

***Board of Trustees
Meeting***

March 4, 2024

**NOTICE OF MEETING
BOARD OF TRUSTEES
SAN JACINTO COMMUNITY COLLEGE DISTRICT**

The Board of Trustees of the San Jacinto Community College District will meet for a Board workshop at 4:45 p.m., Monday, March 4, 2024, in Room 201 of the Thomas S. Sewell District Administration Building, 4624 Fairmont Parkway, Pasadena, Texas.

The live-stream of this meeting can be accessed as follows:
www.sanjac.edu/about/board-trustees/board-meeting-videos

The open portions of this meeting will be recorded and made available to the public on the College's website.

**BOARD WORKSHOP
AGENDA**

I. Call the Meeting to Order

II. Roll Call of Board Members

III. Adjournment to closed or executive session pursuant to Texas Government Code Section 551.071 and 551.074 of the Texas Open Meetings Act, for the following purposes:

A. Legal Matters - For the purpose of a private consultation with the Board's attorney on any or all subjects or matters authorized by law.

B. Personnel Matters - For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee.

1. Review Results from the Board Self-Assessment Process

IV. Reconvene in Open Meeting

V. Discuss Action Steps from the Board Self-Assessment Process

VI. Review 2023-2024 Administrator Salary Schedule

VII. Update on Enrollment

VIII. Review Proposed Change to Tuition Discount for Employee Dependents and Spouses

IX. Review Sidewalk Project Partnership with Harris County Precinct 2

X. Review Recommendation for Contract with Barnes & Noble College Booksellers, LLC

XI. Discuss Recommendation for Memorandums of Understanding with School Districts for College Transfer Math and English Courses

XII. Discuss Policy on Information Resources

XIII. Review of Calendar

XIV. General Discussion of Meeting Items

A. Additional Purchasing Support Documents

XV. Adjournment

Additional Closed Session Authority

If, during the course of the meeting covered by this Notice, the Board should determine that a closed or executive meeting or session of the Board should be held or is required in relation to any items included in this Notice, then such closed or executive meeting or session as authorized by Section 551.001 *et seq.* of the Texas Government Code (the Open Meetings Act) will be held by the Board at that date, hour and place given in this Notice or as soon after the commencement of the meeting covered by the Notice as the Board may conveniently meet in such closed or executive meeting or session concerning any and all subjects and for any and all purposes permitted by Sections 551.071, inclusive, of the Open Meetings Act, including, but not limited to:

Section 551.071 – For the purpose of a private consultation with the Board’s attorney on any or all subjects or matters authorized by law.

Section 551.072 – For the purpose of discussing the purchase, exchange, lease or value of real property.

Section 551.073 – For the purpose of considering a negotiated contract for a prospective gift or donation.

Section 551.074 – For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee.

Section 551.076 – To consider the deployment, or specific occasions for implementation, of security personnel or devices; or a security audit.

Section 551.084 – For the purpose of excluding a witness or witnesses from a hearing during examination of another witness.

Section 551.087– To discuss or deliberate regarding commercial or financial information that the Board has received from a business prospect that the Board seeks or may seek to have locate, stay, or expand in or near the territory of the College and with which the Board is conducting economic development negotiations or to deliberate the offer of a financial or other incentive to such business prospect.

Should any final action, final decision, or final vote be required in the opinion of the Board with regard to any matter considered in such closed or executive meeting or session, then such final action, final decision, or final vote shall be at either:

- A. The open meeting covered by this Notice upon the reconvening of the public meeting, or
- B. At a subsequent public meeting of the Board upon notice thereof, as the Board shall determine.

Certification as to Posting or Giving of Notice

On this day, March 1, 2024, this notice was posted to the College’s website, on a bulletin board located at a place convenient to the public at the administrative building of the San Jacinto Community College District, 4624 Fairmont Parkway, Pasadena, Texas, and is readily accessible to the public upon request.

Brenda Hellyer, Ed.D.

March 1, 2024

**NOTICE OF MEETING
BOARD OF TRUSTEES
SAN JACINTO COMMUNITY COLLEGE DISTRICT**

The Board of Trustees of the San Jacinto Community College District will meet for a regularly scheduled Board meeting at 7:00 p.m. on Monday, March 4, 2024, in Room 104 of the Thomas S. Sewell District Administration Building, 4624 Fairmont Parkway, Pasadena, Texas.

The live-stream of this meeting can be accessed as follows:
www.sanjac.edu/about/board-trustees/board-meeting-videos

An electronic copy of the agenda packet is available on the College's website as follows:
www.sanjac.edu/about/board-trustees/#Board_of_trustees_meetings

Members of the public who desire to address the Board must comply with the following registration procedures:

A link to a public comments form is available at: www.sanjac.edu/request-speak-to-board
The form must be completed prior to 11:00 a.m. on March 4, 2024. After completion of the form, the requestor will be contacted with further instructions. Registered participants will be allotted five minutes to address the Board of Trustees during the "Public Comment" portion of the meeting. Discussion shall be addressed to the Board Chair and the entire membership of the Board. Discussion shall be limited solely to the matter indicated on the request form. Members of the Board of Trustees and/or administration may not comment or deliberate during a public comment period at the meeting except to state that the Chancellor or designee may follow-up, when appropriate.

The open portions of this meeting will be recorded and made available to the public on the College's website.

Any questions regarding this meeting notice can be directed to Mandi Reiland, Manager of Executive Operations for the Chancellor and Board of Trustees at mandi.reiland@sjcd.edu.

**BOARD MEETING
AGENDA**

I. Call the Meeting to Order

II. Roll Call of Board Members

III. Invocation and Pledge to the Flags

IV. Special Announcements, Recognitions, Introductions, and Presentations

A. Recognition of the Monument Award Recipients

Presenters: Sandra Ramirez, Laurel Williamson, Amanda Fenwick

B. Recognition of Tanya Stanley for Being Named a Delegate for the United Nations: We the Future Summit

Presenter: Van Wigginton

C. Highlights from the Board of Trustees Institute

Presenter: John Moon, Jr.

V. Student Success Presentations

A. Financial Aid & Scholarships

Presenters: Joanna Zimmermann, JoEllen Price

VI. Communications to the Board of Trustees

VII. Public Comment

VIII. Informative Reports to the Board

A. San Jacinto College Financial Statements

1. San Jacinto College Monthly Financial Statements January 2024

2. San Jacinto College Monthly Investment Report January 2024

B. San Jacinto College Foundation Financial Statements

C. Capital Improvement Program

D. San Jacinto College Building Committee Minutes

E. San Jacinto College Finance Committee Minutes

ACTION ITEMS

IX. Consideration of Approval of Amendment to the 2023-2024 Budget for Restricted Revenue and Expenses Relating to Federal, State, and Local Grants/Contracts

X. Consideration of Approval of Policy III.3006.E, Use of Equipment - Second Reading

XI. Consideration of Rescission of Policy IV-C-14, Policy for College Officials Serving on Committees, Commissions, Boards or Agencies, and Approval of Policy III.3006.F, Institutional Representation - Second Reading

XII. Consideration of Approval of Tuition Schedule and Other Student Charges for Fiscal Year 2025

XIII. Consideration of Approval of Tuition Exemptions and Waivers for Fiscal Year 2025

XIV. Consideration of Approval of Increase in Percentage Tuition Discount for Employee Dependents and Spouse

XV. Consideration of Approval of Matching Funds for Harris County Precinct 2 Grant

XVI. Consideration of Approval of Memorandum of Understanding with Local Independent School Districts for College Transition Math and English Courses

XVII. Consideration of Approval of Memorandum of Understanding for Dual Credit Home School Students

XVIII. Consideration of Approval of 2023-2024 Administrator Salary Schedule

XIX. Consideration of Approval of Various Human Resources, Employee Relations Policies and Procedures - First Reading (Informational Item)

XX. Consideration of Approval of Policy III.3010.A, Information Resources - First Reading (Informational Item)

XXI. Consideration of Approval of Policy III.3007.A, Purchasing and Policy III.3007.D, Bidding - First Reading (Informational Item)

PURCHASING REQUESTS

XXII. Consideration of Purchasing Requests

CONSENT AGENDA

XXIII. Consent Agenda

(Any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of the Board, otherwise all items will be voted on with one (1) motion.)

A. Approval of the Minutes for the January 29, 2024, Workshop and Regular Board Meeting

B. Approval of the Budget Transfers

C. Approval of Personnel Recommendations

D. Approval of the Affiliation Agreements

E. Approval of the Next Regularly Scheduled Meeting

XXIV. Items for Discussion/Possible Action

(Items removed from the Consent Agenda or items discussed in closed session, will be considered at this time)

XXV. Adjournment

Closed Session Authority

If, during the course of the meeting covered by this Notice, the Board should determine that a closed or executive meeting or session of the Board should be held or is required in relation to any items included in this Notice, then such closed or executive meeting or session as authorized by Section 551.001 et seq. of the Texas Government Code (the Open Meetings Act) will be held by the Board at that date, hour and place given in this Notice or as soon after the commencement of the meeting covered by the Notice as the Board may conveniently meet in such closed or executive meeting or session concerning any and all subjects and for any and all purposes permitted by Sections 551.071, inclusive, of the Open Meetings Act, including, but not limited to:

Section 551.071 – For the purpose of a private consultation with the Board’s attorney on any or all subjects or matters authorized by law.

Section 551.072 –For the purpose of discussing the purchase, exchange, lease or value of real property.

Section 551.073 – For the purpose of considering a negotiated contract for a prospective gift or donation.

Section 551.074 – For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee.

Section 551.076 – To consider the deployment, or specific occasions for implementation, of security personnel or devices; or a security audit.

Section 551.084 – For the purpose of excluding a witness or witnesses from a hearing during examination of another witness.

Section 551.087 – To discuss or deliberate regarding commercial or financial information that the Board has received from a business prospect that the Board seeks or may seek to have locate, stay, or expand in or near the territory of the College and with which the Board is conducting economic development negotiations or to deliberate the offer of a financial or other incentive to such business prospect.

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Brenda Hellyer, Ed.D.

San Jacinto College Monthly Financial Statements
January 2024

San Jacinto Community College District
Statement of Net Position
January 31,

| <u>Assets</u> | <u>2024</u> | <u>2023</u> |
|--|-----------------------|-----------------------|
| Current assets: | | |
| Cash and cash equivalents | \$ 66,006,558 | \$ 69,798,328 |
| Investments | 9,995,479 | 30,778,001 |
| Accounts receivable - taxes | 5,256,975 | 5,838,707 |
| Accounts receivable | 26,727,316 | 27,050,832 |
| Deferred charges | 1,460,144 | 1,579,625 |
| Inventories | 434,916 | 422,438 |
| Total current assets | <u>109,881,388</u> | <u>135,467,932</u> |
| Noncurrent assets: | | |
| Restricted cash and cash equivalents | 96,376,173 | 92,133,074 |
| Other long term investments | 20,067,700 | - |
| Capital assets, net | <u>721,777,771</u> | <u>718,085,410</u> |
| Total noncurrent assets | <u>838,221,644</u> | <u>810,218,484</u> |
| Total assets | <u>948,103,032</u> | <u>940,406,499</u> |
| Deferred outflows of resources: | | |
| Deferred outflow related to pensions | 21,400,078 | 12,486,706 |
| Deferred outflow related to OPEB | 16,454,021 | 19,256,731 |
| Deferred outflow related to defeased debt | 4,189,074 | 5,093,638 |
| Total deferred outflows of resources | <u>42,043,173</u> | <u>36,837,074</u> |
| <u>Liabilities</u> | | |
| Current liabilities: | | |
| Accounts payable | 14,903,777 | 14,264,101 |
| Accrued liabilities | 11,260,974 | 10,957,384 |
| Accrued compensable absences and deferred compensation | 2,417,317 | 2,429,062 |
| Deferred revenues | 271,424 | 461,310 |
| Total current liabilities | <u>28,853,492</u> | <u>28,111,856</u> |
| Noncurrent liabilities: | | |
| Net pension liability | 49,944,685 | 20,637,425 |
| Net OPEB liability | 96,184,800 | 112,279,723 |
| Bonds and notes payable | 663,586,677 | 675,891,106 |
| Total noncurrent liabilities | <u>809,716,161</u> | <u>808,808,254</u> |
| Total liabilities | <u>838,569,653</u> | <u>831,977,337</u> |
| Deferred inflows of resources: | | |
| Deferred inflows related to pensions | 5,790,103 | 25,055,564 |
| Deferred inflows related to OPEB | 34,752,051 | 18,658,275 |
| Deferred Inflows - Lease Receivable | 1,227,296 | 1,382,492 |
| Total deferred inflows of resources | <u>41,769,451</u> | <u>45,096,331</u> |
| <u>Net assets</u> | | |
| Beginning of year - audited | 83,260,534 | 79,484,620 |
| Current year addition | 26,546,568 | 21,022,428 |
| Total net position | <u>\$ 109,807,102</u> | <u>\$ 100,169,905</u> |

San Jacinto Community College District
Statement of Revenues, Expenditures and Changes In Net Position
For the Five Months Ended January 31, 2024

11 Unrestricted Funds

| | Adjusted Budget | Actual 42.0% | % Actual to Adjusted Budget | PY YTD Actual | % of 8/31/23 Actual |
|--|--------------------|----------------------|-----------------------------------|----------------------|------------------------|
| Revenues | | | | | |
| State Appropriations | \$ 57,895,750 | \$ 27,497,875 | 47.50% | \$ 17,762,291 | 43.00% |
| Local Taxes - Maintenance & Operations | 84,770,000 | 35,449,859 | 41.82% | 33,442,072 | 42.06% |
| Credit Tuition | 66,345,000 | 56,175,532 | 84.67% | 50,106,350 | 84.25% |
| Credit Exemptions & Waivers | (8,400,000) | (8,315,210) | 98.99% | (7,219,318) | 86.42% |
| Continuing Education | | | | | |
| CPET | 525,000 | 162,028 | 30.86% | 390,300 | 74.55% |
| Biotechnology | 500,000 | - | - | - | - |
| Maritime Transportation | 2,000,000 | 755,168 | 37.76% | 812,507 | 38.01% |
| Continuing Professional Development (CPD) | 6,360,000 | 1,719,145 | 27.03% | 2,312,708 | 40.09% |
| Continuing Education Exemptions & Waivers | (45,000) | (14,979) | 0.33 | (11,785) | 19.28% |
| Bad Debt | (1,000,000) | (416,698) | 41.67% | (291,658) | 20.57% |
| Sales & Services | 1,800,000 | 1,468,174 | 81.57% | 792,612 | 25.09% |
| Investment Income | 6,000,000 | 2,232,364 | 37.21% | 1,355,513 | 31.08% |
| Total Revenues | 216,750,750 | 116,713,258 | 53.85% | 99,451,592 | 53.36% |
| Expenditures | | | | | |
| Instruction | 85,052,744 | 38,609,013 | 45.39% | 35,311,443 | 44.29% |
| Public Service | 20,312 | 2,299 | 11.32% | 3,187 | 7.79% |
| Academic Support | 20,821,333 | 7,864,912 | 37.77% | 6,881,670 | 45.53% |
| Student Services | 21,224,058 | 7,881,901 | 37.14% | 6,082,639 | 37.98% |
| Institutional Support | 57,159,883 | 22,712,414 | 39.73% | 19,215,743 | 39.03% |
| Physical Plant | 27,641,708 | 9,162,185 | 33.15% | 8,078,936 | 33.94% |
| Total Expenditures | 211,920,037 | 86,232,724 | 40.69% | 75,573,618 | 41.09% |
| Transfers Among Funds | | | | | |
| Transfers In | - | - | - | - | - |
| Transfers Out | 4,830,713 | 6,087,368 | 126.01% | 64,015 | 8.82% |
| Net Increase (Decrease) in Net Position | \$ - | \$ 24,393,166 | | \$ 23,813,958 | |

San Jacinto Community College District
Statement of Revenues, Expenditures and Changes In Net Position
For the Five Months Ended January 31, 2024

Federal Restricted Funds

| | Adjusted Budget | Actual 42.0% | % Actual to Adjusted Budget | PY YTD Actual | % of 8/31/23 Actual |
|--|-------------------|-------------------|-----------------------------------|-------------------|------------------------|
| Revenues | | | | | |
| Grants | \$ 58,312,383 | \$ 29,147,498 | 49.99% | \$ 28,411,045 | 37.73% |
| Total Revenues | 58,312,383 | 29,147,498 | 49.99% | 28,411,045 | 37.73% |
| Expenditures | | | | | |
| Instruction | 1,355,311 | 386,572 | 28.52% | 421,606 | 30.63% |
| Public Service | 276,637 | 60,766 | 21.97% | 92,197 | 46.27% |
| Academic Support | 8,692,568 | 2,017,822 | 23.21% | 2,271,698 | 32.22% |
| Student Services | 254,622 | 131,219 | 51.53% | 1,455,225 | 39.92% |
| Institutional Support | 683,655 | 229,260 | 33.53% | 2,422,852 | 33.21% |
| Physical Plant | 1,085,303 | 61,074 | 5.63% | 12,350 | 2.47% |
| Scholarships and Fellowships | 45,964,287 | 26,260,785 | 57.13% | 21,735,118 | 46.05% |
| Total Expenditures | 58,312,383 | 29,147,498 | 49.99% | 28,411,045 | 42.24% |
| Transfers Among Funds | | | | | |
| Transfers In | - | - | - | - | - |
| Transfers Out | - | - | - | - | - |
| Net Increase (Decrease) in Net Position | \$ - | \$ - | | \$ - | |

San Jacinto Community College District
Statement of Revenues, Expenditures and Changes In Net Position
For the Five Months Ended January 31, 2024

State Restricted Funds

| | Adjusted Budget | Actual 42.0% | % Actual to Adjusted Budget | PY YTD Actual | % of 8/31/23 Actual |
|--|-------------------|------------------|-----------------------------------|------------------|------------------------|
| Revenues | | | | | |
| State Paid Benefits | \$ 12,215,000 | \$ 5,466,571 | 44.75% | \$ 4,978,033 | 39.23% |
| Grants | 7,432,221 | 2,580,113 | 34.72% | 874,651 | 33.10% |
| Total Revenues | 19,647,221 | 8,046,684 | 40.96% | 5,852,684 | 38.18% |
| Expenditures | | | | | |
| Instruction | 7,044,316 | 2,957,475 | 41.98% | 2,716,145 | 39.87% |
| Public Service | 8,281 | 7,237 | 87.40% | 10,656 | 47.67% |
| Academic Support | 1,981,797 | 613,211 | 30.94% | 609,103 | 32.65% |
| Student Services | 1,580,156 | 836,782 | 52.96% | 697,421 | 38.17% |
| Institutional Support | 3,075,776 | 1,132,160 | 36.81% | 1,048,863 | 39.13% |
| Physical Plant | 19,911 | - | - | - | - |
| Scholarships and Fellowships | 5,936,984 | 2,499,818 | 42.11% | 770,496 | 36.57% |
| Total Expenditures | 19,647,221 | 8,046,684 | 40.96% | 5,852,684 | 38.18% |
| Transfers Among Funds | | | | | |
| Transfers In | - | - | - | - | - |
| Transfers Out | - | - | - | - | - |
| Net Increase (Decrease) in Net Position | \$ - | \$ - | | \$ - | |

San Jacinto Community College District
Statement of Revenues, Expenditures and Changes In Net Position
For the Five Months Ended January 31, 2024

Local Restricted Funds

| | Adjusted Budget | Actual 42.0% | % Actual to Adjusted Budget | PY YTD Actual | % of 8/31/23 Actual |
|--|------------------|--------------------|-----------------------------------|------------------|------------------------|
| Revenues | | | | | |
| Grants | \$ 7,798,104 | \$ 3,184,949 | 40.84% | \$ 3,659,456 | 86.34% |
| Total Revenues | 7,798,104 | 3,184,949 | 40.84% | 3,659,456 | 86.34% |
| Expenditures | | | | | |
| Instruction | - | - | - | - | - |
| Public Service | 232,134 | 84,527 | 36.41% | 64,856 | 42.46% |
| Academic Support | 1,809,823 | 137,449 | 7.59% | 9,898 | 9.99% |
| Student Services | 6,156 | 2,000 | 32.49% | 7,117 | 40.49% |
| Institutional Support | 80,279 | 27,587 | 34.36% | 1,225 | 2.15% |
| Physical Plant | 250,000 | - | - | - | - |
| Scholarships and Fellowships | 5,982,000 | 3,040,000 | 50.82% | 3,640,376 | 88.39% |
| Total Expenditures | 8,360,392 | 3,291,563 | 39.37% | 3,723,471 | 84.24% |
| Transfers Among Funds | | | | | |
| Transfers In | (562,288) | (87,368) | 15.54% | (64,015) | 33.47% |
| Transfers Out | - | - | - | - | - |
| Net Increase (Decrease) in Net Position | \$ - | \$ (19,247) | | \$ - | |

San Jacinto Community College District
Statement of Revenues, Expenditures and Changes In Net Position
For the Five Months Ended January 31, 2024

27 Texas Public Education Grant

| | Adjusted Budget | Actual 42.0% | % Actual to Adjusted Budget | PY YTD Actual | % of 8/31/23 Actual |
|--|------------------|-----------------------|-----------------------------------|---------------------|------------------------|
| Revenues | | | | | |
| Tuition - Credit & Non Credit | \$ 3,100,000 | \$ 2,678,053 | 86.39% | \$ 2,426,343 | 81.44% |
| Total Revenues | 3,100,000 | 2,678,053 | 86.39% | 2,426,343 | 79.86% |
| Expenditures | | | | | |
| Scholarships and Fellowships | 3,100,000 | 3,836,859 | 123.77% | 1,277,037 | 40.77% |
| Total Expenditures | 3,100,000 | 3,836,859 | 123.77% | 1,277,037 | 40.77% |
| Transfers Among Funds | | | | | |
| Transfers In | - | - | - | - | - |
| Transfers Out | - | - | - | - | - |
| Net Increase (Decrease) in Net Position | \$ - | \$ (1,158,806) | | \$ 1,149,306 | |

San Jacinto Community College District
Statement of Revenues, Expenditures and Changes In Net Position
For the Five Months Ended January 31, 2024

28 Private Gifts and Donations

| | Adjusted Budget | Actual 42.0% | % Actual to Adjusted Budget | PY YTD Actual | % of 8/31/23 Actual |
|--|-----------------|-------------------|-----------------------------------|-------------------|------------------------|
| Revenues | | | | | |
| Sales & Services | \$ - | \$ - | - | \$ - | - |
| Grants | - | - | - | - | - |
| Total Revenues | - | - | - | - | - |
| Expenditures | | | | | |
| Instruction | - | 7,744 | - | 6,727 | 19.78% |
| Institutional Support | - | - | - | - | - |
| Scholarships and Fellowships | - | - | - | - | - |
| Total Expenditures | - | 7,744 | - | 6,727 | 4.95% |
| Transfers Among Funds | | | | | |
| Transfers In | - | - | - | - | - |
| Transfers Out | - | - | - | - | - |
| Net Increase (Decrease) in Net Position | \$ - | \$ (7,744) | | \$ (6,727) | |

