour per supervisor
- Lights, sound, technical: As Needed - actual labor costs
- Box office services provided by Angelina Arts Alliance of \$1.00 per ticket printed or 10% of the gross.
- Gate personnel \$15 per game, \$25 for two games/minimum = \$60

**GF  
(EXHIBIT)**

- Scorer's table \$20.00 per game
- Food service vendor prices for refreshments, banquets, dinners, etc. are negotiated directly with the vendor. All food service on campus must be provided by the College's food service vendor unless the vendor waives the right to provide services.

**STUDENT AND COMMUNITY USE OF COLLEGE DISTRICT FACILITIES: CONDUCT  
ON COLLEGE DISTRICT PREMISES**

In addition to criminal penalties as allowed by law, any student who refuses to identify himself or herself fully may be subject to discipline, including suspension.

**WEAPONS PROHIBITED**

The College District prohibits the use, possession, or display of any firearm, illegal knife, club, or prohibited weapon, as defined in FLB, on all College District property at all times.

**EXCEPTIONS**

No violation of this policy occurs when the use, possession, or display of an otherwise prohibited weapon takes place as part of a College District-approved activity supervised by proper authorities.

**TOBACCO USE**

The College District is a tobacco-free institution committed to providing its students and employees a safe and healthy environment. The use of all tobacco products shall be prohibited on all property owned or operated by the College District. This shall include buildings, grounds, sidewalks, and streets. This policy shall also apply to vehicles owned or operated by the College District.

Smoking and Tobacco use are permitted only inside the confines of private vehicles.

E-Cigarettes are prohibited in classrooms, labs, and activity areas in which they would be a potential hazard or distraction.