San Jacinto Community College District
Statement of Revenues, Expenditures and Changes In Net Position
For the Five Months Ended January 31, 2024

Auxiliary Enterprises

| | Adjusted Budget | Actual 42.0% | % Actual to Adjusted Budget | PY YTD Actual | % of 8/31/23 Actual |
|--|------------------|---------------------|-----------------------------------|---------------------|------------------------|
| Revenues | | | | | |
| Auxiliary Services | \$ 3,073,000 | \$ 1,272,443 | 41.41% | \$ 1,157,063 | 47.06% |
| Total Revenues | 3,073,000 | 1,272,443 | 41.41% | 1,157,063 | 47.06% |
| Expenditures | | | | | |
| Labor | 661,888 | 309,321 | 46.73% | 254,935 | 36.56% |
| Benefits | 75,563 | 53,326 | 70.57% | 50,353 | 38.10% |
| Supplies | 673,390 | 267,639 | 39.75% | 227,966 | 43.91% |
| Travel | 199,171 | 79,923 | 40.13% | 39,072 | 15.26% |
| Contracted Services | 209,431 | 60,347 | 28.81% | 151,837 | 73.00% |
| Utilities | 200 | - | - | - | - |
| Scholarships and Fellowships | 1,253,357 | 738,812 | 58.95% | 758,141 | 69.89% |
| Total Expenditures | 3,073,000 | 1,509,368 | 49.12% | 1,482,303 | 51.16% |
| Transfers Among Funds | | | | | |
| Transfers In | - | - | - | - | - |
| Transfers Out | - | - | - | - | - |
| Net Increase (Decrease) in Net Position | \$ - | \$ (236,925) | | \$ (325,240) | |

San Jacinto Community College District
Statement of Revenues, Expenditures and Changes In Net Position
For the Five Months Ended January 31, 2024

Fund 95 Retirement of Indebtedness

| | Adjusted Budget | Actual 42.0% | % Actual to Adjusted Budget | PY YTD Actual | % of 8/31/23 Actual |
|--|----------------------|---------------------|-----------------------------------|---------------------|------------------------|
| Revenues | | | | | |
| Local Taxes - Debt Service | \$ 40,100,400 | \$ 16,810,204 | 41.92% | \$ 15,886,496 | 42.15% |
| Investment Income | - | 61,955 | - | 39,585 | 10.86% |
| Total Revenues | 40,100,400 | 16,872,159 | 42.07% | 15,926,081 | 41.85% |
| Expenditures | | | | | |
| Institutional Support - Principal | 18,379,936 | - | - | - | - |
| Institutional Support - Interest | 24,988,889 | 9,893,844 | 39.59% | 10,322,420 | 42.90% |
| Total Expenditures | 43,368,825 | 9,893,844 | 22.81% | 10,322,420 | 26.32% |
| Transfers Among Funds | | | | | |
| Transfers In | (3,268,425) | - | - | - | - |
| Transfers Out | - | - | - | - | - |
| Adjustment for Debt Principal Payment ¹ | (18,379,936) | - | - | - | - |
| Net Increase (Decrease) in Net Position | \$ 18,379,936 | \$ 6,978,315 | | \$ 5,603,661 | |

1

Per government accounting practices, capital purchases and principal payments included in the expenditure line items above are subsequently deducted from total year-to-date expenditures and reclassified as an increase or reduction to the appropriate asset or liability line item on the Statement of Net Position.

San Jacinto Community College District
Statement of Revenues, Expenditures and Changes In Net Position
For the Five Months Ended January 31, 2024

Fund 97 Investment in Plant

| | Adjusted Budget | Actual 42.0% | % Actual to Adjusted Budget | PY YTD Actual | % of 8/31/23 Actual |
|--|------------------------|------------------------|-----------------------------------|------------------------|------------------------|
| Expenditures | | | | | |
| Depreciation | \$ 29,800,000 | \$ 11,430,393 | 38.36% | \$ 11,380,109 | 40.24% |
| Total Expenditures | 29,800,000 | 11,430,393 | 38.36% | 11,380,109 | 40.24% |
| Transfers Among Funds | | | | | |
| Transfers In | - | - | - | - | - |
| Transfers Out | - | - | - | - | - |
| Adjustment for Capital Purchases ¹ | (2,104,295) | (341,861) | 16.25% | (897,394) | 17.37% |
| Net Increase (Decrease) in Net Position | \$ (27,695,705) | \$ (11,088,532) | | \$ (10,482,714) | |

1

Per government accounting practices, capital purchases and principal payments included in the expenditure line items above are subsequently deducted from total year-to-date expenditures and reclassified as an increase or reduction to the appropriate asset or liability line item on the Statement of Net Position.

San Jacinto Community College District
Statement of Revenues, Expenditures and Changes In Net Position
For the Five Months Ended January 31, 2024

| | Adjusted Budget | Actual 42.0% | % Actual to Adjusted Budget | PY YTD Actual | % of 8/31/23 Actual | % of 8/31/23 |
|--|-----------------------|----------------------|-----------------------------------|----------------------|------------------------|-----------------------|
| Revenues | | | | | | |
| State Appropriations | \$ 70,110,750 | \$ 32,964,446 | 47.02% | \$ 22,740,324 | 42.11% | \$ 53,996,383 |
| Local Taxes - Maintenance & Operations | 84,770,000 | 35,449,859 | 41.82% | 33,442,072 | 42.06% | 79,516,179 |
| Local Taxes - Debt Service | 40,100,400 | 16,810,204 | 41.92% | 15,886,496 | 42.20% | 37,642,744 |
| Credit Tuition | 69,445,000 | 58,853,584 | 84.75% | 52,532,693 | 84.11% | 62,455,714 |
| Credit Exemptions & Waivers | (8,400,000) | (8,315,210) | 98.99% | (7,219,318) | 86.42% | (8,354,003) |
| Continuing Education | | | | | | |
| CPET | 525,000 | 162,028 | 30.86% | 390,300 | 74.55% | 523,576 |
| Biotechnology | 500,000 | - | - | - | - | - |
| Maritime Transportation | 2,000,000 | 755,168 | 37.76% | 812,507 | 38.01% | 2,137,491 |
| Continuing Professional Development | 6,360,000 | 1,719,145 | 27.03% | 2,312,708 | 40.09% | 5,769,327 |
| Continuing Education Exemptions & Waivers | (45,000) | (14,979) | - | (11,785) | 19.28% | (61,130) |
| Bad Debt | (1,000,000) | (416,698) | 41.67% | (291,658) | 20.57% | (1,417,649) |
| Sales & Services | 1,800,000 | 1,468,174 | 81.57% | 792,612 | 25.09% | 3,158,983 |
| Investment Income | 6,000,000 | 2,294,319 | 38.24% | 1,395,098 | 29.15% | 4,785,726 |
| Investment Income - Restricted Funds | - | 1,686,341 | - | 1,270,185 | 35.82% | 3,545,822 |
| Auxiliary Services | 3,073,000 | 1,272,443 | 41.41% | 1,157,063 | 47.06% | 2,458,451 |
| Grants | 65,914,603 | 31,703,257 | 48.10% | 29,367,506 | 38.36% | 76,555,487 |
| Local Grants | 7,628,104 | 3,209,303 | 42.07% | 3,577,646 | 62.44% | 5,730,007 |
| Total Revenues | 348,781,857 | 179,601,384 | 51.49% | 158,154,449 | 48.15% | \$ 328,443,108 |
| Expenditures | | | | | | |
| Instruction | 93,452,370 | 41,960,805 | 44.90% | 38,455,920 | 43.74% | 87,923,358 |
| Public Service | 537,364 | 154,829 | 28.81% | 170,896 | 41.15% | 415,300 |
| Academic Support | 33,305,520 | 10,633,395 | 31.93% | 9,772,368 | 40.50% | 24,130,015 |
| Student Services | 23,064,992 | 8,851,902 | 38.38% | 8,242,402 | 38.33% | 21,503,499 |
| Institutional Support | 104,368,417 | 33,995,265 | 32.57% | 33,011,103 | 33.49% | 98,581,933 |
| Physical Plant | 28,996,923 | 9,223,259 | 31.81% | 8,091,287 | 33.27% | 24,322,186 |
| Scholarships and Fellowships | 60,983,271 | 35,637,461 | 58.44% | 27,423,027 | 48.49% | 56,558,641 |
| Auxiliary Enterprises | 3,073,000 | 1,509,368 | 49.12% | 1,482,303 | 51.16% | 2,897,355 |
| Depreciation | 29,800,000 | 11,430,393 | 38.36% | 11,380,109 | 40.24% | 28,279,123 |
| Total Expenditures | 377,581,858 | 153,396,677 | 40.63% | 138,029,414 | 40.05% | 344,611,409 |
| Transfers Among Funds | | | | | | |
| Transfers In | (4,830,713) | (6,087,368) | 126.01% | (64,015) | 0.65% | (9,815,171) |
| Transfers Out | 4,830,713 | 6,087,368 | 126.01% | 64,015 | 0.65% | 9,815,171 |
| Adjustment for Debt Principal Payment ¹ | (18,379,936) | - | - | - | - | (15,155,000) |
| Adjustment for Capital Purchases ¹ | (2,104,295) | (341,861) | 16.25% | (897,394) | 17.37% | (5,167,256) |
| Net Increase (Decrease) in Net Position | \$ (8,315,770) | \$ 26,546,568 | | \$ 21,022,429 | | \$ 4,153,955 |

¹ Per government accounting practices, capital purchases and principal payments included in the expenditure line items above are subsequently deducted from total year-to-date expenditures and reclassified as an increase or reduction to the appropriate asset or liability line item on the Statement of Net Position.

Capital Improvement Program

San Jacinto Community College District
Statement of Revenues, Expenditures and Changes In Net Position
For the Five Months Ended January 31, 2024

Fund 91 Capital Projects

| | Adjusted Budget | Actual 42.0% | % Actual to Adjusted Budget | PY YTD Actual | % of 8/31/23 Actual |
|--|------------------------|-----------------------|-----------------------------------|-----------------------|------------------------|
| Revenues | | | | | |
| Investment Income | \$ - | \$ 1,548,917 | - | \$ 1,270,185 | 37.00% |
| Total Revenues | - | 1,548,917 | - | 1,270,185 | 37.00% |
| Expenditures | | | | | |
| SECO-Energy Conservation Projects | 686,729 | 306,088 | 44.57% | 94,356 | - |
| Bond Program | 60,018,793 | 5,259,860 | 8.76% | 6,361,004 | 35.57% |
| Total Expenditures | 60,705,521 | 5,565,948 | 9.17% | 6,455,360 | 31.51% |
| Transfers Among Funds | | | | | |
| Transfers In | - | - | - | - | - |
| Transfers Out | - | - | - | - | - |
| Net Increase (Decrease) in Net Position | \$ (60,705,521) | \$ (4,017,031) | | \$ (5,185,175) | |

¹ Per government accounting practices, capital purchases and principal payments included in the expenditure line items above are subsequently deducted from total year-to-date expenditures and reclassified as an increase or reduction to the appropriate asset or liability line item on the Statement of Net Position.

San Jacinto Community College District
Statement of Revenues, Expenditures and Changes In Net Position
For the Five Months Ended January 31, 2024

Fund 93 Renewal and Replacement

| | Adjusted Budget | Actual 42.0% | % Actual to Adjusted Budget | PY YTD Actual | % of 8/31/23 Actual |
|--|-------------------|---------------------|-----------------------------------|---------------|------------------------|
| Revenues | | | | | |
| Interest Earnings | \$ - | \$ 137,424 | - | \$ - | - |
| Total Revenues | - | 137,424 | - | - | - |
| Expenditures | | | | | |
| District Energy Rebates | 694,777 | 27,977 | 4.03% | - | - |
| Total Expenditures | 694,777 | 27,977 | 4.03% | - | - |
| Transfers Among Funds | | | | | |
| Transfers In | (1,000,000) | (6,000,000) | 600.00% | - | - |
| Transfers Out | - | - | - | - | - |
| Net Increase (Decrease) in Net Position | \$ 305,223 | \$ 6,109,447 | | \$ - | |

1

Per government accounting practices, capital purchases and principal payments included in the expenditure line items above are subsequently deducted from total year-to-date expenditures and reclassified as an increase or reduction to the appropriate asset or liability line item on the Statement of Net Position.

San Jacinto College Monthly Investment Report
January 2024

SAN JACINTO COMMUNITY COLLEGE DISTRICT
Cash, Cash Equivalents, and Investments
Portfolio Summary Report
Period Ending January 31, 2024

| | | <u>Fair Market Value</u> | <u>Book Value</u> |
|------------------------------|------------------|------------------------------|-----------------------|
| Beginning Value | January 1, 2024 | \$ 160,589,803 | \$ 160,543,800 |
| Additions/Subtractions (Net) | | 31,689,761 | 31,689,761 |
| Change in Fair Market Value* | | 17,367 | - |
| Ending Value | January 31, 2024 | <u>\$ 192,296,931</u> | <u>\$ 192,233,561</u> |

| | |
|--|------------|
| Earnings for the Month of January | \$ 823,717 |
| Weighted Average Maturity at Ending Period Date (Days) | 1.00 |
| Weighted Average Earnings Rate | 5.6021% |
| Benchmark - One Year Treasury Yield | 4.7300% |

*On investments held to term, it is the policy of San Jacinto College to hold investments to maturity thus mitigating the impact of market losses.

The investment portfolio is in compliance with the Public Funds Investment Act and the College's Investment Policy.

Prepared by:



Carol Tillman
Assistant Comptroller

Reviewed by:

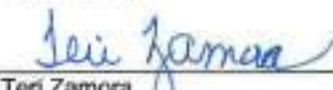


Andrea DuBols
Comptroller



Carin Hutchins
Associate Vice Chancellor of Finance

Approved by:



Teri Zamora
Vice Chancellor of Fiscal Affairs

SAN JACINTO COMMUNITY COLLEGE DISTRICT
Cash, Cash Equivalents, and Investments
Weighted Average to Maturity
January 31, 2024

| Description | Held At | Annualized Interest Rate | Purchase Date | Maturity | Par | Fair Market Value | Book Value | % of Total Portfolio | Days to Maturity | Weighted Avg. Mat. |
|---|---------------------------|--------------------------------|------------------|----------|------------|-----------------------|-----------------------|-------------------------|---------------------|-----------------------|
| Short-Term Investments - Unrestricted Funds | | | | | | | | | | |
| Demand Deposits | | | | | | | | | | |
| Credit Cards in Transit | Heartland | N/A | N/A | 02/01/24 | \$ N/A | \$ 22,374 | \$ 22,374 | 0.01% | 1 | 0.00 |
| JPMorgan Accounts Payable Disbursements | JPMorgan Chase Bank | N/A | N/A | 02/01/24 | N/A | (473,614) | (473,614) | -0.25% | 1 | 0.00 |
| JPMorgan Operating (Hybrid Earnings) | JPMorgan Chase Bank | 3.050% | N/A | 02/01/24 | N/A | 5,522,544 | 5,522,544 | 2.87% | 1 | 0.03 |
| JPMorgan Payroll | JPMorgan Chase Bank | N/A | N/A | 02/01/24 | N/A | (24,971) | (24,971) | -0.01% | 1 | 0.00 |
| JPMorgan Worker's Comp | JPMorgan Chase Bank | N/A | N/A | 02/01/24 | N/A | (5,062) | (5,062) | 0.00% | 1 | 0.00 |
| Petty Cash | Campus Business Offices | N/A | N/A | 02/01/24 | N/A | 18,967 | 18,967 | 0.01% | 1 | 0.00 |
| Pool Accounts | | | | | | | | | | |
| LSIP Corporate Overnight Plus Fund - Operating Funds | Lone Star Investment Pool | 5.6021% | N/A | 02/01/24 | N/A | 56,077,990 | 56,077,990 | 29.17% | 1 | 0.29 |
| TexPool - Operating | TexPool | 5.3455% | N/A | 02/01/24 | N/A | 633,146 | 633,146 | 0.33% | 1 | 0.00 |
| TexPool - PRIME - Operating | TexPool | 5.5480% | N/A | 02/01/24 | N/A | 7,834,727 | 7,834,727 | 4.08% | 1 | 0.04 |
| Investments | | | | | | | | | | |
| US Agency Note, CUSIP 3130AUM92 | BNY Mellon | 4.750% | 01/19/23 | 01/19/24 | 5,000,000 | - | - | 0.00% | 0 | 0.00 |
| US Agency Note, CUSIP 3130ATVD6 | BNY Mellon | 4.875% | 01/27/23 | 09/13/24 | 5,000,000 | 4,992,900 | 5,026,000 | 2.61% | 226 | 0.03 |
| US Agency Note, CUSIP 3130AWGD6 | BNY Mellon | 4.690% | 06/16/23 | 06/13/25 | 10,000,000 | 10,028,600 | 10,000,000 | 5.20% | 499 | 0.05 |
| US Agency Note, CUSIP 3130AWLY4 | BNY Mellon | 5.125% | 07/13/23 | 06/13/25 | 5,000,000 | 5,046,200 | 5,027,750 | 2.62% | 499 | 0.03 |
| US Agency Note, CUSIP 3133ENEJ5 | BNY Mellon | 5.181% | 11/30/23 | 11/18/24 | 5,000,000 | 4,843,550 | 4,799,500 | 2.50% | 292 | 0.02 |
| US Agency Note, CUSIP 3130AYKY1 | BNY Mellon | 4.800% | 01/30/24 | 01/22/25 | 5,000,000 | 5,002,950 | 4,997,580 | 2.60% | 357 | 0.03 |
| Short-Term Investments - Restricted (Bond) Funds | | | | | | | | | | |
| Pool Accounts | | | | | | | | | | |
| LSIP Corporate Overnight Plus Fund - GOB Debt Service | Lone Star Investment Pool | 5.6021% | N/A | 02/01/24 | N/A | 17,806,920 | 17,806,920 | 9.26% | 1 | 0.09 |
| LSIP Corporate Overnight Plus Fund - 2004 Bond Earnings | Lone Star Investment Pool | 5.6021% | N/A | 02/01/24 | N/A | 25,851 | 25,851 | 0.01% | 1 | 0.00 |
| LSIP Corporate Overnight Plus Fund - 2007 Bond Earnings | Lone Star Investment Pool | 5.6021% | N/A | 02/01/24 | N/A | 4,130 | 4,130 | 0.00% | 1 | 0.00 |
| LSIP Corporate Overnight Plus Fund - 2008 Bond Earnings | Lone Star Investment Pool | 5.6021% | N/A | 02/01/24 | N/A | 150,212 | 150,212 | 0.08% | 1 | 0.00 |
| LSIP Corporate Overnight Plus Fund - 2009 Bond Earnings | Lone Star Investment Pool | 5.6021% | N/A | 02/01/24 | N/A | 204,947 | 204,947 | 0.11% | 1 | 0.00 |
| LSIP Corporate Overnight Plus Fund - 2011 Bond Earnings | Lone Star Investment Pool | 5.6021% | N/A | 02/01/24 | N/A | 21,400 | 21,400 | 0.01% | 1 | 0.00 |
| LSIP Corporate Overnight Plus Fund - 2022 Bond Proceeds | Lone Star Investment Pool | 5.6021% | N/A | 02/01/24 | N/A | 43,119,407 | 43,119,407 | 22.43% | 1 | 0.22 |
| LSIP Corporate Overnight Plus Fund - Capital Projects Reserve | Lone Star Investment Pool | 5.6021% | N/A | 02/01/24 | N/A | 11,250,730 | 11,250,730 | 5.85% | 1 | 0.06 |
| LoneStar-COFPlus-2023 Bond Proceeds | Lone Star Investment Pool | 5.6021% | N/A | 02/01/24 | N/A | 501,682 | 501,682 | 0.26% | 1 | 0.00 |
| TexPool PRIME - 2021 Bond Proceeds | TexPool | 5.5480% | N/A | 02/01/24 | N/A | 19,691,352 | 19,691,352 | 10.24% | 1 | 0.10 |
| Grand Total - Cash, Cash Equivalents, and Investments | | | | | | <u>\$ 192,296,931</u> | <u>\$ 192,233,561</u> | <u>100.00%</u> | | <u>1.00</u> |

| Weighted Average to Maturity at Ending Period Date (Days) | | | |
|---|--------------------|---|-------------|
| ACFR, Note 4 | | | |
| 0.01% \$ | 18,967 | Petty cash on hand | 0.00 |
| 81.81% | 157,322,493 | Investment pools | 0.82 |
| 2.63% | 5,041,271 | Bank deposits - demand deposits | 0.03 |
| <u>15.56%</u> | <u>29,914,200</u> | U. S. government securities & CDs | <u>0.16</u> |
| <u>100.00% \$</u> | <u>192,296,931</u> | Total cash, cash equivalents, and investments | <u>1.00</u> |

SAN JACINTO COMMUNITY COLLEGE DISTRICT
Cash, Cash Equivalents, and Investments
Inventory Holdings Report
January 31, 2024

| Description | Held At | Annualized Interest Rate | Maturity | Par | 12/31/2023 Ending Fair Market Value | 12/31/2023 Ending Book Value | 1/31/2024 Ending Fair Market Value | 1/31/2024 Ending Book Value | Additions/Subtractions and Change in Fair Market Value For the Month | LTD Unrealized Gain/Loss | January Earnings | September through January Earnings |
|---|---------------------------|--------------------------|----------|---------------|-------------------------------------|------------------------------|------------------------------------|-----------------------------|--|--------------------------|------------------|------------------------------------|
| Short-Term Investments - Unrestricted Funds | | | | | | | | | | | | |
| Demand Deposits | | | | | | | | | | | | |
| Credit Cards in Transit | Heartland | N/A | 02/01/24 | \$ N/A | \$ (557,702) | \$ (557,702) | \$ 22,374 | \$ 22,374 | \$ 580,076 | \$ N/A | \$ N/A | \$ N/A |
| JPMorgan Accounts Payable Disbursements | JPMorgan Chase Bank | N/A | 02/01/24 | N/A | (688,671) | (688,671) | (473,614) | (473,614) | 215,057 | N/A | N/A | N/A |
| JPMorgan Operating (Hybrid Earnings) | JPMorgan Chase Bank | 3.050% | 02/01/24 | N/A | 8,687,086 | 8,687,086 | 5,522,544 | 5,522,544 | (3,164,542) | N/A | 11,090 | 38,433 |
| JPMorgan Payroll | JPMorgan Chase Bank | N/A | 02/01/24 | N/A | (44,190) | (44,190) | (24,971) | (24,971) | 19,220 | N/A | N/A | N/A |
| JPMorgan Worker's Comp | JPMorgan Chase Bank | N/A | 02/01/24 | N/A | (7,426) | (7,426) | (5,062) | (5,062) | 2,364 | N/A | N/A | N/A |
| Petty Cash | JPMorgan Chase Bank | N/A | 02/01/24 | N/A | 18,517 | 18,517 | 18,967 | 18,967 | 450 | N/A | N/A | N/A |
| Sub Total Demand Deposits | Campus Business Offices | N/A | 02/01/24 | N/A | \$ 7,407,614 | \$ 7,407,614 | \$ 5,060,238 | \$ 5,060,238 | \$ (2,347,375) | \$ N/A | \$ 11,090 | \$ 38,433 |
| Pool Accounts | | | | | | | | | | | | |
| TexPool - Operating | TexPool | 5.3455% | 02/01/24 | \$ N/A | \$ 137,097 | \$ 137,097 | \$ 633,146 | \$ 633,146 | \$ 496,048 | \$ NA | \$ 1,511 | \$ 12,405 |
| TexPool PRIME - Operating | TexPool | 5.5480% | 02/01/24 | N/A | 7,797,983 | 7,797,983 | 7,834,727 | 7,834,727 | 36,744 | NA | 36,744 | 294,342 |
| LSIP Corporate Overnight Plus Fund - Operating Funds | Lone Star Investment Pool | 5.6021% | 02/01/24 | N/A | 42,449,883 | 42,449,883 | 56,077,990 | 56,077,990 | 13,628,107 | NA | 276,730 | 1,128,335 |
| Sub Total Pool Accounts | | | | \$ N/A | \$ 50,384,963 | \$ 50,384,963 | \$ 64,545,863 | \$ 64,545,863 | \$ 14,160,899 | \$ NA | \$ 314,985 | \$ 1,435,082 |
| Investments | | | | | | | | | | | | |
| US Agency Note, CUSIP 3130ATXK9 | BNY Mellon | 4.900% | 11/28/23 | - | - | - | - | - | - | - | - | 72,000 |
| US Agency Note, CUSIP 3130AUM82 | BNY Mellon | 4.750% | 01/19/24 | 5,000,000 | 4,998,550 | 4,997,497 | - | - | (4,998,550) | - | 36,642 | 115,808 |
| US Agency Note, CUSIP 3130ATVD6 | BNY Mellon | 4.875% | 09/13/24 | 5,000,000 | 4,996,400 | 5,026,000 | 4,992,900 | 5,026,000 | (3,500) | (33,100) | 20,313 | 101,563 |
| US Agency Note, CUSIP 3130AWGD6 | BNY Mellon | 4.690% | 06/13/25 | 10,000,000 | 10,032,500 | 10,000,000 | 10,028,600 | 10,000,000 | (3,900) | 28,600 | 39,083 | 173,595 |
| US Agency Note, CUSIP 3130AWLY4 | BNY Mellon | 5.125% | 06/13/25 | 5,000,000 | 5,041,650 | 5,027,750 | 5,046,200 | 5,027,750 | 4,550 | 18,450 | 21,354 | 95,129 |
| US Agency Note, CUSIP 3133ENEJ5 | BNY Mellon | 5.181% | 11/18/24 | 5,000,000 | 4,827,650 | 4,799,500 | 4,843,550 | 4,799,500 | 15,900 | 44,050 | 3,646 | 5,833 |
| US Agency Note, CUSIP 3130AYKY1 | BNY Mellon | 4.800% | 01/22/25 | 5,000,000 | - | - | 5,002,950 | 4,997,580 | 5,002,950 | 5,370 | - | - |
| Sub Total Investments | | | | \$ 35,000,000 | \$ 29,896,750 | \$ 29,850,747 | \$ 29,914,200 | \$ 29,850,830 | \$ 17,450 | \$ 63,370 | \$ 121,037 | \$ 563,929 |
| Sub Total - Short-Term Investments - Unrestricted Funds | | | | \$ 35,000,000 | \$ 87,689,327 | \$ 87,643,324 | \$ 99,520,301 | \$ 99,456,931 | \$ 11,830,974 | \$ 63,370 | \$ 447,112 | \$ 2,037,444 |
| Short-Term Investments - Restricted (Bond) Funds | | | | | | | | | | | | |
| Pool Accounts | | | | | | | | | | | | |
| LSIP Corporate Overnight Plus Fund - GOB Debt Service | Lone Star Investment Pool | 5.6021% | 02/01/24 | N/A | 2,327,234 | 2,327,234 | 17,806,920 | 17,806,920 | 15,479,686 | NA | 42,050 | 61,955 |
| LSIP Corporate Overnight Plus Fund - 2004 Bond Earnings | Lone Star Investment Pool | 5.6021% | 02/01/24 | N/A | 25,729 | 25,729 | 25,851 | 25,851 | 122 | NA | 122 | 610 |
| LSIP Corporate Overnight Plus Fund - 2007 Bond Earnings | Lone Star Investment Pool | 5.6021% | 02/01/24 | N/A | 4,111 | 4,111 | 4,130 | 4,130 | 20 | NA | 20 | 96 |
| LSIP Corporate Overnight Plus Fund - 2008 Bond Earnings | Lone Star Investment Pool | 5.6021% | 02/01/24 | N/A | 149,502 | 149,502 | 150,212 | 150,212 | 709 | NA | 709 | 3,532 |
| LSIP Corporate Overnight Plus Fund - 2009 Bond Earnings | Lone Star Investment Pool | 5.6021% | 02/01/24 | N/A | 203,979 | 203,979 | 204,947 | 204,947 | 968 | NA | 968 | 5,089 |
| LSIP Corporate Overnight Plus Fund - 2011 Bond Earnings | Lone Star Investment Pool | 5.6021% | 02/01/24 | N/A | 21,299 | 21,299 | 21,400 | 21,400 | 101 | NA | 101 | 497 |
| LSIP Corporate Overnight Plus Fund - 2022 Bond Proceeds | Lone Star Investment Pool | 5.6021% | 02/01/24 | N/A | 42,915,805 | 42,915,805 | 43,119,407 | 43,119,407 | 203,602 | NA | 203,602 | 1,000,692 |
| LSIP Corporate Overnight Plus Fund - Capital Projects Reserve | Lone Star Investment Pool | 5.6021% | 02/01/24 | N/A | 6,219,697 | 6,219,697 | 11,250,730 | 11,250,730 | 5,031,032 | NA | 31,032 | 137,424 |
| LoneStar-COFPPlus-2023 Bond Proceeds | Lone Star Investment Pool | 5.6021% | 02/01/24 | N/A | - | - | 501,682 | 501,682 | 501,682 | NA | 1,682 | 1,682 |
| TexPool PRIME - 2021 Bond Proceeds | TexPool | 5.5480% | 02/01/24 | N/A | 21,033,119 | 21,033,119 | 19,691,352 | 19,691,352 | (1,341,767) | NA | 96,318 | 536,720 |
| Sub Total Pool Accounts | | | | \$ N/A | \$ 72,900,476 | \$ 72,900,476 | \$ 92,776,630 | \$ 92,776,630 | \$ 19,876,154 | \$ NA | \$ 376,604 | \$ 1,748,296 |
| Sub Total - Short-Term Investments - Restricted (Bond) Funds | | | | \$ N/A | \$ 72,900,476 | \$ 72,900,476 | \$ 92,776,630 | \$ 92,776,630 | \$ 19,876,154 | \$ NA | \$ 376,604 | \$ 1,748,296 |
| Grand Total - Cash, Cash Equivalents, and Investments | | | | \$ 35,000,000 | \$ 160,589,803 | \$ 160,543,800 | \$ 192,296,931 | \$ 192,233,561 | \$ 31,707,128 | \$ 63,370 | \$ 823,717 | \$ 3,785,739 |

San Jacinto College Foundation
Statement of Financial Position
As of January 31, 2024

| | Current Year | | | Previous Year | | | Difference | | |
|---|---------------------|----------------------|---------------------|---------------------|----------------------|---------------------|--------------------|----------------------|------------------|
| | Foundation | Student Success Fund | Total | Foundation | Student Success Fund | Total | Foundation | Student Success Fund | Total |
| ASSETS | | | | | | | | | |
| Current Assets | | | | | | | | | |
| Checking/Savings | | | | | | | | | |
| General Fund | \$3,652,684 | - | \$3,652,684 | \$2,348,644 | - | \$2,348,644 | \$1,304,040 | - | \$1,304,040 |
| Other Funds | - | - | - | - | - | - | - | - | - |
| Total Checking/Savings | 3,652,684 | - | 3,652,684 | 2,348,644 | - | 2,348,644 | 1,304,040 | - | 1,304,040 |
| Accounts Receivables | 2,540,080 | - | 2,540,080 | 3,115,585 | - | 3,115,585 | (575,505) | - | (575,505) |
| Other Current Assets | | | | | | | | | |
| Short Term Investments | | | | | | | | | |
| Goldman Sachs - SS2 (Endowed) | | 20,183,239 | 20,183,239 | | 18,211,842 | 18,211,842 | - | 1,971,397 | 1,971,397 |
| Goldman Sachs - SSF (Non-Endowed) | | 4,234,243 | 4,234,243 | | 8,187,782 | 8,187,782 | - | (3,953,539) | (3,953,539) |
| Goldman Sachs - FDN - HOE | 418,229 | - | 418,229 | - | - | - | 418,229 | - | 418,229 |
| Goldman Sachs - FDN-SSE (Endowed) | 1,905,945 | - | 1,905,945 | 1,602,430 | - | 1,602,430 | 303,515 | - | 303,515 |
| Goldman Sachs - FDN-SSE (Non-Endowed) | 2,500 | - | 2,500 | - | - | - | 2,500 | - | 2,500 |
| Goldman Sachs - FDN | 14,016,017 | - | 14,016,017 | 12,792,327 | - | 12,792,327 | 1,223,690 | - | 1,223,690 |
| Total SJC Short Term Investments | 16,342,692 | 24,417,482 | 40,760,174 | 14,394,757 | 26,399,624 | 40,794,381 | 1,947,935 | (1,982,142) | (34,207) |
| Total Current Assets | 22,535,456 | 24,417,482 | 46,952,938 | 19,858,986 | 26,399,624 | 46,258,610 | 2,676,470 | (1,982,142) | 694,328 |
| TOTAL ASSETS | 22,535,456 | 24,417,482 | 46,952,938 | 19,858,986 | 26,399,624 | 46,258,610 | 2,676,470 | (1,982,142) | 694,328 |
| LIABILITIES & NET ASSETS | | | | | | | | | |
| Liabilities | | | | | | | | | |
| Current Liabilities | | | | | | | | | |
| Accounts Payable | | | | | | | | | |
| Grants Payable | 116,414 | - | 116,414 | 125,356 | - | 125,356 | (8,942) | - | (8,942) |
| Programs Payable | 2,030 | - | 2,030 | 2,030 | - | 2,030 | - | - | - |
| Endowments Payable | 195,878 | - | 195,878 | 182,756 | - | 182,756 | 13,122 | - | 13,122 |
| Scholarship Payables | 624,427 | - | 624,427 | 443,101 | 2,141,443 | 2,584,544 | 181,326 | (2,141,443) | (1,960,116) |
| Student Success Payables | 140,404 | - | 140,404 | 104,732 | - | 104,732 | 35,672 | - | 35,672 |
| Total Accounts Payable | 1,079,153 | - | 1,079,153 | 857,975 | 2,141,443 | 2,999,418 | 221,178 | (2,141,443) | (1,920,265) |
| Total Current Liabilities | 1,079,153 | - | 1,079,153 | 857,975 | 2,141,443 | 2,999,418 | 221,178 | (2,141,443) | (1,920,265) |
| Total Liabilities | 1,079,153 | - | 1,079,153 | 857,975 | 2,141,443 | 2,999,418 | 221,178 | (2,141,443) | (1,920,265) |
| NET ASSETS | | | | | | | | | |
| Net Assets Without Donor Restrictions | 4,008,815 | 24,004,479 | 28,013,294 | 2,687,562 | 24,575,762 | 27,263,324 | 1,321,253 | (571,283) | 749,969 |
| Net Assets With Donor Restrictions | 15,945,324 | - | 15,945,324 | 15,883,127 | - | 15,883,127 | 62,197 | - | 62,197 |
| Net Assets | 19,954,139 | 24,004,479 | 43,958,618 | 18,570,690 | 24,575,762 | 43,146,451 | 1,383,450 | (571,283) | 812,167 |
| Net Income | 1,502,164 | 413,003 | 1,915,167 | 430,321 | (317,581) | 112,741 | 1,071,843 | 730,584 | 1,802,427 |
| Total Net Assets | 21,456,303 | 24,417,482 | 45,873,785 | 19,001,011 | 24,258,181 | 43,259,192 | 2,455,292 | 159,301 | 2,614,593 |
| TOTAL LIABILITIES & NET ASSETS | \$22,535,456 | \$24,417,482 | \$46,952,938 | \$19,858,986 | \$26,399,624 | \$46,258,610 | \$2,676,470 | (\$1,982,142) | \$694,328 |

San Jacinto College Foundation
Statement of Activities
For the Period Ending January 31, 2024

| | Current Year | | | Previous Year | | | Difference | | | Foundation Annual Budget | Actual % of Annual Budget |
|--|--------------------|----------------------|--------------------|------------------|----------------------|------------------|--------------------|----------------------|--------------------|--------------------------|---------------------------|
| | Foundation | Student Success Fund | Total | Foundation | Student Success Fund | Total | Foundation | Student Success Fund | Total | | |
| Ordinary Income/Expense Income | | | | | | | | | | | |
| Contributions | | | | | | | | | | | |
| Grant Contributions | 115,775 | - | 115,775 | 120,900 | - | 120,900 | (5,125) | - | (5,125) | 810,000 | 14% |
| Endowments | 131,407 | - | 131,407 | 225,924 | - | 225,924 | (94,517) | - | (94,517) | 1,200,000 | 11% |
| Program Sponsorship | 176,096 | - | 176,096 | 97,753 | - | 97,753 | 78,343 | - | 78,343 | 850,000 | 21% |
| Scholarships | 618,135 | - | 618,135 | 364,704 | - | 364,704 | 253,431 | - | 253,431 | 650,000 | 95% |
| Total Contributions | 1,041,413 | - | 1,041,413 | 809,281 | - | 809,281 | 232,132 | - | 232,132 | 3,510,000 | 30% |
| Other Income | | | | | | | | | | | |
| Special Events | 350,811 | - | 350,811 | - | - | - | 350,811 | - | 350,811 | 450,000 | 78% |
| Investment Income | 315,593 | 435,929 | 751,522 | 322,731 | 658,027 | 980,758 | (7,138) | (222,098) | (229,236) | 1,200,000 | 63% |
| Realized Gain / (Loss) | 10,013 | (40,848) | (30,835) | 5,677 | (50,609) | (44,933) | 4,337 | 9,761 | 14,098 | - | - |
| Unrealized Gain / (Loss) | 591,289 | 1,356,904 | 1,948,194 | 357,455 | 915,737 | 1,273,192 | (681,903) | 441,167 | 675,001 | - | - |
| Total Other Income | 1,267,707 | 1,751,985 | 3,019,692 | 685,863 | 1,523,155 | 2,209,018 | (333,893) | 228,831 | 810,675 | 1,650,000 | 183% |
| Total Income | 2,309,120 | 1,751,985 | 4,061,106 | 1,495,144 | 1,523,155 | 3,018,299 | (101,761) | 228,831 | 1,042,807 | 5,160,000 | 79% |
| Expense | | | | | | | | | | | |
| Programs | | | | | | | | | | | |
| Scholarships Awarded - SSF | | 1,338,982 | 1,338,982 | | 1,840,736 | 1,840,736 | | (501,753) | (501,753) | 3,500,000 | 38% |
| Scholarships Awarded - FND | 519,201 | - | 519,201 | 791,242 | - | 791,242 | (272,042) | - | (272,042) | 900,000 | 58% |
| Programs Sponsored | 195,739 | - | 195,739 | 199,224 | - | 199,224 | (3,485) | - | (3,485) | 400,000 | 49% |
| Student Success Initiatives | 55,970 | - | 55,970 | 17,009 | - | 17,009 | 38,961 | - | 38,961 | 150,000 | 37% |
| Total Programs | 770,909 | 1,338,982 | 2,109,891 | 1,007,476 | 1,840,736 | 2,848,211 | (236,567) | (501,753) | (738,320) | 4,950,000 | 43% |
| Supporting Services | | | | | | | | | | | |
| Bad Debt Expense | - | - | - | - | - | - | - | - | - | 2,000 | 0% |
| Supporting Services | | | | | | | | | | | |
| Foundation Expenses | 30,898 | - | 30,898 | 54,683 | - | 54,683 | (23,785) | - | (23,785) | 102,500 | 30% |
| Fundraising | 2,324 | - | 2,324 | - | - | - | 2,324 | - | 2,324 | 150,000 | 2% |
| Sponsorship Expense | 2,826 | - | 2,826 | 2,665 | - | 2,665 | 161 | - | 161 | 15,000 | 19% |
| Total Supporting Services | 36,047 | - | 36,047 | 57,348 | - | 57,348 | (21,300) | - | (21,300) | 267,500 | 13% |
| Total Expense | 806,957 | 1,338,982 | 2,145,939 | 1,064,823 | 1,840,736 | 2,905,559 | (257,867) | (501,753) | (759,620) | 5,219,500 | 41% |
| Net Ordinary Income | 1,502,164 | 413,003 | 1,915,167 | 430,321 | (317,581) | 112,741 | 1,071,843 | 730,584 | 1,802,427 | (59,500) | |
| Other Income / Expenses | | | | | | | | | | | |
| Increase/Decrease in Net Position | \$1,502,164 | \$413,003 | \$1,915,167 | \$430,321 | (\$317,581) | \$112,741 | \$1,071,843 | \$730,584 | \$1,802,427 | (\$59,500) | |

2015 Bond Program

Report as of January 31, 2024

| Project | Base Budget | Budget Adjustments | Current Budget | Program Management Fees | Total Budget | Encumbered Funds | Total Expenditures | Remaining Balance | Percent of Budget Encumbered/ Expensed |
|--|--------------------|--------------------|--------------------|-------------------------|--------------------|------------------|--------------------|-------------------|--|
| Central | | | | | | | | | |
| 731603 - CC Classroom Building | 47,155,000 | (804,781) | 46,350,219 | 1,788,440 | 48,138,659 | 319,081 | 47,051,009 | 768,569 | 98.40% |
| Sub-total | 47,155,000 | (804,781) | 46,350,219 | 1,788,440 | 48,138,659 | 319,081 | 47,051,009 | 768,569 | 98.40% |
| North | | | | | | | | | |
| 732607 - NC Brightwell Renovation | 6,628,000 | (314,642) | 6,313,358 | 258,532 | 6,571,890 | 18,180 | 6,553,710 | - | 100.00% |
| Sub-total | 6,628,000 | (314,642) | 6,313,358 | 258,532 | 6,571,890 | 18,180 | 6,553,710 | - | 100.00% |
| South | | | | | | | | | |
| 733608 - SC Domestic Water System Rehabilitation | 1,160,000 | (99,371) | 1,060,629 | 64,096 | 1,124,725 | 33,741 | 1,086,671 | 4,313 | 99.62% |
| 733616 - SC BioManufacturing Program | - | 750,000 | 750,000 | - | 750,000 | 504,689 | 116,859 | 128,452 | 82.87% |
| Sub-total | 1,160,000 | 650,629 | 1,810,629 | 64,096 | 1,874,725 | 538,430 | 1,203,530 | 132,765 | 92.92% |
| Maritime | | | | | | | | | |
| 736603 - MC Maritime Expansion | 28,000,000 | (26,631,300) | 1,368,700 | 31,300 | 1,400,000 | 33,417 | 936,590 | 429,993 | 69.29% |
| Sub-total | 28,000,000 | (26,631,300) | 1,368,700 | 31,300 | 1,400,000 | 33,417 | 936,590 | 429,993 | 69.29% |
| Generation Park | | | | | | | | | |
| Sub-total | - | - | - | - | - | - | - | - | - |
| Admin | | | | | | | | | |
| 76605A - CW Deferred Maintenance Phase I | - | 31,184,038 | 31,184,038 | 427,385 | 31,611,423 | 7,532,335 | 20,490,309 | 3,588,779 | 88.65% |
| 736610 - CW Deferred Maintenance Phase II | - | 4,150,000 | 4,150,000 | - | 4,150,000 | 65,600 | 489,531 | 3,594,869 | 13.38% |
| 736606 - Generation Park Opportunities | - | 20,000,000 | 20,000,000 | - | 20,000,000 | 13,340 | 78,835 | 19,907,825 | 0.46% |
| 720100 - Program Management - AECOM | - | 11,431,567 | 11,431,567 | (11,404,113) | 27,454 | 27,454 | - | - | 100.00% |
| 736601 - Contingency | 1,166,180 | 18,527,861 | 19,694,041 | - | 19,694,041 | - | - | 19,694,041 | - |
| Sub-total | 1,166,180 | 85,293,466 | 86,459,646 | (10,976,728) | 75,482,918 | 7,638,729 | 21,058,675 | 46,785,514 | 38.02% |
| Previously Completed and Closed Projects | | | | | | | | | |
| Sub-total | 340,890,820 | (58,193,372) | 282,697,448 | 8,834,360 | 291,531,808 | - | 291,531,808 | - | 100.00% |
| TOTALS | 425,000,000 | - | 425,000,000 | - | 425,000,000 | 8,547,837 | 368,335,322 | 48,116,841 | 88.68% |

Interest Earnings

Report as of January 31, 2024

| Bond Issue Earnings by Fiscal Year and Fund Type | 2004-2011 Bond Issue Earnings 901612 -901616 | 2016 & 2019 Bond Issue Earnings 901610 | 2021 Bond Issue Earnings 901611 | 2022 Bond Issue Earnings 901617 | Total |
|---|---|---|--|--|------------------|
| Prior years Interest Earnings as of 08.31.23 | 4,468,926 | 8,419,073 | 1,736,826 | 2,117,715 | 16,742,540 |
| Interest Earnings FY24 | 9,824 | 11,847 | 524,873 | 1,000,692 | 1,547,235 |
| Total Earnings * | 4,478,750 | 8,430,920 | 2,261,698 | 3,118,407 | 18,289,775 |
| Budgeted 901610 - Multiple Projects and Salaries & Benefits | - | 7,994,847 | - | - | 7,994,847 |
| Budgeted 731615 - CC - C3 Low Roof Replacement (611&617) | - | - | 29,969 | 321,351 | 351,320 |
| Budgeted 731616 - CC - C5 Roof Upgrade (610-611& 612-616) | 151,954 | 327,792 | 528,455 | - | 1,008,201 |
| Budgeted 732614 - NC - N7, N8 & N9 Roof Replacement (612-616) | 2,115,544 | - | - | - | 2,115,544 |
| Budgeted 732615 - NC - N2 Roof Replacement (611) | - | - | 1,703,274 | - | 1,703,274 |
| Budgeted 733615 - SC - S7 & S9 Roof Replacement 612-616) | 2,211,251 | 108,281 | - | - | 2,319,532 |
| Budgeted 733617 - SC - S11 Roof Replacement (617) | - | - | - | 680,990 | 680,990 |
| Budgeted 733618 - SC - S14 Roof Replacement (617) | - | - | - | 580,523 | 580,523 |
| Total Budgeted | 4,478,750 | 8,430,920 | 2,261,698 | 1,582,864 | 16,754,232 |
| Interest Earnings Available | - | - | - | 1,535,543 | 1,535,543 |

* Interest Earnings are calculated on unspent bond proceeds on a monthly basis.

Projects Funded with Bond Interest Earnings

Report as of January 31, 2024

| Project | Base Budget | Budget Adjustments | Current Budget | Total Budget | Encumbered Funds | Total Expenditures | Remaining Balance | Percent of Budget Encumbered/Expensed |
|---|------------------|--------------------|------------------|------------------|------------------|--------------------|-------------------|---------------------------------------|
| College Wide | | | | | | | | |
| 731615 - CC - C3 Low Roof Replacement (611&617) | - | 351,320 | 351,320 | 351,320 | - | - | 351,320 | - |
| 731616 - CC - C5 Roof Upgrade (610-611& 612-616) | - | 1,008,201 | 1,008,201 | 1,008,201 | - | - | 1,008,201 | - |
| 732614 - NC - N7, N8 & N9 Roof Replacement (612-616)* | 2,587,830 | (472,285) | 2,115,545 | 2,115,545 | 21,574 | 1,975,240 | 118,731 | 94.39% |
| 732615 - NC - N2 Roof Replacement (611) | - | 1,703,274 | 1,703,274 | 1,703,274 | - | - | 1,703,274 | - |
| 733615 - SC - S7 & S9 Roof Replacement (610) | - | 108,281 | 108,281 | 108,281 | 6,881 | - | 101,400 | 6.35% |
| 733615 - SC - S7 & S9 Roof Replacement (612-616) | 1,737,060 | 474,191 | 2,211,251 | 2,211,251 | 9,489 | 2,201,762 | - | 100.00% |
| 733617 - SC - S11 Roof Replacement (617) | - | 680,990 | 680,990 | 680,990 | - | - | 680,990 | - |
| 733618 - SC - S14 Roof Replacement (617) | - | 580,523 | 580,523 | 580,523 | - | - | 580,523 | - |
| Sub-total | 4,324,890 | 4,434,495 | 8,759,385 | 8,759,385 | 37,944 | 4,177,002 | 4,544,439 | 48.12% |
| TOTALS | 4,324,890 | 4,434,495 | 8,759,385 | 8,759,385 | 37,944 | 4,177,002 | 4,544,439 | 48.12% |

Energy Conservation Project

Report as of January 31, 2024

| Project | Base Budget | Budget Adjustments | Total Budget | Encumbered Funds | Total Expenditures | Remaining Balance | Percent of Budget Encumbered/ Expensed |
|--|------------------|--------------------|------------------|------------------|--------------------|-------------------|--|
| College Wide | | | | | | | |
| E22001 - UCRM 1 - LED Lighting | 811,078 | (231,152) | 579,926 | - | 579,926 | - | 100.00% |
| E22002 - UCRM 2.1a - A-1 HVAC | 10,354 | (5,782) | 4,572 | - | 4,572 | - | 100.00% |
| E22003 - UCRM 2.1b - CC Chillers | 1,526,400 | 117,308 | 1,643,708 | - | 1,643,708 | - | 100.00% |
| E22004 - UCRM 2.1c - NC Chiller | 593,600 | 10,400 | 604,000 | - | 604,000 | - | 100.00% |
| E22005 - UCRM 2.1d - Maritime HVAC | 33,000 | (33,000) | - | - | - | - | - |
| E22006 - UCRM 2.6a - 35 Acre VFDs | 9,946 | 20,905 | 30,851 | - | 30,851 | - | 100.00% |
| E22007 - UCRM 2.6b - S-7 & S-9 VFDs | 26,452 | 56,684 | 83,136 | - | 83,136 | - | 100.00% |
| E22008 - UCRM 3 - Retro-Commissioning | 280,000 | 54,010 | 334,010 | - | 334,010 | - | 100.00% |
| E22009 - UCRM 4.2c - Vending Misers | 46,224 | (46,224) | - | - | - | - | - |
| E22010 - UCRM 5.1 - Water Conserving Faucets | 112,669 | (63,192) | 49,477 | - | 49,477 | - | 100.00% |
| E22011 - UCRM 8 - Solar PV | 1,175,849 | (260,598) | 915,251 | - | 915,251 | - | 100.00% |
| Utility Assessment Report - 720600 | 96,546 | - | 96,546 | - | 96,546 | - | 100.00% |
| E22000 - Contingency Lone Star Loan | - | 380,641 | 380,641 | - | - | 380,641 | - |
| TOTALS | 4,722,118 | - | 4,722,118 | - | 4,341,477 | 380,641 | 91.94% |

Future Capital Projects

Report as of January 31, 2024

| Project | Base Budget | Budget Adjustments | Current Budget | Total Budget | Encumbered Funds | Total Expenditures | Remaining Balance | Percent of Budget Encumbered/ Expensed |
|----------------------------------|-------------|--------------------|-------------------|-------------------|------------------|--------------------|-------------------|--|
| College Wide | | | | | | | | |
| Future Capital Projects (929602) | - | 11,250,730 | 11,250,730 | 11,250,730 | - | - | 11,250,730 | - |
| Sub-total | - | 11,250,730 | 11,250,730 | 11,250,730 | - | - | 11,250,730 | - |
| TOTALS | - | 11,250,730 | 11,250,730 | 11,250,730 | - | - | 11,250,730 | - |

Repair and Renovation

Report as of January 31, 2024

| Project | Base Budget | Budget Adjustments | Current Budget | Total Budget | Encumbered Funds | Total Expenditures | Remaining Balance | Percent of Budget Encumbered/ Expensed |
|---|-------------|--------------------|----------------|--------------|------------------|--------------------|-------------------|--|
| Central | | | | | | | | |
| F24001 CC - Central Misc. | - | 15,000 | 15,000 | 15,000 | - | - | 15,000 | - |
| F24007 CC - C45.1322 CPET Worktables | - | 5,421 | 5,421 | 5,421 | - | 5,421 | - | 100.00% |
| F24016 CC - Exterior Wayfinding | - | - | - | - | - | - | - | - |
| F24020 CC - C1.129 IT Service Desk | - | 42,911 | 42,911 | 42,911 | 29,569 | 13,342 | - | 100.00% |
| F24030 CC - C3 Conference Center Renovation | - | - | - | - | - | - | - | - |
| F24032 CC - C3.142h Renovation | - | 53,366 | 53,366 | 53,366 | - | - | 53,366 | - |
| F24033 CC - C19.365 Science Lab Renovation | - | 11,595 | 11,595 | 11,595 | 11,595 | - | - | 100.00% |
| F24034 CC - C45.1001 Event Stage Reno | - | 24,382 | 24,382 | 24,382 | 12,382 | 12,000 | - | 100.00% |
| Sub-total | - | 152,675 | 152,675 | 152,675 | 53,546 | 30,764 | 68,366 | 55.22% |
| North | | | | | | | | |
| F24002 NC - North Misc. | - | 10,827 | 10,827 | 10,827 | 1,235 | - | 9,592 | 11.41% |
| F24009 NC - N17 Wallpaper Removal & Paint | - | 111,319 | 111,319 | 111,319 | - | 111,319 | - | 100.00% |
| F24012 NC - N24.103 & N24.105 Esthetics Lab | - | 103,504 | 103,504 | 103,504 | 5,503 | 93,439 | 4,562 | 95.59% |
| F24015 NC - N14.112b Legal Resource Center | - | 9,621 | 9,621 | 9,621 | 1,602 | 8,018 | - | 100.00% |
| F24023 NC - N8.112 IT Service Desk | - | 63,034 | 63,034 | 63,034 | 52,205 | 10,829 | - | 100.00% |
| F24040 NC - N17.1059-59a&1061 Wall Removal | - | 33,015 | 33,015 | 33,015 | 33,015 | - | - | 100.00% |
| F24043 NC - Baseball Rebrand and Painting | - | 45,337 | 45,337 | 45,337 | 45,337 | - | - | 100.00% |
| F24051 NC - Baseball Batting Cage Netting | - | 19,500 | 19,500 | 19,500 | - | - | 19,500 | - |
| Sub-total | - | 396,157 | 396,157 | 396,157 | 138,897 | 223,606 | 33,655 | 91.50% |
| South | | | | | | | | |
| F24003 SC - South Misc. | - | 10,000 | 10,000 | 10,000 | - | 594 | 9,406 | 5.94% |
| F24008 SC - S1.377 BioManufacturing Lab | - | 164,742 | 164,742 | 164,742 | 9,397 | 107,282 | 48,063 | 70.83% |
| F24011 SC - S24.103 Esthetics Lab | - | 95,172 | 95,172 | 95,172 | 74,444 | 19,945 | 783 | 99.18% |
| F24017 SC - S6.110 Cashier Overhead Light | - | - | - | - | - | - | - | - |
| F24021 SC - S6.121G & S6.121H Room Reno | - | 26,138 | 26,138 | 26,138 | - | - | 26,138 | - |
| F24022 SC - S12.118 IT Service Desk | - | 65,760 | 65,760 | 65,760 | 39,735 | 26,025 | - | 100.00% |
| F24042 SC - Softball Field Rebrand | - | 45,109 | 45,109 | 45,109 | 45,109 | - | - | 100.00% |
| Sub-total | - | 406,921 | 406,921 | 406,921 | 168,684 | 153,846 | 84,390 | 79.26% |
| Maritime | | | | | | | | |
| Sub-total | - | - | - | - | - | - | - | - |
| Generation Park | | | | | | | | |
| F24005 GP - GEN P Misc. | - | 5,000 | 5,000 | 5,000 | - | - | 5,000 | - |
| F24037 GP - G2.221 A&P Lab | - | - | - | - | - | - | - | - |
| Sub-total | - | 5,000 | 5,000 | 5,000 | - | - | 5,000 | - |
| District | | | | | | | | |
| F24004 DIST - Campus Misc. | - | 5,000 | 5,000 | 5,000 | 1,252 | 397 | 3,351 | 32.99% |
| F24019 DIST - A1.101b Office Conversion | - | - | - | - | - | - | - | - |
| F24026 DIST - CW Roof Safety | - | 75,000 | 75,000 | 75,000 | 37,003 | - | 37,997 | 49.34% |
| F24036 DIST - CW Stopper Stations | - | 22,955 | 22,955 | 22,955 | - | 22,955 | - | 100.00% |
| F24041 DIST - CW Chair Reupholster | - | 19,547 | 19,547 | 19,547 | 19,547 | - | - | 100.00% |
| Sub-total | - | 122,502 | 122,502 | 122,502 | 57,802 | 23,352 | 41,348 | 66.25% |
| Contingency (720700) - Major Repairs | | | | | | | | |
| Sub-total | 600,000 | (596,165) | 3,835 | 3,835 | - | - | 3,835 | - |

Repair and Renovation

Report as of January 31, 2024

| Project | Base Budget | Budget Adjustments | Current Budget | Total Budget | Encumbered Funds | Total Expenditures | Remaining Balance | Percent of Budget Encumbered/ Expensed |
|--|----------------|--------------------|------------------|------------------|------------------|--------------------|-------------------|--|
| Projects Closed | | | | | | | | |
| F24014 CC - C45 RO Cover | - | - | - | - | - | - | - | - |
| F24031 CC - C3 Level 3 - Demo Lockers | - | 12,673 | 12,673 | 12,673 | - | 12,673 | - | 100.00% |
| F24010 NC - N12.100 Sensory Room Ph II | - | - | - | - | - | - | - | - |
| F24018 NC - N7.2112j & N7.2118a Private Door | - | - | - | - | - | - | - | - |
| F24025 NC - N24.121 Replacement Facial Beds | - | 15,715 | 15,715 | 15,715 | - | 15,715 | - | 100.00% |
| F24045 NC - N12.205 Card Access Repair | - | 4,825 | 4,825 | 4,825 | - | 4,825 | - | 100.00% |
| F24028 SC - S1.170 Undergraduate Research | - | - | - | - | - | - | - | - |
| F24013 MT - Maritime Gate | - | 33,940 | 33,940 | 33,940 | - | 33,940 | - | 100.00% |
| F24035 MT - Maritime Handrail Phase II | - | 5,000 | 5,000 | 5,000 | - | 5,000 | - | 100.00% |
| F24038 MT - Maritime Access Control Modification | - | 8,728 | 8,728 | 8,728 | - | 8,728 | - | 100.00% |
| F24024 MT - Parking Lot Expansion | - | - | - | - | - | - | - | - |
| F24006 EDGE - E-1 Lab Furniture | - | - | - | - | - | - | - | - |
| F24029 EDGE - E1.232 Conference Room | - | 9,749 | 9,749 | 9,749 | - | 9,749 | - | 100.00% |
| Sub-total | - | 90,630 | 90,630 | 90,630 | - | 90,630 | - | - |
| TOTALS | 600,000 | 577,720 | 1,177,720 | 1,177,720 | 418,929 | 522,197 | 236,594 | 79.91% |

**BOARD BUILDING COMMITTEE
SAN JACINTO COMMUNITY COLLEGE DISTRICT
February 20, 2024**

Members Present: John Moon, Jr., Dr. Michelle Cantú-Wilson, Marie Flickinger

Members Absent: Keith Sinor

Other Trustees Present: None

Others Present: Heidi Cartzendafner, Brenda Hellyer, Carin Hutchins, Bryan Jones, Angela Klaus, Deborah Paulson, Genie Scholes, Charles Smith, and Teri Zamora

- I. In Keith Sinor’s absence, John Moon called the meeting to order at 4:01 p.m.
- II. Roll call of the Committee members was taken by John Moon:
 - Marie Flickinger (Ex-officio member), present
 - John Moon, Jr., present
 - Dr. Michelle Cantú-Wilson, present
 - Keith Sinor, absent
- III. Approval of Minutes from the January 18, 2024, Building Committee meeting was completed. Motion was made by M. Cantú-Wilson to accept the minutes and seconded by J. Moon.
- IV. Recommended Projects and Delivery Methods which will provide the best value to the College (Discussion led by Chuck Smith)
 - Bond Funds
 - Consideration of Approval of Additional Funds for Generation Park Infrastructure
 - This item requests approval for additional funding for Generation Park Infrastructure, including clearing and grubbing, storm sewer and swale, paving, and extension of electrical, water, and data systems.
 - In August 2023, the Board approved the development of a robust Biotechnology training program. A month later, the College engaged Page, Southerland, Page, Inc. to develop the requirements for a Generation Park Central Utility Plant and associated Master Utilities Plan. In October 2023, Pfluger Architects was engaged to evaluate the potential for using the proposed utility plant building to initially support the Biotechnology program.
 - In November, the Board approved the issuance of \$4,000,000 in revenue bonds to fund the Generation Park expansion building and delegated authority to contract for that building in the same amount through Construction Manager-at-Risk (CMR) project #24-10.
 - In January of 2024, Tellepsen Builders, L.P. performed its initial cost estimate for the project. The College continues to work on reducing cost and uncertainty for the building, which priced out at \$4,300,000. Site development requirements were estimated at an additional \$1,800,000. This approach is

consistent with the 2015 Bond Program and the original Generation Park Project where site development requirements were established in parallel with the buildings.

- Approval of this action will increase the funds available for Generation Park expansion and authorize the Chancellor to approve a Guaranteed Maximum Price that includes the Site Development Package, which needs to precede construction of the Center for Biotechnology.
- This request will increase the approved amount by \$1,900,000 for a total of \$5,900,000. Pending Board approval, a total of \$1,900,000 in Interest Earnings will be allocated to fund the required site development activities. This allocation includes the current cost estimate plus contingency.
 - B. Hellyer asked C. Smith if the infrastructure would be needed when we continue developing the campus.
 - C. Smith provided that the original infrastructure serves the east side of the property, and we are building our second building on the west side requiring new infrastructure.
- Consideration Delegation of Authority to Contract for Building C-26 Transformer
 - This item requests approval for delegation of authority to purchase a transformer for Building C-26. In July 2023, the Board approved modification of the electrical systems in Building C-26 to permit the future installation of Level 2 and 3 Electric Vehicle (EV) chargers in support of the College’s automotive technician training programs. In January 2024, the first Level 3 charger installation was completed for the Stellantis automotive training program.
 - To provide the additional capacity required to support future chargers for other interested manufacturers, a larger building transformer is required. Due to the lead times on electrical equipment currently a year or longer, the College has elected to use the cooperative purchasing network to procure the required transformer.
 - Approval of this action will authorize the Chancellor or her designee to award a contract to the lowest priced respondent to cooperative pricing inquiry. This will allow the transformer to be placed on order. The estimated delivery date will then be used to sequence the installation date to a time with the least impact on instruction.
 - M. Flickinger asked if 40 weeks was the shortest delivery available.
 - C. Smith stated that one vendor quoted 40 weeks, one quoted 72 weeks, and another quoted 118 weeks.
 - M. Flickinger asked if the transformer was coming from abroad or domestic
 - C. Smith stated that all were being purchased domestically.
- Operating Funds
 - None.

V. Project Updates

- Bond Funds (Reported by Charles Smith)
 - Safety Metrics
 - Zero safety incidents were reported.
 - Schedule Updates

- The College has six major projects in active construction.
 - C2 – Marcom Renovation
 - C3 and C5 – Roof Upgrades
 - C12 – HVAC
 - N6 – Welcome Center
 - S9 – Parking Lot
 - Generation Park Expansion Building
- Progress Updates
 1. Central Campus – C2 Marcom Building
 - The C2 Marcom Building renovation is continuing without issue. The terrazzo on either side of the hall has been chipped out and repairs have begun.
 2. Central Campus – C3 and C5 Roof Upgrades
 - In design.
 3. Central Campus– C12 Slocomb Auditorium HVAC
 - Contractors had a pre-solicitation walk of the C12 HVAC replacement project earlier this month.
 - In response to clarification questions and asbestos abatement issues, we have pushed the receipt of proposals back to March 5.
 5. North Campus– N6 Welcome Center
 - The desired revisions were larger than the budget allowed; therefore, we broke them down into prioritized packages.
 - The first package is to reconfigure the financial aid and business office functions to improve their operability. That is in the design aspect.
 - The second project in parallel with the first will be costing out acoustic revisions to the waiting area.
 - The third and fourth components will be based on performance metrics that Student Services is assembling now to determine what those projects should be and suggest justifiable budget limits for the desired scopes.
 6. South Campus – P9 – Parking Lot
 - This project is moving steadily forward.
 - Completing lime stabilization of the added fill.
 - Contractor is beginning to set forms and rebar in preparation for the cement pour.
 - B. Hellyer inquired about the back parking lot which seems to be sinking.
 - C. Smith deferred to B. Jones who stated that the parking lot was repaired 18 months ago and failed due to the most recent drought.
 - C. Smith added that P15 and P16 are not used that much, and he is recommending to not repair those lots until parking lot usage increases.
 - B. Hellyer inquired about possible foundation issues with the Flickinger Fine Arts Building.
 - B. Jones replied that those issues have been addressed and repaired.
 - M. Flickinger asked about post tensioning and if that has been done on any of our parking lots.
 - C. Smith replied post tensioning was conducted on one of the parking lots at the College’s North Campus and it is still holding up. This

method was being considered for future projects.

7. Generation Park – Expansion Building (Biotechnology)
 - Near final versions of the civil, underground utilities, and structural packages were released for bid refinement.
 - The College is expecting occupancy to be April 2025.
- Financial Updates
 - All reports were presented without questions or comments.
 - 2015 Bond
 - Cleaning up the last encumbrances on closed projects.
 - Available Interest Earnings
 - Will be used for the additional request for funds at Generation Park.
 - Energy Conservation Report - LoanSTAR
 - This will be the final time to see this report. We have closed out the projects.
 - North and South Campus Roof Replacement
 - This is now labelled “Projects Funded with Bond Interest Earnings.”
 - This new report will include all eleven (11) roof projects that have been approved by the Board using this fund source.
 - S7 and S9, N7, N8, and N9 are now functionally complete.
- Operating Funds (Reported by Bryan Jones)
 - Safety Metrics
 - One safety incident was reported when an electrician stumbled while going up the stairs. No medical treatment was required, and no lost time was recorded.
 - Schedule Updates
 - An overview of the current minor projects was presented without questions.
 - Special mention was given to low turnover with the College’s janitorial staff and a couple of departmental retirements.
 - This report was presented with no further comments or questions.
 - Progress Updates
 - 56 minor projects have been recorded to date.
 - Financial Updates
 - Repair and Renovation Report
 - M. Cantú-Wilson inquired about the Conference Center Renovations at C3.
 - B. Jones replied that he thinks it was to repurpose and bring together some student services groups.
 - B. Hellyer informed that when requests for minor projects are made, Bryan works through the details for approval.
 - B. Jones informed the Committee that the smaller requests estimated to be under \$5,000 are approved by campus leadership and projects over \$20,000 require Strategic Leadership Team review and approval to proceed.

VI. Status of Delegation of Authority

- There were no items this month.

VII. Adjournment – The meeting adjourned at 4:25 p.m.

**BOARD FINANCE COMMITTEE
SAN JACINTO COMMUNITY COLLEGE DISTRICT
February 20, 2024**

Members Present: Dan Mims, Erica Davis Rouse, Marie Flickinger, and Larry Wilson

Members Absent: None

Other Trustees Present: None

Others Present: Brenda Hellyer, Teri Zamora, Carin Hutchins, Linda Torres, Mandi Reiland, and Shawna Pina

- I. The meeting was called to order at 5:00 p.m. by Dan Mims, Chair, Finance Committee.
- II. Roll Call of the Committee Members
 - Dan Mims, present
 - Erica Davis Rouse, present
 - Larry Wilson, present
 - Marie Flickinger (Ex-officio member), present
- III. Approval of Minutes from the March 10, 2023, Finance Committee Meeting
 - D. Mims presented the minutes from the March 10, 2023, Finance Committee meeting.
 - A motion was made by L. Wilson and seconded by E. Davis Rouse to accept the minutes as presented.
 - B. Hellyer noted that although the last meeting minutes are from March 10, 2023, finance items had not been neglected. Rather, items such as cash reserves, budget, financial audits, and internal audits and plan for 2023-2024 were presented and reviewed at past Board Workshops.
- IV. Review and Discussion of Internal Audit Reports:
 - L. Torres, Executive Director of Internal Audit, updated the Committee regarding the status of progress on the annual audit plan, management’s progress on completion of corrective action plans, and the completion of three new audit reports.
 - L. Torres updated the Committee on Dual Credit House Bill 8 Compliance and let them know it was postponed until Fiscal Year (FY) 25. Work groups are currently in place to review the new funding outcomes, rules, and opportunities for improvement, so an internal audit right now would not be beneficial.
 - L. Torres updated the Committee on the Cash Count Transition as they transitioned from Internal Audit back to the leadership of the Campus Business Offices (CBO) and Cafes in September of 2023. A mechanism had not been developed for those areas to report back to L. Torres.
 - D. Mims stated he would encourage the CBO & Cafes to develop a schedule

together.

- T. Zamora and C. Hutchins assured D. Mims they would get timelines together with a schedule for regular reports back to Internal Audit. Counts that have been conducted will be submitted, as well as regular periodic reporting in the future.
- L. Torres stated that beginning this fiscal year, newly completed internal audit reports have been distributed via email to the Finance Committee members, rather than waiting for review at periodic meetings. The intent was to give the members more time for review. She then asked if she should go through each report individually with the Committee, as has been done in prior years.
- D. Mims stated that Committee members had reviewed the reports, and that L. Torres would only need to comment on areas of concern that she felt needed to be emphasized.
- L. Torres responded that she had no particular areas of concern with these three audits.
- The Committee members expressed that they preferred receiving audits by email since it gave them more time to review and the reports were timelier.

V. The meeting adjourned at 5:22 p.m.

Action Item “IX”
Regular Board Meeting March 4, 2024
Consideration of Approval of Amendment to the 2023-2024 Budget
for Restricted Revenue and Expenses Relating to Federal, State and Local Grants

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve an amendment to the 2023-2024 budget for restricted revenue and expenses related to grants.

BACKGROUND

Federal, state, and local grants may require amendments for receipt of newly awarded grants or changes to existing grants. These amendments should be processed in a timely manner to provide access to funding to meet the objectives set forth within the grant requirements. This budget amendment request includes additions to restricted revenues and restricted expenses as a result of new awards and changes to existing grants received during the month of February 2024.

IMPACT OF THIS ACTION

Approval of the budget amendment will allow the College’s staff to implement the programs in accordance with the requirements of funded award amounts.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

Restricted revenues and restricted expenses will each be increased by \$616,740 so the net impact on the College budget is zero.

MONITORING AND REPORTING TIMELINE

The Office of Grants Management provides continuous monitoring of grant operations, which are included in the annual financial report to the Board of Trustees.

ATTACHMENTS

Attachment 1- Budget Amendments- 03-04-24

Attachment 2- Grant Detail- 03-04-24

RESOURCE PERSONNEL

Teri Zamora

281-998-6306

teri.zamora@sjcd.edu

Tomoko Olson

281-998-6146

tomoko.olson@sjcd.edu

SAN JACINTO COLLEGE DISTRICT
Federal, State, and Local Grant Amendments
March 4, 2024

| | Fund | Org. | Account | Prog. | Amount Debit (Credit) |
|---|--------|-------|---------|--------|-----------------------------|
| <u>U.S. Department of Education/Texas Higher Education Coordinating Board - Carl Perkins Career and Technical</u> | | | | | |
| <u>Education - Basic Grant FY2024 (Additional Funds)</u> | | | | | |
| Federal Grant Revenue | 528447 | 56700 | 554100 | 110000 | (361,763) |
| Non-Instructional Labor | 528447 | 56700 | 610000 | 460121 | 3,850 |
| Instructional Labor - Adjunct | 528447 | 56700 | 621100 | 460121 | 1,650 |
| Supplies | 528447 | 56700 | 710000 | 460115 | 212,403 |
| Travel | 528447 | 56700 | 721000 | 160112 | 4,745 |
| Contractual Svcs - Indirect costs | 528447 | 56700 | 731500 | 620909 | 17,227 |
| Equipment | 528447 | 56700 | 741000 | 160118 | 121,888 |
| | | | | | \$ - |
| <u>U.S. Department of Health and Human Services/Texas Workforce Commission - Temporary Assistance</u> | | | | | |
| <u>for Needy Families (TANF) - 2024 Governor's Summer Merit Program (New Grant)</u> | | | | | |
| Federal Grant Revenue | 539356 | 56700 | 554100 | 110000 | (82,246) |
| PT - Institutional | 539356 | 56700 | 614100 | 561612 | 17,220 |
| Instructional Labor - Adjunct | 539356 | 56700 | 621100 | 561612 | 13,050 |
| Benefits | 539356 | 56700 | 650000 | 561612 | 1,816 |
| Supplies | 539356 | 56700 | 711000 | 561612 | 18,000 |
| Travel | 539356 | 56700 | 721000 | 561612 | 6,000 |
| Contractual Services | 539356 | 56700 | 731000 | 561612 | 26,160 |
| | | | | | - |
| <u>Texas Higher Education Coordinating Board - Nursing & Allied Health - Nursing Innovation</u> | | | | | |
| <u>Grant Program (NIGP) (New Grant)</u> | | | | | |
| State Grant Revenue | 555056 | 56700 | 554200 | 110000 | (172,731) |
| Supplies | 555056 | 56700 | 710000 | 465817 | 14,505 |
| Equipment | 555056 | 56700 | 740000 | 465817 | 158,226 |
| | | | | | - |
| | | | | | \$ - |

Net Increase (Decrease)

Note: Credits to revenues are increases and credits to expenses are decreases.
Conversely, debits to revenue are decreases and debits to expenses are increases.

Grant Funding Summary by Agency:

| | |
|--|-------------------|
| U.S. Department of Education | \$ 361,763 |
| U.S. Department of Health and Human Services | 82,246 |
| Texas Higher Education Coordinating Board | 172,731 |
| | <u>\$ 616,740</u> |

March 04, 2024, Board Book – Grant Amendments Detail List

U.S. Department of Education/Texas Higher Education Coordinating Board - Carl Perkins Career and Technical Education - Basic Grant FY2024 (Additional Funds)

Carl Perkins Basic Grant provides important opportunities for students to explore, choose, and follow career and technical education (CTE) programs of study and career pathways to earn credentials of value. San Jacinto College CTE programs are designed to allow intensive training to simulate the workplace and develop critical skills and job readiness. CTE courses and programs integrate marketable skill competencies (e.g., teamwork, communication, technology, personal responsibility, and ethics) into the curriculum and instructional delivery methods.

These grant funds are generally used to purchase occupationally relevant equipment, CTE curriculum materials, and materials for learning labs. Additionally, the grants support curriculum development or modification, staff hiring and development, career counseling and guidance activities, efforts for academic-technical integration, supplemental services for special populations, childcare assistance, and outreach and retention programs.

U.S. Department of Health and Human Services/Texas Workforce Commission - Temporary Assistance for Needy Families (TANF) - 2024 Governor's Summer Merit Program (New Grant)

This award supports the San Jacinto College STEMPACT Camp 4.0, which is designed for eligible students aged 14-18. The camp focuses on mathematics and science related to engineering and STEM careers. The curriculum will include hands-on experiments and experiential activities and small and large group work with an in-person presentation for camper parents/guardians. Camp activities are developed to culminate with a related STEM field trip. The College will deliver three camps for 40 campers each. Total time for instruction in each camp is thirty-six hours.

Texas Higher Education Coordinating Board - Nursing & Allied Health - Nursing Innovation Grant Program (NIGP) (New Grant)

This award provides funds that will promote innovation within nursing clinical education and the retention of faculty by providing a new high-fidelity immersive simulator to replace the current first-generation simulator. This will accommodate specialty nursing skills training for obstetric, pediatric, mental health, and home healthcare patient(s).

Action Item “X”
Regular Board Meeting, March 4, 2024

Consideration of Approval of Policy III.3006.E, Use of Equipment – Second Reading

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve revisions to the College’s Policy III.3006.E, Use of Equipment.

BACKGROUND

The current policy on use of equipment requires minor updates to meet the new required format and content standards and current business practices. Procedures have also been developed to guide employees when there is a need to utilize College-owned resources away from College property. This policy was presented to the Board for first reading on December 4, 2023.

IMPACT OF THIS ACTION

The updated policy and the new procedure were sent to the College community on January 29, 2024 through February 12, 2024. Two comments were received, resulting in punctuation changes and one wording update.

The associated procedure supports implementation of the policy and is attached for informational purposes and will not be voted on.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

No budgetary impact.

MONITORING AND REPORTING TIMELINE

The Board will be notified of any changes that require its action.

ATTACHMENTS

- Attachment 1 - Summary of Changes
- Attachment 2 - Policy VI-L Policy on Use of Equipment
- Attachment 3 - Policy III.3006.E, Use of Equipment (proposed policy)

Informational Item Only:

- Attachment 4 - Procedure III.3006.E.a, Use of Equipment (proposed procedure)

RESOURCE PERSONNEL

| | | |
|-------------|--------------|----------------------|
| Teri Zamora | 281-998-6306 | teri.zamora@sjcd.edu |
| Bryan Jones | 281-998-6343 | bryan.jones@sjcd.edu |

Policies and Procedures Summary of Changes

New Policy Number: **III.3006.E**

Proposed Policy Name: **Use of Equipment**

Current Policy Number/Name: **Policy VI-L, Policy on Use of Equipment**

New Procedure Number: **III.3006.E.a**

Proposed Procedure Name(s): **Use of Equipment**

Current Procedure Number(s)/Name(s): **N/A**

Action Recommended for Policy: **Revised**

Action Recommended for Procedures: **New**

Web Links:

<https://sanjac.edu/about/policies-procedures/VI-L-Policy-on-Use-of-Equipment.pdf>

<https://sanjac.edu/about/policies-procedures/3-15-Historically-Underutilized-Business-Program.pdf>

Primary Owner: Vice Chancellor, Fiscal Affairs

Secondary Owner: Associate Vice Chancellor, Facilities Services

Summary of Changes:

Policy Changes

- Update to new format
- Update to new employee reporting structure
- Clarify definition of equipment

Procedure Changes

- Develop appropriate procedure for the new policy since no procedure had been in place previously.
- Supply guidance regarding how to remain in compliance with policy for different types of equipment.
- Create repository for storage of approvals of off-campus use of equipment.

Policy VI-L: Policy on Use of Equipment

Equipment belonging to San Jacinto College District should not be removed from the campus. Certain items that are used by the faculty for off-campus events should be checked out for that purpose after approval has been obtained from the campus President.

| | |
|--------------------------------|-----------------------------------|
| Policy #: | VI-L |
| Policy Name: | Policy on Use of Equipment |
| Pages: | 1 |
| Adopted Date: | March 2, 1981 |
| Revision/Reviewed Date: | |
| Effective Date: | March 2, 1981 |
| Associated Procedure: | |

Policy III.3006.E, Use of Equipment

Purpose

The College shall control the location and usage of College-owned equipment.

Policy

Equipment classified as fixed assets belonging to San Jacinto College should not be removed from its assigned usage or storage location without proper permission. Certain items that are used by College employees for off-premises events should be checked out for that purpose after approval has been obtained from the respective leadership chain, including the Fixed Asset Custodian and Strategic Leadership Team (SLT) member.

Definitions

Equipment: Any College-owned device or material purchased for use in execution of College operations, primarily identified as an item of tangible personal property with a useful life exceeding two years and an acquisition cost of \$5,000 or more.

The Authority, Applicability, Sanctions, Exclusions, and Interpretation do not differ from Policy II.2000.A, Policy and Procedures Development, Review, Revision, and Rescission.

Associated Procedures

Procedure III.3006.E, Use of Equipment

Other Related Procedure

Procedure III.3008.A.a, Use of College-Owned or Leased Vehicle.

| | |
|------------------------|--|
| Date of Board Approval | Anticipated March 4, 2024 |
| Effective Date | Anticipated March 5, 2024 |
| Primary Owner | Vice Chancellor, Fiscal Affairs |
| Secondary Owner | Associate Vice Chancellor, Facilities Services |

Procedure III.3006.E.a, Use of Equipment

Associated Policy

Policy III.3006.E, Use of Equipment

Purpose

The College shall control the location and usage of College-owned equipment. This procedure is established by the College to provide guidance to faculty and staff on the various aspects of ~~fixed asset~~ equipment management.

Procedures

In accordance with the College's standards for ethical conduct, employees shall protect and preserve public property and equipment and not use it for any unauthorized purpose.

Specifically, equipment classified as fixed assets belonging to San Jacinto College should not be removed from its assigned usage or storage location without specific business need and proper approval. This includes equipment ~~which~~ that has been purchased or donated, is operable or inoperable, or has been declared as surplus or scrap.

Use of all College property is restricted to purposes related to the College's mission, whether the property is physically located on or off College premises. College-owned equipment should not be loaned to individuals or organizations not connected with the College. Violations of this procedure may result in disciplinary action.

In accordance with Procedure III.3001.H.a, Fixed Assets, the College designates and trains Fixed Asset Custodians who are ultimately responsible for the following: affix College asset tags to equipment and provide pictures and location of equipment to the Comptroller's Office; know the location of all equipment in their inventory and ensure that equipment is adequately safeguarded and secured from possible theft and other hazards; report all changes in equipment location to the Comptroller's Office, which is critical for proper stewardship and accurate inventory control practices; assure that assigned equipment is utilized for College business purposes only and is located within College property; prepare appropriate forms requesting the transfer or disposal of all equipment; participate in the biennial ~~annual~~ inventory process; and exercise reasonable custodial care over the safeguarding of equipment to prevent the theft and loss of College property.

Off-Campus Use

1. Equipment may not be removed from College premises until a College property tag has been verified to be affixed and Authorization Form for Off-Premise Use (~~Form~~form) is completed, submitted, and approval has been obtained from the respective leadership chain, including the Fixed Asset Custodian and Strategic Leadership Team (SLT) member. The form is available on the College website and from the Comptroller's Office.

2. The employee checking out College property is responsible for completing and forwarding the approved form to the Comptroller's office via email at FixedAssets@sjcd.edu.
3. The College Comptroller will maintain a repository to store [Forms-forms](#) after SLT approval and will request updated authorizations at appropriate intervals.
4. Use of property may be authorized for a period of up to 12 months for assets that are routinely used off-premises. Subsequent periods not to exceed 12 months must be authorized by completing a new authorization form. Approval may be revoked at any time at the discretion of the individual giving the approval or an appropriate College administrator.
5. Employees approved to use College property off-premises will be responsible for the safety and security of the property, and for reporting any property damage as soon as reasonably possible to the Fixed Asset Custodian, College's Comptroller, and the Director of Safety Health and Emergency Risk Management.
6. Equipment utilized for specific off-premises instructional needs are exempt from this procedure if equipment is used during instruction or for functional and safety verification of operation by authorized and experienced departmental staff. Examples of this would include instructional truck and bus assets, sea-worthy maritime assets, and other transportation assets where off premises business, instruction, and or testing is required.
7. College-owned or leased vehicles checked out by College employees should follow specific vehicle use processes as outlined in Procedure III.3008.A.a, Use of College-Owned or Leased Vehicle.
8. Laptop computers issued by or checked out from IT in support of College business or for travel should follow specific IT processes as outlined in Procedure 2-3-a, Individual Responsibilities for Computing Resources.
9. Assigned custodians of mobile devices such as laptop computers, tablets, cellular phones, and other related peripherals should follow specific processes as outlined in Procedure 2-3-a, Individual Responsibilities for Computing Resources.
10. Individuals who have checked out College property for off-premises use may be required to return property to College location for any physical inventory.

Definitions

Equipment: -Any College-owned device or material purchased for use in execution of College operations, primarily identified as an item of tangible personal property with a useful life exceeding two years and an acquisition cost of \$5,000 or more.

Fixed Asset Custodians: -Department leaders delegated the responsibility for safeguarding and maintaining the integrity of the assets.

Attachment 4 – Proposed Procedure

| | |
|---|--|
| Date of SLT Approval | November 29, 2023 |
| Effective Date | Anticipated March 5, 2024 |
| Associated Policy | Policy III.3006.E, Use of Equipment |
| Primary Owner of Policy Associated with the Procedure | Vice Chancellor, Fiscal Affairs |
| Secondary Owner of Policy Associated with the Procedure | Associate Vice Chancellor, Facilities Services |

Action Item “XI”
Regular Board Meeting March 4, 2024

Consideration of Rescission of Policy IV-C-14, Policy for College Officials Serving on Committees, Commissions, Boards or Agencies, and Approval of Policy III.3006.F, Institutional Representation – Second Reading

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees rescind Policy IV-C-14, Policy for College Officials Serving on Committees, Commissions, Boards or Agencies, and approve Policy III.3006.F, Institutional Representation.

BACKGROUND

The current Policy for College Officials Serving on Committees, Commissions, Boards or Agencies (Policy IV-C-14) is outdated, limited in scope, and includes procedures versus broader policy statements. The new proposed institutional representation policy and procedures will provide helpful guidance to employees and leaders and ensure consistent practices are followed by all employees. This policy went to the Board for first reading on January 29, 2024.

IMPACT OF THIS ACTION

The proposed policy and procedures were sent to the College community on January 29, 2024 through February 12, 2024. Feedback was reviewed and appropriate grammar changes were made to both the policy and procedures.

Procedures are provided for informational purposes and are not voted on by the Board of Trustees.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

Total cost of institutional representation is estimated at \$50,000, which is budgeted and available in the 2023-2024 operating budget.

MONITORING AND REPORTING TIMELINE

The Board will be notified of any changes that require its action. Evaluation of management’s compliance with this policy and procedures will be periodically evaluated by administration and the College’s internal and external auditors.

ATTACHMENTS

- Attachment 1 – Summary of Changes
- Attachment 2 – Current Policy IV-C-14, College Officials Serving on Committees, Commissions, Boards or Agencies (Rescind)
- Attachment 3 – Policy III.3006.F, Institutional Representation (New)

Informational Items Only:

- Attachment 4 – Current Procedure 3-14, College Officials Serving on Committees, Commissions, Boards or Agencies (Rescind)
- Attachment 5 – Procedure III.3006.F.a, Institutional Representation (New)

Action Item “XI”
Regular Board Meeting March 4, 2024

**Consideration of Rescission of Policy IV-C-14, Policy for College Officials Serving on
Committees, Commissions, Boards or Agencies, and Approval of
Policy III.3006.F, Institutional Representation – Second Reading**

RESOURCE PERSONNEL

| | | |
|----------------|--------------|-------------------------|
| Brenda Hellyer | 281-998-6100 | brenda.hellyer@sjcd.edu |
| Teri Zamora | 281-998-6306 | teri.zamora@sjcd.edu |
| Carin Hutchins | 281-998-6109 | carin.hutchins@sjcd.edu |

Policies and Procedures Summary of Changes

New Policy Number: **III.3006.F**

Proposed Policy Name: **Institutional Representation**

Current Policy Number/Name: **IV-C-14, Policy for College Officials Serving on Committees, Commissions, Boards or Agencies**

New Procedure Number: **III.3006.F**

Proposed Procedure Name(s): **Institutional Representation**

Current Procedure Number(s)/Name(s): **3-14, College Officials Serving on Committees, Commissions, Boards or Agencies**

Action Recommended for Policy: **Rescission of IV-C-14, Policy for College Officials Serving on Committees, Commissions, Boards or Agencies and Approval of new Institutional Representation Policy**

Action Recommended for Procedures: **Rescission of 3-14, Procedure for College Officials Serving on Committees, Commissions, Boards or Agencies and Approval of new Institutional Representation Procedure**

Web Links:

<https://www.sanjac.edu/about/policies-procedures/IV-C-14-Policy-for-College-Officials-Serving-on-Committees-Commissions-Boards-or-Agencies.pdf>

<https://www.sanjac.edu/about/policies-procedures/3-14-College-Officials-Serving-on-Committees-Commissions-Boards-or-Agencies.pdf>

Primary Owner: **Vice Chancellor, Fiscal Affairs**

Secondary Owner: **Associate Vice Chancellor, Finance**

Summary of Changes:

Policy Changes:

- The current Policy for College Officials Serving on Committees, Commissions, Boards or Agencies (IV-C-14) is outdated and limited in scope. Administration is requesting it be rescinded.
- The new Institutional Representation Policy provides:
 - Examples of institutional representation
 - Removes procedure language
 - Updates approvals required for participation
 - Includes minor grammar changes

Procedure Changes:

- The current Procedure for College Officials Serving on Committees, Commissions, Boards or Agencies (3-14) is outdated and does not provide adequate guidance to employees. Administration is requesting it be rescinded.
- The new Institutional Representation Procedure includes:
 - Approvals required for participation
 - Reimbursable and non-reimbursable expenses
 - Incorporates current Travel Policy and Procedure
 - Includes minor grammar changes

IV-C-14 Policy for College Officials Serving on Committees, Commissions, Boards or Agencies

When a college employee is to be off from his/her job to serve on a district or regional or state board, committee or commission, the following criteria must be met:

- Permission must be obtained from the campus President and the Chancellor or Executive Vice Chancellor.
- Committee or commission must be of benefit to the college as determined by the campus President and Chancellor or Executive Vice Chancellor.
- Committee or commission must be related to the employee's area of expertise or college-related in some manner.
- Information regarding frequency of meetings, amount of release time needed, cost of travel for serving, and length of service must be submitted prior to the final appointment of the employee.

| | |
|--------------------------------|--|
| Policy #: | IV-C-14 |
| Policy Name: | Policy for College Officials Serving on Committees, Commissions, Boards or Agencies |
| Pages: | 1 |
| Adopted Date: | October 4, 1982 |
| Revision/Reviewed Date: | |
| Effective Date: | October 4, 1982 |
| Associated Procedure: | 3-14 |

Policy III.3006.F, Institutional Representation

Purpose

To enhance the College’s community and industry awareness and engagement, there is a need for appropriate San Jacinto College employees to participate in activities of other organizations and entities that are related to the College’s business activities in higher education or the community including associations, regulatory agencies, Rotary clubs, local Chambers of Commerce, local Economic Development groups, and nonprofit organizations.

Policy

College employees may desire or be asked to serve as members, officers, or committee members of these entities or organizations and officially represent the College in their roles.

Participation should be of benefit to the College, related to the employee’s area of expertise, or College-related in some manner, and approved in advance by a Strategic Leadership Team (SLT) member, after SLT member consultation with the Chancellor.

With approved participation in these entities, certain expenses incurred by a College employee will be covered or reimbursed by the College, and certain time spent supporting these entities will be considered College time worked.

The Authority, Applicability, Sanctions, Exclusions, and Interpretation do not differ from Policy II.2000.A, Policy and Procedures Development, Review, Revision, and Rescission.

Associated Procedures

Procedure III.3006.F.a, Institutional Representation

| | |
|------------------------|------------------------------------|
| Date of Board Approval | Anticipated March 4, 2024 |
| Effective Date | Anticipated March 5, 2024 |
| Primary Owner | Vice Chancellor, Fiscal Affairs |
| Secondary Owner | Associate Vice Chancellor, Finance |

Procedure 3-14: College Officials Serving on Committees, Commissions, Boards or Agencies

This policy only applies when a college employee is to be absent from his or her job to serve on a district, regional or state board, committee or commission. It does not apply to local community boards or committees on which employees serve on their own time.

When the employee is to be off from his or her work assignment to serve on a board, committee or commission, he or she must first comply with the following criteria:

1. Permission must be obtained from the campus President and the Chancellor or Executive Vice Chancellor.
2. Committee or commission must be of benefit to the college as determined by the campus President and Chancellor or Executive Vice Chancellor before serving on the board.
3. Committee or commission must be related to the employee's area of expertise or college-related in some matter before serving on the board.
4. Information concerning frequency of meetings, amount of release time needed, cost of travel for serving and length of service must be submitted to the campus President and Chancellor or Executive Vice Chancellor before final appointment is obtained.

Procedure #:

3-14

Procedure Name:

College Officials Serving on Committees, Commissions, Boards or Agencies

Pages:

1

Adopted Date:

Prior to 2006

Revision/Reviewed Date:

Effective Date:

Associated Policy:

IV-C-14

Procedure III.3006.F.a, Institutional Representation

Associated Policy

Policy III.3006.F, Institutional Representation

Procedures

Examples of organizations/entities College employees may have a need to participate in is provided below. This list is not exhaustive but is offered only for example purposes.

Rotary Clubs, Chambers of Commerce, Economic Development groups, community service organizations, Greater Houston Partnership, State Advisory committees, American Association of Community Colleges (AACCC), Southwestern Social Science Association (SSSA), Texas Association of Black Personnel in Higher Education (TABPHE), Texas Association of Collegiate Registrars and Admissions Officers (TACRAO), Texas Higher Education Coordination Board (THECB), Texas Association of Community College Business Officers (TACCBO), Texas Association of School Boards (TASB), and Texas Association of Community Colleges (TACC). Official institutional representation requires approval from leaders up to the appropriate SLT member, after SLT member consultation with the Chancellor. Information concerning frequency of meetings, amount of release time needed, cost of travel for serving, and length of service must be submitted with the request for approval. Only expenses related to fully approved roles will be reimbursed per the guidelines below.

General Guidelines (once institutional representation has been fully approved):

- Travel expenses incurred to attend board meetings or special events can be reimbursed or directly paid by the College if the external organization does not cover the cost. Adherence to the College's official Travel Policy and Procedure is required. Expenses can be covered by the employee's department budget or SLT member budget reserves, if needed.
- Expenses of external organizations cannot be charged to the College. Examples are expenses related to board meetings and special events, such as event supplies, marketing, food, prizes, honorariums, etc.
- Rotary and Chamber of Commerce dues and event fees such as luncheon meetings can be funded, but not raffle/prize tickets or donations.
- In some instances, the employee has been approved to be an officer or board member of an entity and the entity also hosts an annual conference to provide professional development for its members and others. Travel expenses related to professional development can be charged to the College per the official Travel Policy and Procedure. Expenses can be covered by the employee's department budget, SLT member budget reserves, or the Center for Excellence in Teaching and Learning (CETL). These expenditures are considered professional development rather than expenses related to an employee's official role in that entity.

Attachment 5 – Proposed Procedure (Clean)

- All expenses submitted for reimbursement or direct payment must be in accordance with San Jacinto College Policies and Procedures.

| | |
|---|---|
| Date of SLT Approval | January 17, 2024 |
| Effective Date | Anticipated March 5, 2024 |
| Associated Policy | Policy III.3006.F, Institutional Representation |
| Primary Owner of Policy Associated with the Procedure | Vice Chancellor, Fiscal Affairs |
| Secondary Owner of Policy Associated with the Procedure | Associate Vice Chancellor, Finance |

**Action Item “XII”
Regular Board Meeting March 4, 2024
Consideration of Approval of Tuition Schedule and
Other Student Charges for Fiscal Year 2025**

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve the existing schedule of tuition, along with other non-enrollment student charges, for fiscal year 2025.

BACKGROUND

Tuition is one of three primary sources of revenue for the College. The tuition model is structured so that student tuition is assessed at registration and is based on the student residency classification with no add-on fees. It is important to note that San Jac is one of only a few community colleges that charge no add-on fees. This model allows equitable access to all programs and provides the same cost per semester credit hour, based on residency, for all students regardless of course load.

The College adjusted tuition rates effective fiscal year 2024 and plans to continue with the same rate schedule for fiscal year 2025. The College’s rates remain conservative and affordable. A comparison to rates of the other community colleges in Texas is below.

| | Statewide Average | San Jacinto College (SJC) | # of colleges with rates lower than SJC |
|-----------------|-------------------|---------------------------|---|
| In-District | \$106 | \$83 | 7 |
| Out-of-District | \$164 | \$144 | 15 |
| Out-of-State | \$226 | \$223 | 33 |

IMPACT OF THIS ACTION

The recommended tuition rates are the current rates, listed above, so there will be no change in tuition cost for students.

Likewise, there are no recommended changes to non-enrollment student charges, as listed below, so there will be no impact to students.

Non-enrollment student charges include:

- An additional charge of \$75 per SCH is assessed on all courses attempted three or more times (Texas Education Code 54.014).
- Charge for Open Books Plus for required learning materials at the lowest available costs when students choose course sections that include Open Books Plus. Students who select these course sections may still opt-out of Open Books Plus charges, if desired.
- Other charges that are not included with a credit-seeking students’ registration are listed below and are billed when appropriate:

**Action Item “XII”
Regular Board Meeting March 4, 2024
Consideration of Approval of Tuition Schedule and
Other Student Charges for Fiscal Year 2025**

- Installment Payment Plan Set up Charge (\$25) and Late Charge (\$25)
- Returned Check Charge (\$30)
- Testing Charge for repeat Texas Success Initiative Assessment (TSI tests), (the first test is administered at no charge):
 - All sections retest (\$30)
 - Math retest (\$15)
 - Integrated reading and writing retest (\$15)
- Collection agency charges for delinquent accounts sent for collection
- Audit Course Charge, which is set at the same rate as in-district tuition

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

Through January 2024, credit tuition revenue is on track with the budget for fiscal year 2024. Any additional tuition revenue for fiscal year 2025 will be generated by enrollment increases.

MONITORING AND REPORTING TIMELINE

The Board will be kept apprised of the tuition revenue status via monthly financial and budget updates.

ATTACHMENTS

None

RESOURCE PERSONNEL

| | | |
|----------------|--------------|-------------------------|
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Action Item “XIII”
Regular Board Meeting March 4, 2024

Consideration of Approval of Tuition Exemptions and Waivers for Fiscal Year 2025

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve the list of optional tuition exemptions and waivers to be offered to students for Fiscal Year 2025.

BACKGROUND

The Texas Education Code authorizes certain exemptions and waivers to students in various circumstances and meeting specialized criteria. Some exemptions and waivers are mandatory, while others are optional at the discretion of the College.

A listing of the mandatory exemptions and waivers that are available to San Jacinto College students and a listing of the optional exemptions and waivers currently approved and available to San Jacinto College students and recommended for continuation are attached.

The entire list of available exemptions and waivers are posted prominently for student awareness on the College website and are recommended to remain the same as those currently in place.

IMPACT OF THIS ACTION

For Fiscal Year 2025, one minor recommended change is proposed in the optional exemptions. This is for dual credit whereby the exemption has historically been 75 percent for in-district, out-of-district, and out-of-state students. In August 2023, the Board approved some flexibility in the percentage exemption granted for out-of-state students. This facilitated meeting the State’s requirement that the amount of net tuition charged to all dual credit students per credit hour must remain below the amount paid by the State by the Financial Aid for Swift Transfer (FAST) program. As a result, the dual credit exemption for out-of-state students was raised to 76 percent effective Fall 2023. Due to a recent increase in the State’s FAST rate effective Fiscal Year 2025, the College is now able to return the dual credit exemption to 75 percent for that out-of-state student population.

The currently available exemptions and waivers continue to be offered to encourage qualifying student populations to persist and complete college coursework.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

The net amount of revenues waived for Fiscal Years 2022 and 2023 was \$7.9 million and \$8.4 million, respectively. The estimated total for Fiscal Year 2024 is \$9.5 million, primarily due to the growth in the dual credit population and use of the related exemption.

No additional budget impact is expected to result from the College’s approval of continuing the current exemptions and waivers.

MONITORING AND REPORTING TIMELINE

Action Item “XIII”
Regular Board Meeting March 4, 2024

Consideration of Approval of Tuition Exemptions and Waivers for Fiscal Year 2025

Monthly budget reports provide ongoing monitoring and reporting of exemptions and waivers.

ATTACHMENTS

Attachment 1 - List of Mandatory Exemptions and Waivers
Attachment 2 - List of Optional Exemptions and Waivers

RESOURCE PERSONNEL

| | | |
|----------------|--------------|-------------------------|
| Teri Zamora | 281-998-6100 | teri.zamora@sjcd.edu |
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Exemptions and Waivers - Mandatory

| Program Name | Statute | Cost to SJC Fiscal Year 2023 | Cost to SJC Fiscal Year 2022 | Currently in Use | Notes |
|---|-------------------------------|------------------------------|------------------------------|------------------|---|
| Hazlewood Exemptions · Veterans · Child/Spouse of Deceased Veteran · Child/Spouse of Disabled Veteran · Legacy Recipients | TEC 54.341 | \$601,551 | \$522,844 | Active | Veterans and other military personnel and dependents living in Texas receive 100% exemption from payment of tuition based upon specific criteria |
| Children of Disabled Firemen/Peace Officers | TEC 54.351 | \$4,050 | \$2,430 | Active | Children who meet age requirements and are dependents of firefighters and law enforcement officers injured or killed in the line of duty receive 100% exemption of tuition |
| Firefighters Taking Fire Science Courses | TEC 54.353 | \$13,906 | \$11,995 | Active | Students currently employed as firefighters or volunteer firefighters and meet certification criteria receive 100% exemption of tuition when enrolled in a fire science curriculum |
| Peace Officer Exemption | TEC 54.3531 | \$2,901 | \$6,453 | Active | Students currently employed as peace officers receive 100% exemption of tuition when enrolled in a criminal justice curriculum |
| Children of Nurse Faculty | TEC 54.355 | \$9,228 | \$6,294 | Active | Children under the age of 25 whose parent is a nurse educator in Texas higher education receive 100% exemption of tuition |
| Preceptors and/or their Children | TEC 54.356 | \$0 | \$1,404 | Active | Children under the age of 25 whose parent is a nurse overseeing clinicals in Texas higher education receive a \$500 exemption of tuition |
| Deaf or Blind | TEC 54.364 | \$46,152 | \$37,721 | Active | Students presenting proper certification attesting to the fact that they are deaf or blind receive 100% exemption of tuition |
| Foster Care/TX Dpt. Family Protective Svcs. | TEC 54.366 | \$27,441 | \$45,994 | Active | Students who were under the conservatorship of the Department of Family and Protective Services on their 18th birthday receive 100% exemption of tuition |
| Adopted | TEC 54.367 | \$145,295 | \$101,336 | Active | Students who were adopted and formerly in foster or other residential care receive 100% exemption of tuition |
| Disabled Peace Officers and Firefighters | TEC 54.352 | \$0 | \$0 | Available | Students can have tuition waived if student is permanently disabled as a result of an injury suffered during the performance of a duty as a peace officer of this state or a political subdivision of this state. Student must be a Texas resident for 12 months immediately prior to the semester. |
| Texas Tomorrow Fund Contract | TEC 54.621(c) | \$0 | \$0 | Available | Students who are beneficiaries of a prepaid tuition contract receive exemption from payment of any additional tuition amounts for the credits covered under the contract |
| Foreign Service Officer | TEC 54.206 | \$0 | \$0 | Available | A foreign service officer employed by the US Department of State receives in-state tuition when assigned to a foreign nation that borders the state |
| College Teachers, Professors and their Dependents | TEC 54.211 | \$0 | \$0 | Available | A professor of higher education in Texas and their dependents receive in-state tuition regardless of the length of time they have lived in Texas |
| NATO Members and Families | TEC 54.232 | \$0 | \$0 | Available | A non-immigrant alien and their dependents residing in Texas in accordance with certain NATO agreements receive in-state tuition regardless of the length of time they have lived in Texas |

Exemptions and Waivers - Mandatory

| Program Name | Statute | Cost to SJC Fiscal Year 2023 | Cost to SJC Fiscal Year 2022 | Currently in Use | Notes |
|--|----------------------------|------------------------------|------------------------------|------------------|--|
| Military (and Dependents) in Texas | TEC 54.241 | \$0 | \$0 | Available | An active officer, enlisted person, selectee, or draftee of the U.S. armed forces and their dependents living in Texas on assignment receive in-state tuition regardless of the length of time they have lived in Texas |
| Ex-Prisoners of War | TEC 54.342 | \$0 | \$0 | Available | Persons first classified as prisoners of war on or after January 1, 1999 receive full exemption of tuition and also receive free housing and other assistance upon enrollment for 12 semester credit hours |
| Children of POWs and MIAs | TEC 54.343 | \$0 | \$0 | Available | Students who are under age 25, Texas residents and are children of members of the armed forces currently declared as prisoners of war or missing in action receive full exemption of tuition |
| Taps Performers | TEC 54.344 | \$0 | \$0 | Available | Students who sound TAPS in military funerals shall receive a \$25 tuition exemption |
| National Guard Waiver | TEC 54.345 | \$0 | \$0 | Available | Students who are identified annually by the adjutant general of the state military forces receive exemption of tuition for up to 12 semester credit hours |
| Dependents of Deceased Public Servants | TEC 54.354 | \$0 | \$0 | Available | Children and surviving spouses of certain deceased firefighters, peace officers and other public servants receive exemption of tuition, free textbooks and housing assistance until the completion of 200 hours or a Bachelor's degree. |
| Economic Development | TEC 54.222 | \$0 | \$0 | Available | Students (and their dependents) who are employed by a business that relocated within the past 5 years to Texas under certain agreements with the Texas Economic Development and Tourism Office receive in-state tuition regardless of length of residency in Texas |
| Total | | \$850,524 | \$736,471 | | |

Exemptions and Waivers - Optional

| Program Name | Statute | Cost of SJC Fiscal Year 2023 | Cost to SJC Fiscal Year 2022 | Currently in Use | Notes |
|--|-------------------------------------|------------------------------|------------------------------|------------------|---|
| Ad Valorem | TEC 130.0032 | \$171 | \$0 | Active | Out-of-District students coming from households (taxpayer and dependents) who own property and pay property tax receive in-district rates |
| Community College District Employees | TEC 130.0851 | \$13,563 | \$12,986 | Active | Employees who live out-of-district receive in-district rates |
| Competitive Scholarship | TEC 54.213 | \$44,783 | \$24,600 | Active | Students coming from out-of-state who have a competitive scholarship in excess of \$1,000 receive the in-state rate |
| Dual Enrollment – Jr. Colleges | TEC 130.008, 54.216 | \$7,468,253 | \$7,120,174 | Active | Dual Credit Students received a 75% tuition exemption for 2022 and 2023, with 76 % exemption for out-of-state students approved on August 7, 2023 beginning Fall 2023. The rate for out-of-state students will revert to 75% effective Fall 2024. |
| Educational Aide Exemption | TEC 54.363 | \$0 | \$0 | Active | Students enrolled in courses required for teacher certification in one or more subject areas experiencing a critical shortage of teachers at public schools in Texas, as determined by the Texas Education Agency, who have financial need and meet the other criteria of the program receive an exemption from the payment of resident tuition for courses taken during the applicable term. This exemption was approved by the Board of Trustees on October 2, 2023 to be offered in Spring 2024. |
| Highest Ranking HS Scholar | TEC 54.301 | \$6,357 | \$6,292 | Active | Students who graduated top of their class receive full tuition waiver for two semesters |
| Good Neighbor | TEC 54.331 | \$17,042 | \$20,790 | Active | Tuition waiver for up to 235 students native-born in other countries in American hemisphere |
| Senior Citizen 65+ for 6 Hours Free Tuition | TEC 54.365 (c) | \$12,665 | \$8,364 | Active | Students over age 65 receive tuition waiver for up to 6 SCH, if space is available |
| Senior Citizen Lowered Tuition 55 + | TEC 54.263 | \$0 | \$0 | Available | CPD use only |
| Combat Exemption | TEC 54.2031 | \$0 | \$0 | Available | Students who are a dependent of a parent deployed during active combat may have tuition waived |
| One-Year Exemption for Certain TANF Students | TEC 54.361 | \$0 | \$0 | Available | Students who graduated from high school in Texas and during the last year of high school were dependent children receiving financial assistance under chapter 31, Human Resources Code receive exemption from one year of tuition |
| Totals | | \$7,562,833 | \$7,193,206 | | |

Action Item “XIV”
Regular Board Meeting March 4, 2024
Consideration of Approval of Increase in Percentage Tuition Discount for
Employee Dependents and Spouse

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve an increase in the percentage tuition discount for the dependents and spouse of full-time employees, beginning Fall 2024.

BACKGROUND

The Board of Trustees approved the initial percentage tuition discount in March 2023, beginning in Summer 2023, to approximate \$30 per semester credit hour (SCH) and provide some relief to the cost of higher education for the spouse and dependents of full-time employees and allow them to afford a community college education regardless of where they live.

This discount is applied as a whole percentage rather than as a flat dollar amount to allow the discount to be managed electronically rather than via manual intervention, which avoids application delays and provides increased accuracy. The current percentage discounts which became effective Fall 2023 are displayed below, along with the discount expressed in dollars for each residency category.

| EFFECTIVE FALL 2023 (following approved tuition increase) | | | |
|--|------------------------|---------------------------|----------------------------|
| Residency | Tuition per SCH | % Discount per SCH | \$ Discount per SCH |
| In-District | \$83 | 37% | \$30.71 |
| Out-of-District | \$144 | 21% | \$30.24 |
| Out-of-State | \$223 | 14% | \$31.22 |

Employees and their spouse or dependents have taken advantage of this tuition discount benefit as shown in the table below.

| Term | # of Students* | Discount Amount |
|-----------------------|-----------------------|------------------------|
| Summer 2023 | 26 | \$5,399 |
| Fall 2023 | 31 | \$9,254 |
| Spring 2024 (to date) | 17 | \$4,624 |
| Total | 74 | \$19,277 |

*Some of these students took classes each semester.

Given the success of the tuition discount program and that the current costs to the College are well under the allocated annual budget of \$100,000, the administration is requesting that the Board approve an increase in the percentage tuition discounts in order to approximate a discount of \$60 per SCH. This proposed increase is nearly double the previous discount and is illustrated in the table below.

**Action Item “XIV”
Regular Board Meeting March 4, 2024**

**Consideration of Approval of Increase in Percentage Tuition Discount for
Employee Dependents and Spouse**

| |
|----------------------------|
| EFFECTIVE FALL 2024 |
|----------------------------|

| Residency | Tuition per SCH | % Discount per SCH | \$ Discount per SCH |
|------------------|------------------------|---------------------------|----------------------------|
| In-District | \$83 | 73% | \$60.59 |
| Out-of-District | \$144 | 42% | \$60.48 |
| Out-of-State | \$223 | 27% | \$60.21 |

IMPACT OF THIS ACTION

The increase in this employee benefit will further ease the cost of higher education for our employees and their family members.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

The annual estimated cost is approximately \$100,000 and will be funded from the employee benefits 2024-2025 operating budget and subsequent year budgets.

MONITORING AND REPORTING TIMELINE

The Board will be kept apprised via regular financial and budget updates.

ATTACHMENTS

None

RESOURCE PERSONNEL

| | | |
|----------------|--------------|-------------------------|
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Action Item “XV”
Regular Board Meeting March 4, 2024

Consideration of Approval of Matching Funds for Harris County Precinct 2 Grant

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve the allocation of matching funds for a Harris County Precinct 2 Partnership Project grant award.

BACKGROUND

For more than a year, North Campus Provost Alexander Okwonna and members of various College departments have been in discussion with local officials, consultants, and community members about the potential for improving mobility options around the North Campus. As part of these discussions, the need to develop walkways along the busy Uvalde Road corridor emerged.

In November 2022, Harris County voters approved \$1.2 billion in bond funding for infrastructure projects. Of this, Precinct 2 Commissioner Adrian Garcia has committed more than \$83 million for mobility and drainage improvement projects and has solicited proposals for “partnership projects” to be jointly funded with other public entities to serve the citizens of Harris County. San Jacinto College has submitted an application that envisions placing walkways on both sides of Uvalde Road.

All partnership project submissions must include a funding commitment from the organization. For the College, this takes the form of a resolution to commit matching funds and work with Precinct 2 to realize the project.

IMPACT OF THIS ACTION

Approval of this action will allow the College to be eligible to receive County support and funding in the design and construction of the proposed walkways.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

The estimated cost of this project is \$890,000. The College’s share would be \$445,000, to be funded from the 2015 Capital Improvement Program Bond Contingency line.

MONITORING AND REPORTING TIMELINE

This project will be managed by Capital Projects staff. Design and Construction is estimated to require one year following any Notice to Proceed from Precinct 2.

ATTACHMENTS

- Attachment 1 – Project Plan
- Attachment 2 – Board Resolution

Action Item “XV”
Regular Board Meeting March 4, 2024

Consideration of Approval of Matching Funds for Harris County Precinct 2 Grant

RESOURCE PERSONNEL

| | | |
|-------------------|--------------|--|
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| Genevieve Scholes | 281-998-6103 | Genie.Scholes@sjcd.edu |



SAN JACINTO COLLEGE UVALDE ROAD EAST SIDE WALKWAY AND WEST SIDE SHARED USE PATHWAY PROJECT

Approx. Scale: 1" =300'

- New Guardrail
- 5' x 4.5" Walk w/fill
- Walkway bridge
- Walkway at grade
- ⇩ Failed Storm Sewer (HC)

Attachment 2

**RESOLUTION OF THE BOARD OF TRUSTEES OF SAN JACINTO COLLEGE
AGREEMENT TO PROVIDE MATCHING FUNDS AND COOPERATE WITH HARRIS COUNTY
PRECINCT 2 IN THE REALIZATION OF LOCAL MOBILITY IMPROVEMENTS**

WHEREAS, the San Jacinto Community College District, (the “College”) is a public community college established under Chapter 130 of the Texas Education Code and a political subdivision of the State of Texas, acting by and through its governing body, the Board of Trustees (the “Board”); and

WHEREAS, the College has students and neighbors who are also constituents of Harris County Precinct 2; and

WHEREAS, both entities share the goal of improving the experiences of their shared constituents living near, working, and attending school at the College’s North Campus and Harris County Precinct 2; and

WHEREAS, the proposed Uvalde Road Walkway Project is critical infrastructure that serves the shared goals of the College and Harris County Precinct 2;

IT IS THEREFORE RESOLVED THAT the Board of Trustees of San Jacinto College commits to submitting a partnership application with Harris County Precinct 2 for said Uvalde Road Walkway Project and commits \$445,000 toward this goal.

CERTIFICATE FOR RESOLUTION

I hereby certify that the foregoing resolution was presented to the Board of Trustees of San Jacinto College at its regular called meeting March 4, 2024, a quorum of the Board of Trustees being then present, it was then duly moved and seconded that the resolution be adopted, and such resolution was then adopted according to the following vote:

Ayes: ____

Nays: ____

Abstentions: ____

To certify which, witness my hand and the official seal of the District this ____ day of March, 2024.

Chair, Board of Trustees

ATTEST:

Secretary, Board of Trustees

Action Item “XVI”
Regular Board Meeting March 4, 2024

Consideration of Approval of Memorandum of Understanding with Local Independent School Districts for College Transition Math and English Courses

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees delegate its authority to the Chancellor or her designee to approve Memorandums of Understanding (MOU) between San Jacinto Community College District (SJCCD) and local Independent School Districts to set forth a pathway for students who are not exempt from developmental coursework in English Language Arts and/or Mathematics to enter into college-level work in English Language Arts and Mathematics without additional remediation due to the completion of preparatory courses at the high school.

BACKGROUND

In accordance with the Texas 83rd Legislature of the State of Texas House Bill No. 5, Section 10, under Section 28.014 of the Texas Education Code, each independent school district shall partner with at least one institution of higher education to develop and/or provide College Preparatory Courses in Mathematics and English Language Arts (ELA) intended to prepare students for success in entry-level college courses.

These preparatory courses are designed for students at the 12th-grade level whose performance on an end-of-course assessment instrument, such as the Texas Success Initiative Assessment (TSIA) or a college entrance examination (for example SAT, PSAT, ACT, PACT), indicates that the student is not ready to successfully perform in entry-level college coursework. Successful completion of the appropriate college preparatory courses in ELA and/or Mathematics at the high school allows for a temporary exemption of TSI requirements at SJCCD.

In addition, the MOU includes an option for the ISD to utilize the Texas College Bridge program as an alternative option to certify college readiness.

IMPACT OF THIS ACTION

Approval of these MOUs will allow students at local school districts to use college preparatory courses or the Texas College Bridge program to establish college readiness at the College.

BUDGET INFORMATION

All elements related to the operation of these programs are contained within the fiscal year budget.

MONITORING AND REPORTING TIMELINE

The agreement shall become effective upon the date of execution and will continue through the expiration date.

Action Item "XVI"
Regular Board Meeting March 4, 2024

**Consideration of Approval of Memorandum of Understanding with Local Independent School
Districts for College Transition Math and English Courses**

ATTACHMENTS

Attachment 1 - Example MOU

RESOURCE PERSONNEL

| | | |
|-------------------|--------------|----------------------------|
| Laurel Williamson | 281-998-6182 | laurel.williamson@sjcd.edu |
| Joanna Zimmermann | 281-476-1863 | joanna.zimmermann@sjcd.edu |

MEMORANDUM OF UNDERSTANDING
INDEPENDENT SCHOOL DISTRICT
AND
SAN JACINTO COMMUNITY COLLEGE DISTRICT
CONCERNING
COLLEGE PREPARATORY ENGLISH LANGUAGE ARTS AND MATHEMATICS COURSES

This Memorandum of Understanding (“Agreement”) is by and between the **San Jacinto Community College District**, a public community college established under Chapter 130 of the Texas Education Code, an institution of higher education under Section 61.003 of the Texas Education Code, and political subdivision of the State of Texas (“SJCCD” or “College”) and **XXXXXX** Independent School District, a Texas independent school district established under Texas law and political subdivision of the State of Texas, (“**XXXXXX** ISD” or “the ISD”) as of the effective date of the date the second of the two Parties executes this Agreement (“Effective Date”). Individually, SJCCD or **XXXXXX** ISD shall be referred to herein as “Party” and collectively, as “Parties.”

The Parties agree to the following:

I. PURPOSE; OVERVIEW

In accordance with the Texas 83rd Legislature of the State of Texas House Bill No. 5, Section 10, codified as Section 28.014 of the Texas Education Code (“HB5”), each independent school district is required to partner with at least one institution of higher education to develop and provide College Preparatory Courses in Mathematics and English Language Arts (“ELA”) intended to prepare students for success in entry-level college courses.

The College is committed to serving the students and communities of the greater Houston area through collaborative work with independent school districts in the College’s service area. The Parties enter into this Agreement to outline the collaboration between and set forth the respective rights and obligations of the Parties in creating college preparatory courses in accordance with the requirements of HB5. The designated representatives of the ISD and SJCCD will meet regularly as necessary, at least once per year, to ensure that each course is aligned with college readiness expectations and to evaluate the effectiveness of the HB5 courses.

This Agreement establishes a pathway for students who are not exempt from developmental coursework in English Language Arts and/or Mathematics to enter college-level work in these subjects without additional remediation to complete the preparatory courses at the high school. These preparatory courses are designed for students at the 12th grade level whose performance on an end-of-course assessment instrument, such as the Texas Success Initiative Assessment (“TSIA”), in coursework; or a college entrance examination such as the SAT, PSAT, ACT, or PACT; indicates that the student is not ready to successfully perform in entry-level college coursework. A successful completion of the appropriate college preparatory courses in ELA and/or Mathematics at the high school allows for a waiver of TSI requirements at SJCCD.

II. TERM; TERMINATION

A. Term; Renewal. This Agreement shall commence on the Effective Date and, subject to any annual approvals that may be required by Applicable Law, the Texas Education Agency (“TEA”), or the Texas Higher Education Board (“THECB”), will expire on August 31, 2026 (“Expiration Date”) unless renewed or terminated earlier as set forth herein. Notwithstanding the foregoing, the College may renew this Agreement for two (2) consecutive one (1) year terms (each a “Renewal Term”) by delivering written notice to the ISD not later than thirty (30) days prior to (1) the Expiration Date for the first Renewal Term; or (2) the last day of the first Renewal Term for the second Renewal Term. If this Agreement is renewed as set forth herein, the term “Expiration Date” shall mean the last day of the Renewal Term. As used herein, the term “Term” shall mean the time period between the Effective Date and the Expiration Date.

B. Termination.

a. For Convenience. Either Party may terminate this Agreement, without cause and without penalty, upon at least thirty (30) calendar days prior written notice to the other Party, with termination effective upon the later of (1) the expiration of the thirty (30) days after the date of written notice; (2) the effective date of termination set forth in the notice; or (3) the date mutually agreed to by the Parties. Upon the effective date of termination, this Agreement shall terminate and neither Party shall have further rights or obligations under this Agreement except for those that expressly survive termination.

b. For Cause. Either Party may terminate this Agreement for cause in the event that the other Party fails to meet its obligations under the Agreement. In the event that a Party alleges that the other Party has defaulted under this Agreement, it will provide written notice of such default and, except in the event of Exigent Circumstances, the Party alleged to have committed the default shall have thirty (30) days in which to cure or otherwise comply. If defaulting Party fails to cure such default within the thirty (30) day period or otherwise fails to comply in a manner that is satisfactory to the Party alleging the default, the Party alleging the default shall have the right to terminate the Agreement immediately at any time thereafter and the right to seek any other remedy available to such Party for the default. As used herein, the term “Exigent Circumstances” shall mean a failure or breach that may (I) pose a threat to the safety or well-being of persons; (II) pose an imminent danger to the property; (III) constitute a violation of Applicable Law; or (IV) result in the imposition of fines or penalties.

c. Failure to Receive Required Approvals. In the event that any approvals required by TEA or the THECB are required for the continuation of this Agreement and such agency fails to approve such continuation, this Agreement shall terminate as of the last day of the Term for which approval was granted. In the event of termination under this Section II(c), upon termination, neither Party shall have further rights or obligations under this Agreement except for those that expressly survive termination.

III. NON-DISCRIMINATION

The College is committed to equal opportunity for all students, employees, and applicants without regard to race, creed, color, national origin, citizenship status, age, disability, pregnancy, religion, gender, sexual orientation, gender expression or identity, genetic information, marital status, or veteran status in accordance with Applicable Law.

No person, including students, faculty, staff, part-time, and temporary workers, will be excluded from participation in, denied the benefits of, or be subjected to discrimination or harassment under any program or activity sponsored or conducted by the College on the basis of the categories listed.

For more information, please visit: [Board Policy IV-B: Policies on Equal Opportunity](#) and [Policy III.3006.D: Sexual Misconduct](#).

IV. APPLICABLE LAW

Each Party agrees to perform its respective obligations in compliance with the applicable Federal, State, and local laws, implementing regulations, executive orders, and interpreting authorities including, but not limited to, the Texas Constitution; the Texas Government Code; the Texas Local Government Code; the Elementary and Secondary Education Act; the Individuals with Disabilities in Education Act (“IDEA”); the Family Educational Rights and Privacy Act of 1974 (“FERPA”); Title VI of the Civil Rights Act of 1964, as amended; Title VII of the Civil Rights Act; Title IX of the Education Amendments of 1974; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; the Americans with Disabilities Act; United States Department of Education requirements; all TEA and THECB applicable regulations and guidelines; the Texas Education Code, including HB5 and any other provisions applicable to high school credits, courses, and requirements, and any other provisions applicable to the subject matter of this Agreement; the Texas Administrative Code, including, without limitation, 19 Texas Administrative Code Chapter 4, Subchapter D; Chapter 9, Subchapter H, Chapters 74, 75, 101, 110, and 111; requirements of the Southern Association of Colleges and Schools Commission on Colleges (“SACSCOC”) applicable to both Parties; any policy statements and guidance issued by TEA and other TEA requirements relating to public schools; any policy statements and guidance issued by THECB and other THECB requirements relating to public community colleges; any amendments to or recodification of the aforementioned laws; and the board policies of each of the Parties as they may be applicable to the subject matter of this Agreement (collectively, “Applicable Law” or “Applicable Laws”).

V. STUDENT COLLEGE READINESS

The Parties agree to the following conditions:

- A. SJCCD shall provide the ISD disaggregated data and provide feedback to the ISD’s Office of Research and Evaluation [or equivalent] regarding the ISD’s student success in entry-level college English language arts and mathematics courses.

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- B. SJCCD will use the THECB applicable regulations and guidelines, including, without limitation, Texas Education Code § 28.009 to certify college readiness for admissions to the college based on TSIA2 and/or SAT, ACT, or STARR test results. An excerpt from Applicable Law regarding exemptions on TSIA is attached hereto and incorporated herein as Appendix A.
- C. SJCCD will use the Texas College Bridge (“TCB”) program as an option to certify college readiness per applicable regulations and guidelines. At this time, participation in that program requires a passing score of 90%. TBC score information can be noted on the high school transcript or by submission of a TCB certificate to SJCCD.
 - a. If the TCB is an option for its students, the ISD agrees to ascribe to the TCB program by signing the *Texas College Bridge Participation, Data Sharing & Requirements Agreement*.
 - b. SJCCS agrees to ascribe to the TCB program by signing the *Memorandum of Understanding for Developmental College Preparatory Mathematics and Language Arts Courses*.
- D. If a student tests less than college-ready in the 11th grade in Mathematics or English language arts, the student may take a high school college preparatory course delivered by the ISD. The student learning outcomes and the final exam for the course will be collaboratively designed and agreed upon by SJCCD and the ISD and given to the student by the ISD.
 - a. Mathematics:
 - i. A student must score 75% in the Mathematics college preparatory course at the end of the Fall semester for the student to be considered college-ready for the algebraic math path at SJCCD.
 - ii. A student must score 70% in the Mathematics college preparatory course at the end of the Spring semester for the student to be considered college-ready for the non-algebraic math path at SJCCD.
 - iii. For each 6-week term grade, the course grading percentages will be weighted as 40% daily grades and 60% major grades.
 - iv. Retests on major 6-week exams should be limited to one administration and should be capped at a maximum grade of 70%.
 - v. Students may not retest on the final exam.
 - vi. The overall course grade calculation shall follow the guidelines below:

| | Homework | Test | Final | |
|-------------|----------|-------|------------------|-----|
| 1st 6 weeks | 10.0% | 15.0% | 25.0% | 25% |
| 2nd 6 weeks | 10.0% | 15.0% | 25.0% | 25% |
| 3rd 6 weeks | 10.0% | 15.0% | 25.0% | 25% |
| Semester | 30.0% | 45.0% | 25% | |

- b. English:
 - i. A student must score 75% in the ELA college preparatory course for the student to be considered college-ready at SJCCD.
 - ii. For each 6-week term grade, the course grading percentages will be weighted as 30% daily grades/homework and 70% major grades.
 - iii. The final course grade will consist of 20 % SJC final exam and 80 % Units 1-6.
 - iv. Major grade rewrite scores should be capped at 70.
 - v. Retests on major exams should be limited to one administration and should be capped at a maximum grade of 70%.
- c. The ISD will record the student's final grade for the college prep course on each student's high school transcript which will be accepted by SJCCD to determine college readiness.
- d. Students have two years from the date of the college prep course exam to use their high school college prep course scores as a temporary waiver for college readiness at SJCCD.
- e. Students have one year from enrollment at SJCCD to pass a college-level English or Mathematics course using their high school college preparatory course scores. If a student does not pass, they must take TSIA or have enrolled and completed another gateway course that will make them college-ready.

VI. HIGH SCHOOL COLLEGE PREPARATORY ENGLISH LANGUAGE ARTS AND MATHEMATICS COURSES

The ISD shall identify students eligible for college preparatory in either or both Mathematics and English language arts and provide notice to students and their parent/guardian regarding the benefits of enrolling in the course as required by HB5. The ISD will be responsible for communication with the parents. Notwithstanding the foregoing, SJCCD may collaborate with the ISD to hold information sessions at the ISD for potential students and their parents.

College preparatory courses under this Agreement will be held on the ISD's high school campuses offering the course(s). The final exam in Mathematics and ELA is mandatory for completion of the course, should only be taken once, and should be conducted in a proctored environment. Students enrolled in the college preparatory Mathematics and English language arts courses will not earn college credit for the courses. The ISD will be responsible for the transcription of high school credit and assessment results. The current SJC Mathematics and ELA course Student Learning Outcomes (SLO's) and skills lists are provided in [Appendix B](#).

The Parties agree to the following regarding the high school college preparatory ELA and Mathematics courses:

- A. College Preparatory English Language Arts
 - a. SJCCD shall assist in supporting course goals, objectives, and criteria for student mastery following Applicable Law.

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- b. SJCCD shall provide input on common assessment tasks for college preparatory English language arts, and review course outcomes, content, exams, and other program elements.
- c. SJCCD shall provide appropriate SLO's, syllabi, and examples of departmental final exams to the ISD.
- d. SJCCD shall provide instructions for grading and administering final exams including score guides, rubrics, and facilitator instructions.
- e. SJCCD shall train SJCCD advisors to recognize and honor credit earned for college preparatory English language arts as denoted on high school transcripts to ensure students are counseled directly into college-level English and all other courses that require a college readiness measure in reading and/or writing.
- f. The ISD shall develop a curriculum that aligns with student learning outcomes for college preparatory English language arts courses and includes district-created materials.
- g. The ISD shall provide highly qualified instructors for college preparatory English language arts as defined in Texas Administrative Code Title 19, Part VII (State Board for Educator Certification).
- h. The ISD shall provide the resources and materials, including, without limitation, textbooks, syllabi, and course packets necessary to teach and implement college preparatory English language arts.
- i. The ISD shall ensure the curriculum for college preparatory English language arts is implemented with fidelity.
- j. The ISD shall ensure instructors and supervising administrators receive professional development for the use of the materials and strategies for implementing the college preparatory ELA curriculum.
- k. The ISD instructors shall participate in annual essay grading calibration sessions and grade essays according to rubrics.
- l. Unless specified above, the ISD shall follow its district grading guidelines and policies for assigning grades for student performance in college preparatory coursework.

- m. The ISD shall deny students enrolled in their college preparatory coursework exemptions from SJCCD final exams which shall only be taken once.

B. College Preparatory Mathematics

- a. SJCCD shall assist in supporting course goals, objectives, and criteria for student mastery in accordance with Applicable Law.
- b. SJCCD shall provide input on common assessment tasks for college preparatory Mathematics, and review course outcomes, content, exams, and other program elements.
- c. SJCCD shall provide appropriate student learning outcomes (SLO's), syllabi, and examples of departmental final exams.
- d. SJCCD shall provide instructions for grading and administering final exams including score guides, rubrics, and facilitator instructions.
- e. SJCCD shall train SJCCD advisors to recognize and honor credit earned for college preparatory Mathematics as denoted on high school transcripts to ensure students are counseled directly into college-level mathematics and all other courses that require a college readiness measure in mathematics.
- f. The ISD shall develop a curriculum that aligns with student learning outcomes for college preparatory mathematics courses and includes district-created materials.
- g. The ISD shall provide highly qualified instructors for college preparatory Mathematics as defined in Texas Administrative Code Title 19, Part VII (State Board for Educator Certification).
- h. The ISD shall provide the resources and materials, including, without limitation, textbooks, syllabi, and course packets necessary to teach and implement college preparatory Mathematics.
- i. The ISD shall ensure the curriculum for college preparatory Mathematics is implemented with fidelity.
- j. The ISD shall ensure instructors and supervising administrators receive professional development for the use of the materials and strategies for implementing the college preparatory Mathematics curriculum.
- k. Unless specified above, the ISD shall follow its district grading guidelines and policies for assigning grades for student performance in college preparatory coursework.

- I. The ISD shall deny students enrolled in their college preparatory coursework exemptions from SJCCD final exams which shall only be taken once.

VII. PROGRAM EVALUATION

SJCCD and the ISD will develop a plan for the evaluation of the college preparatory Mathematics and English language arts courses to be completed each year. The evaluation will include, without limitation, disaggregated attendance and retention rates, satisfactory progress in the college preparatory courses, state assessment results, SAT/ACT and TSIA readiness, qualification of the instructors teaching the college preparatory courses, and adequate progress toward the college readiness of the students enrolled and completing the college preparatory courses.

VIII. RECORDS AND RECORD KEEPING

- A. FERPA. Concerning FERPA, each Party has determined that the other Party has a legitimate educational interest in the educational records, as that term is defined under FERPA, of the students enrolled in the college preparatory courses and is the agent of the other Party solely for the purpose of sharing such educational records. Each Party shall use such data only for the purpose contemplated by this Agreement; shall comply with the requirements of the FERPA and its implementing regulations; and shall provide all safeguards for the protection of the confidentiality of student and parent data.
- B. Record Retention. All records and reports either generated, prepared, assembled, or maintained by either Party under this Agreement, including but not limited to, attendance, test scores, and other student records, and will be maintained by the Party generating, prepared, assembled, or maintained by that Party for the time required under the applicable record retention schedules.

IX. NOTICE

All notices and other communications required by the terms of this Agreement will be in writing and sent to the Parties hereto at the addresses set forth below (and such addresses may be changed upon proper notice to such addressees). Notice may be given by: (i) certified or registered mail, postage prepaid, return receipt requested; (ii) reputable overnight carrier, postage prepaid; (iii) electronic mail; (iv) facsimile (with confirmation of transmission by sender's facsimile machine); or (v) personal delivery (with written receipt confirming such delivery). Notice will be deemed to have been given (i) two business or school days (any date on which both Parties are officially open for business) after mailing; (ii) on the date of personal delivery; or (iii) on the date of transmission of an electronic mail or a facsimile if on a business or school day during normal business hours (or, if not, the next succeeding business day). The addresses of the Parties for such notices shall be:

If to the ISD:

Name

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Superintendent of Schools

XXXXXX Independent School District

Address

City, TX Zip

If to SJCCD:

Dr. Brenda Hellyer

Chancellor

San Jacinto Community College District

4624 Fairmont Parkway

Pasadena, TX 77504

XI. RELATIONSHIP OF THE PARTIES.

In the performance of their respective duties hereunder, the Parties hereto and their respective employees and agents, are acting and performing as independent contractors of each other. No Party will have the authority to act for or bind another Party in any respect or to incur or assume any expense, debt, obligation, liability, tax, or responsibility on behalf of or in the name of another Party hereto. Neither Party shall have control over the other Party with respect to its hours, times, employment, or location of performance. The Parties acknowledge and agree that no Party will be liable for the activities of another Party, including, but not limited to, any liabilities, losses, damages, suits, actions, fines, penalties, claims, or demands of any kind arising out of this Agreement.

X. GENERAL PROVISIONS

- A. No Personal Liability; No Third-Party Liability; No Waiver. Nothing in this Agreement may be construed as creating and the Parties expressly agree that the execution and performance of this Agreement does not create any personal liability on the part of any officer, director, employee, or agent of SJCCD or the ISD. These provisions are solely for the benefit of the Parties hereto and not for the benefit of any person or entity not a party to this Agreement. No provisions shall be deemed a waiver of any defenses available by law, including, but not limited to, governmental immunity.

- B. Integrated Agreement; Modification. This Agreement, including any and all appendices and exhibits, contains the entire Agreement between the Parties with respect to the college

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preparatory Mathematics and ELA courses and the subject matter herein and cannot be amended or modified except by written Agreement signed by the Party against whom enforcement of the amendment or modification is sought.

- C. Governing Law; Venue. This Agreement shall be construed and interpreted in accordance with the laws of the state of Texas, without regard to its choice of law or conflicts of law provisions. Exclusive venue for any proceeding or action with respect to this Agreement shall lie in a court of competent jurisdiction in the Harris County, Texas.
- D. Severability. The unenforceability, invalidity, or illegality of any provision shall not render any other provisions of this Agreement unenforceable, invalid, or illegal.
- E. Assignment. Neither Party may assign its interest in or rights and/or obligations under this Agreement and any attempt to do so shall be null and void.
- F. Amendments. This Agreement may not be altered, amended, modified, or supplemented except in a written document executed by the Parties.
- G. Counterparts; Electronic Signatures and Transmission. This Agreement may be executed in two or more identical counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The Parties consent to electronic signatures affixed to documents as though they had been physically signed. Additionally, the Parties consent to the electronic transmission of documents and communication, including any notices required under this Agreement.

By signature hereon, the individuals below represent and warrant that they are duly authorized representatives of the Parties and have the authority to bind the Parties in this Agreement.

XXXXXX INDEPENDENT SCHOOL DISTRICT

By: _____

Date: _____

Name

Superintendent of Schools

SAN JACINTO COMMUNITY COLLEGE DISTRICT

By: _____

Date: _____

Dr. Brenda Hellyer

Chancellor

Appendix A

This Appendix A is attached to and made a part of the Memorandum of Understanding between San Jacinto Community College District and the ISD.

A. Exemptions, Exceptions and Waivers

Texas Education Code § 28.009; 19 Texas Administrative Code Chapter 4, Subchapter C currently allows a partial or full exemption from TSIA testing based on specific standardized tests. The following chart represents the current exemptions, exceptions, and waivers available to students based on standardized test scores that meet college readiness standards. These exemptions, exceptions, and waivers are available for five (5) years from the date of testing. Students who are partially exempt based on standardized tests must test in the areas where they are not exempt prior to enrolling for any courses.

| Reading & Writing | Mathematics |
|--|--|
| ACT Composite 23+ and ACT English 19+ | ACT Composite 23+ and ACT Mathematics 19+ |
| Prior to March 1, 2016 SAT Composite 1070+ and Verbal (Critical Reading) 500+ | Prior to March 1, 2016 SAT Composite 1070+ and Mathematics 500+ |
| After March 1, 2016 SAT Evidence-Based Reading and Writing (EBRW) 480+ | After March 1, 2016 SAT Math 530+ |
| TAKS Language Arts 2200+ and Essay of 3+ | TAKS Mathematics 2200+ |
| STAAR EOC English III 4000+ | STAAR EOC Algebra II, 4000 |
| GED Reasoning Through Language (RLA) 165+ | GED Math 165+ |
| HiSET Reading and Writing subtest 15+ and Essay of 4+ | HiSET Math subtest 15+ |

B. TSIA2 Scores

Texas Education Code § 28.009; 19 Texas Administrative Code Chapter 4, Subchapter C determines college readiness standards for higher education based on scores achieved on the TSIA2. Effective January 11, 2021, the following chart represents the current minimum TSIA2 readiness standards available to students.

- a. ELA (for college level coursework with reading, writing, or reading and writing intensive

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- designation.
- i. Score at least a 945 with an Essay of at least 5 or
 - ii. Score below 945 and a diagnostic level of 5 or 6 and an essay score of at least 5.
- b. Mathematics (for college-level coursework with mathematics-intensive designation of the officering institution).
- i. Non-Algebraic score less than 950 and a diagnostic level of 6 or
 - ii. Algebraic score greater than or equal to 950.

Appendix B
SJC Mathematics and ELA Student Learning Outcomes

This Appendix B is attached to and made a part of the Memorandum of Understanding between San Jacinto Community College District and the ISD.

ABS MATH 0324/MATH 1324 SLOs

COURSE RUBRIC and NUMBER: MATH 0324/ MATH 1324
COURSE TITLE: Foundations in Business and Social Sciences/
Mathematics for Business and Social Sciences

COURSE DESCRIPTION:

MATH 0324: This course is the study of the basic algebraic concepts necessary for success in MATH 1324 (Math for Business and Social Sciences), to include exponent rules, radical and rational expressions, and the solution of equations and inequalities. This course is not applicable toward any degree. Prerequisites: Math level 6, Reading level 7 (3:3-1)

MATH 1324: The application of common algebraic functions, including polynomial, exponential, logarithmic, and rational, to problems in business, economics, and the social sciences are addressed. The applications include mathematics of finance, including simple and compound interest and annuities; systems of linear equations; matrices; linear programming; and probability, including expected value. A grade of C or better is required for MATH 0314 or MATH 0324. Prerequisite: Math level 9 (3:3-0)

STUDENT LEARNING OUTCOMES:

MATH 0324:

Upon successful completion of this course, the student will be able to:

1. Perform operations using integer and rational exponents.
2. Factor and perform operations with polynomials.
3. Simplify and perform operations with rational expressions.
4. Simplify and perform operations with radical expressions.
5. Solve linear equations and inequalities of a single variable.
6. Solve quadratic equations by factoring and quadratic formula.
7. Solve systems of two linear equations in two variables.
8. Graph linear and quadratic functions.

MATH 1324:

Upon successful completion of the course, the student will be able to:

1. Apply elementary functions, including linear, quadratic, polynomial, rational, logarithmic, and exponential functions to solving real-world problems.
2. Solve mathematics of finance problems, including the computation of interest, annuities, and amortization of loans.
3. Apply basic matrix operations, including linear programming methods, to solve application problems.
4. Demonstrate fundamental probability techniques and application of those techniques, including expected value, to solve problems.
5. Apply matrix skills and probability analyses to model applications to solve real-world problems.

GENERAL EDUCATION OUTCOMES:

1. Critical Thinking: Students will develop habits of mind, allowing them to appreciate the processes by which scholars in various disciplines organize and evaluate data and use the methodologies of each discipline to understand the human experience.
2. Communication Skills: Students will communicate ideas, express feelings and support conclusions effectively in written, oral and visual formats.
3. Empirical & Quantitative Skills: Students will develop quantitative and empirical skills to understand, analyze and explain natural, physical and social realms.

COURSE RUBRIC and NUMBER: MATH 0332/MATH 1332

COURSE TITLE: Foundations of Mathematical Reasoning/ Contemporary Mathematics
(Quantitative Reasoning)

COURSE DESCRIPTION (MATH 0332):

This course is a study of the basic concepts necessary for success in MATH 1332 to include numeracy, proportional reasoning, probabilistic reasoning to assess risk, quantitative reasoning in personal finance and civic life, algebraic competence, reasoning, modeling, probability, collection and interpretation of data. This course is not applicable towards any degree. Prerequisites: Reading level 7, Math level 4 (3:3-0)

STUDENT LEARNING OUTCOMES (Math 0332):

Upon successful completion of this course, the student will be able to:

- A. Develop number sense and the ability to apply concepts of numeracy to investigate and describe quantitative relationships and solve real world problems in a variety of contexts.
- B. Use proportional reasoning to solve problems that require ratios, rates, proportions, and scaling.
- C. Transition from specific numeric reasoning to general and abstract reasoning using the language and structure of algebra to investigate, represent, and solve problems.
- D. Understand and critically evaluate statements that appear in the popular media (especially in presenting medical information) involving risk and arguments based on probability.
- E. Understand, interpret, and make decisions based on financial information commonly presented to consumers.
- F. Understand that quantitative information presented in the media and by other entities can sometimes be useful and sometimes misleading.

STUDENT LEARNING OUTCOMES (Math 1332):

Upon successful completion of this course, the student will be able to:

- A. Apply the language and notation of sets.
- B. Use the tools of logic to determine the validity of an argument or statement.
- C. Solve problems in mathematics of finance.
- D. Demonstrate fundamental probability/counting techniques and apply those techniques to solve problems.
- E. Interpret and analyze various representations of data:
 - 1) Use descriptive statistics including measures of center and measures of dispersion.
 - 2) Summarize tables, charts, graphs, and histograms.
 - 3) Use linear and exponential modeling.

GENERAL EDUCATION OUTCOMES:

- A. **Critical Thinking:** Students will develop habits of mind, allowing them to appreciate the processes by which scholars in various disciplines organize and evaluate data and use the methodologies of each discipline to understand the human experience.
- B. **Communication Skills:** Students will communicate ideas, express feelings and support conclusions effectively in written, oral and visual formats.
- C. **Empirical & Quantitative Skills:** Students will develop quantitative and empirical skills to understand, analyze and explain natural, physical and social realms.

COURSE RUBRIC AND NUMBER: MATH 0314/1314

COURSE TITLE: Algebraic Foundations/College Algebra

STUDENT LEARNING OUTCOMES (MATH 0314):

Upon completion of the course, students will be able to:

- A. Perform operations using integer and rational exponents.
- B. Factor and perform operations with polynomials.
- C. Simplify and perform operations with rational expressions.
- D. Simplify and perform operations with radical expressions.
- E. Solve linear equations and inequalities of a single variable.
- F. Solve quadratic equations by factoring and the quadratic formula.
- G. Solve systems of two linear equations in two variables.
- H. Graph linear and quadratic functions.

STUDENT LEARNING OUTCOMES (MATH 1314)

Upon successful completion of this course, the student will be able to:

- A. Demonstrate understanding and knowledge of properties of functions, which include domain and range, operations, compositions, and inverses.
- B. Recognize and apply polynomial, rational, radical, exponential, and logarithmic functions, and solve related equations.
- C. Apply graphing techniques.
- D. Evaluate all roots of higher degree polynomial, and rational functions.
- E. Recognize, solve, and apply systems of linear equations using matrices.
- F. Solve inequalities.

GENERAL EDUCATION OUTCOMES

- A. Critical Thinking: Students will develop habits of mind, allowing them to appreciate the processes by which scholars in various disciplines organize and evaluate data and use the methodologies of each discipline to understand the human experience.
- B. Communication Skills: Students will communicate ideas, express feelings and support conclusions effectively in written, oral and visual formats.
- C. Empirical & Quantitative Skills: Students will develop quantitative and empirical skills to understand, analyze and explain natural, physical and social realms.

Attachment 1

MATH 0342/1342 SLOs

MATH 0342

Upon successful completion of this course, the student will be able to:

- A. Develop number sense and the ability to apply concepts of numeracy to investigate and describe quantitative relationships and solve real world problems in a variety of contexts.
- B. Use proportional reasoning to solve problems that require ratios, rates, proportions, and scaling.
- C. Transition from specific numeric reasoning to general and abstract reasoning using the language and structure of algebra to investigate, represent, and solve problems.
- D. Understand and critically evaluate statements that appear in the popular media (especially in presenting medical information) involving risk and arguments based on probability.
- E. Understand, interpret, and make decisions based on financial information commonly presented to consumers.
- F. Understand that quantitative information presented in the media and by other entities can sometimes be useful and sometimes misleading.

MATH 1342

Upon successful completion of the course, the student will be able to:

- A. Summarize and interpret sets of qualitative and quantitative data.
- B. Compute and interpret descriptive statistics on data sets.
- C. Use the basic rules of probability to compute the probability of an event.
- D. Compute and interpret the expected value and variance of a random variable.
- E. Use the binomial probability function and the binomial tables to obtain probabilities.
- F. Use the standard normal probability distribution to compute probabilities.
- G. Construct and interpret an interval estimate of a parameter.
- H. Use sample results to test hypotheses about a parameter.

Attachment 1

INRW 0302 and ENGL 1301 SLOs

| ENGL | Common INRW SLOs | GEOS |
|--|---|---|
| <p>A. Demonstrate knowledge of individual and collaborative writing processes.</p> | <p>F. Determine and use effective approaches and rhetorical strategies for given reading and writing situations.</p> <p>G. Generate ideas and gather information relevant to the topic and purpose, incorporating the ideas and words of other writers in student writing using established strategies.</p> <p>H. Evaluate relevance and quality of ideas and information in recognizing, formulating, and developing a claim.</p> <p>I. Develop and use effective reading and revision strategies to strengthen the writer's ability to compose college-level writing assignments.</p> | <p>C. TEAMWORK: students will consider different points of view and work interdependently to achieve a shared purpose or goal.</p> |
| <p>B. Develop ideas with appropriate support and attribution.</p> | <p>A. Locate explicit textual information, draw complex inferences, and describe, analyze, and evaluate the information within and across multiple texts of varying lengths.</p> <p>E. Compose a variety of texts that demonstrate reading comprehension, clear focus, logical development of ideas, and use of appropriate language that advance the writer's purpose.</p> <p>G. Generate ideas and gather information relevant to the topic and purpose, incorporating the ideas and words of other writers in student writing using established strategies.</p> <p>H. Evaluate relevance and quality of ideas and information in recognizing, formulating, and developing a claim.</p> | <p>A. CRITICAL THINKING: Students will develop habits of mind, allowing them to appreciate the processes by which scholars in various disciplines organize and evaluate data and use the methodologies of each discipline to understand the human experience.</p> |

Attachment 1

INRW 0302 with ENGL 1301 CoReq: SLOs and GEOs

| Foundational INRW 0302 | Scaffolding INRW/ENGL 1301 | Application Enql 1301 |
|--|---|--|
| Writing Process -Brainstorming -Freewriting -Clustering | The Writing Process -Outlining | The Writing Process |
| Identifying Thesis Statements | Thesis Statements | Implicit/Explicit Thesis Statement |
| Body Paragraphs identifying the following in a text: -Topic Sentences -Supporting Details -Concluding Sentences | Body Paragraphs -Topic Sentences -Supporting Details -Concluding Sentences | Body Paragraphs -incorporate sources/major points -transitions |
| Concluding Paragraph -summarizing the essay | Concluding Paragraph -Restating Thesis | Concluding Paragraph -So What? -Who Cares? -Now what? |
| Revising -Checklist of Expectations | Revising -Patterns of Organization -Emphatic Order -Spatial Order -Time Order -Peer Review | Revising -Peer Review |
| Tone -Voice Consistency -Tense Consistency | Tone | Tone -Contractions -Numbers |

**Action Item “XVII”
Regular Board Meeting March 4, 2024
Consideration of Approval of Memorandum of Understanding for
Dual Credit Home School Students**

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve a Memorandum of Understanding (MOU) between San Jacinto College and dual credit home school parents and students.

BACKGROUND

San Jacinto College currently enrolls homeschool students into dual credit courses.

All provisions in the MOU will follow the rules for dual credit partnerships between Secondary Schools and Texas Public Colleges as outlined in the Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter D.

IMPACT OF THIS ACTION

Approval of this action will allow the College to enter into dual credit partnerships with homeschool students and parents.

BUDGET INFORMATION

All elements related to the operation of dual credit programs are contained within the fiscal year 2024 budget.

MONITORING AND REPORTING TIMELINE

The agreement shall become effective upon the date of execution and will continue through an agreed upon expiration date as determined by the student's education level upon entering into the agreement.

ATTACHMENTS

Attachment 1 - Home School MOU

RESOURCE PERSONNEL

| | | |
|-------------------|--------------|----------------------------|
| Laurel Williamson | 281-998-6182 | laurel.williamson@sjcd.edu |
| Joanna Zimmermann | 281-476-1863 | joanna.zimmermann@sjcd.edu |



HOMESCHOOL STUDENT MOU

This Memorandum of Understanding ("Agreement") is by and between the **San Jacinto Community College District**, a public community college established under Chapter 130 of the Texas Education Code, an institution of higher education under Section 61.003 of the Texas Education Code, and political subdivision of the State of Texas ("SJCCD" or "College") and

Parent Name: _____
a home-schooling Parent (herein referred to as "Parent") on behalf of

Student Name: _____
a home-schooled student (herein referred to as "Student").

Individually, SJCCD or Parent shall be referred to herein as "Party" and collectively, as "Parties."
The Parties agree to the following:

I. TERM

This Agreement shall commence on the Effective Date and expire on the Expiration Date as determined by the student's education level. As used herein, the term "Term" shall mean the time between the Effective Date and the Expiration Date.

Effective Date: _____

Expiration Date: _____

II. OVERVIEW

The College is committed to serving the students and communities of the greater Houston area through collaborative work with families within the College's service area. A major initiative promoting a college-going and college graduation culture is the SJCCD's Dual Credit Program,

which complies with Applicable Law (as hereinafter defined), including, without limitation, the laws and regulations set forth by the State of Texas for dual credit partnerships to offer dual credit to qualified students. The term 'partnership' as used in this Agreement refers to the dual credit partnerships as described in Title 19, Part 1, Chapter 4, of the Texas Administrative Code. The Texas Administrative Code (19 TAC), Chapter 9, Subchapter H.

III. NON-DISCRIMINATION

The College is committed to equal opportunity for all students, employees, and applicants without regard to race, creed, color, national origin, citizenship status, age, disability, pregnancy, religion, gender, sexual orientation, gender expression or identity, genetic information, marital status, or veteran status following Applicable Law.

No person, including students, faculty, staff, part-time, and temporary workers, will be excluded from participation in, denied the benefits of, or be subjected to discrimination or harassment under any program or activity sponsored or conducted by the College based on the categories listed.

For more information, please visit [Board Policy IV-B: Policies on Equal Opportunity](#) and [Policy II1.3006.D: Sexual Misconduct](#).

IV. APPLICABLE LAW

Both Parties agree to perform its respective obligations and operate the Dual Credit ("Program") in compliance with the applicable Federal, State, and local laws, implementing regulations, executive orders, and interpreting authorities including, but not limited to, the Texas Constitution, the Texas Education Code, the Texas Administrative Code, the Texas Government Code; the Texas Local Government Code; the Elementary and Secondary Education Act; the Individuals with Disabilities in Education Act ("IDEA"); the Family Educational Rights and Privacy Act of 1974 ("FERPA"); Title VI of the Civil Rights Act of 1964, as amended; Title VII of the Civil Rights Act; Title IX of the Education Amendments of 1974; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; the Americans with Disabilities Act; United States Department of Education requirements; all Texas Education Agency ("TEA") and Texas Higher Education Coordinating Board ("THECB") regulations and guidelines applicable to dual credit programs, courses and coursework, and personnel, including, without limitation, Texas Education Code § 28.009; 19 Texas Administrative Code Chapter 4, Subchapter D; and Chapter 9, Subchapter H; requirements of the Southern Association of Colleges and Schools Commission on Colleges ("SACSCOC") applicable to both Parties; any policy statements and guidance issued by TEA and other TEA requirements relating to public schools; any applicable local ordinances, including local building codes and regulations; any amendments to or recodification of the aforementioned laws; and the board policies of each of the Parties as they may be applicable to the subject matter of this Agreement (collectively, "Applicable Law").

V. PURPOSE

The Parties agree to enter into this Agreement for the purpose of setting forth the roles and respective obligations of the Parties for the establishment and operation of the Program for eligible students, which will allow the students to earn college credit while simultaneously earning credit toward their high school graduation requirements. This Agreement encompasses all programs and initiatives under the dual credit programs as required by Applicable Law.

VI. ELIGIBLE COURSES

- a) Courses offered for dual credit by SJCCD shall be identified as college-level academic courses in the current edition of the Lower Division Academic Course Guide Manual adopted by the THECB and listed in SJCCD's Core Curriculum, or as college-level workforce education courses in the current edition of Workforce Education Course Manual (WECM) adopted by the THECB or a foreign language course.
- b) Prior to the commencement classes, the College and the parent/student will develop a course equivalency crosswalk identifying the available courses and course credits that may be earned under this Agreement, including the number of credits that may be earned for each course completed through the Program.
- c) Students should only take college courses listed on their college pathways degree plan listed on Degreeworks.
- d) Specific course offerings for the Program will be determined collaboratively between SJCCD and the parent/student.
- e) Developmental and remedial courses are not offered for dual credit.
- f) The College and the parent/student agree that SJCCD policies and practices regulating dual credit courses will be followed.

VII. STUDENT ELIGIBILITY REQUIREMENTS

- a) To be eligible for dual credit enrollment at SJCCD, the high school student must:
 1. Meet all requirements for standard admission to the College as outlined in the College's current College Catalog
 2. Must meet dual credit admissions and eligibility requirements as required by Applicable Law and as outlined by the THECB rules and regulations, the Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter D, Rule§ 4.85 including the Texas Success Initiative (TSI) Assessment minimum passing scores established by the THECB.
 3. Must successfully complete established prerequisites for any College course as listed in the course description found in the current College Catalog.
 4. Must submit a completed Dual Credit Enrollment Form with parental approval before or at the time of course registration.
- b) Students taking the TSIA at SJCCD will not be charged for their first attempt on any section of the Texas Success Initiative Assessment (TSIA). Students will be charged for any additional testing attempts at the current SJCCD Board-approved cost. The current cost is \$15.00 per section or \$30.00 for the entire assessment.
- c) All dual credit students must be enrolled by the first day of class to help ensure student success.
- d) This Agreement shall be in effect from the beginning of the semester of execution for a period determined by the student's beginning grade level in the dual credit program through verification of the homeschool transcript. The initial homeschool transcript should be submitted for review at least 2 weeks before the student's registration in classes. The effective dates of the agreement are found in **I. Term** above.
 - Freshman – renew up to three academic years
 - Sophomore – renew up to two academic years
 - Junior – renew up to one academic year
 - Senior – non-renewable for new classes

- e) At the completion of the senior year student must reapply for admissions as a new first-time in college student.
- f) A Homeschool transcript must be submitted each year for review at least 2 weeks before the student's registration in classes to verify high school progress.

VIII. LOCATION OF CLASSES

- a) The location of dual credit courses will be held at the College's campus, an approved instructional site following SACSCOC standards. The College will comply with Applicable Law for offering courses at a distance. In addition, college courses taught electronically shall comply with the THECB's adopted Principles of Good Practice for Courses Offered Electronically. The College shall be responsible for the maintenance and operations at the SJCCD campus(es). Students must comply with all SJCCD policies, rules, and regulations relating to conduct while on College property.

IX. TRANSPORTATION

- a) SJCCD will not provide student transportation. Students are responsible for their own transportation. Students are required to ensure arrival at the College's campus early enough to be on time for class.

X. STUDENT COMPOSITION OF CLASS

- a) Dual credit students will be in classes with students from the general College population.

XI. FACULTY SELECTION, SUPERVISION AND EVALUATION

- a) The College shall select, hire, supervise, and evaluate all instructors of dual credit courses offered at the College, according to College and departmental policies and procedures. These instructors must meet the minimal requirements specified by the SACSCOC and Applicable Law and are subject to approval procedures used by the College to select faculty.

XII. COURSE CURRICULUM, INSTRUCTION AND GRADING

- a) The College shall ensure that all dual credit courses meet the same standards as any other College course with respect to the curriculum, materials, instruction, and method of student evaluation. These standards shall be upheld regardless of the student composition of the dual credit class.
- b) The course syllabus will be available to students through the Blackboard Learning Management System. The syllabus will contain the following information: course description; learning outcomes; a list of required materials/textbook(s) for the course; the method(s) of instruction; grading policy; instructor's office hours and location; method of student evaluation; general classroom policies including attendance; a calendar of lecture/discussion topics and assignment due dates; and other material deemed pertinent by the instructor.
- c) All faculty teaching dual credit students will follow the College Grading System as stated in the SJCCD Catalog as well as the grading criteria in the department-approved syllabus.

Attachment 1

| SJC Grade | SJCCD Numerical Range | SJCCD Definition | SJCCD Point Value |
|-----------|-----------------------|---|-------------------|
| A | 90-100 | Excellent, superior achievement | 4 |
| B | 80-89 | Good, above average achievement | 3 |
| C | 70-79 | Average, acceptable achievement | 2 |
| D | 60-69 | Passing, marginal achievement | 1 |
| F | 59 and below | Failure, unsatisfactory achievement | 0 |
| FX | 59 and below | Failure, unsatisfactory achievement due to absences | 0 |
| I | | Incomplete | 0 |
| NG | | No Grade Reported | 0 |
| W | | Withdrawal, not included in 6 drop limit | 0 |

- d) The College shall ensure that college courses taught for dual credit at any site for general college credit are substantially equivalent to the contact hour requirements, curriculum, materials, instruction, and method/rigor of student evaluation. These standards must be reasonably upheld regardless of the student composition of the class.
- e) The primary responsibility for assigning College grades in a course belongs to the SJCCD faculty member, and in the absence of compelling evidence of discrimination, differential treatment, or procedural irregularities, the judgment of the faculty member responsible for the course must remain determinant. College and parent will not interfere with the faculty member's responsibility for assigning College grades.
- f) Final grades shall be transcribed upon completion of the course. The final course grade recorded for the College will be a letter grade.
- g) The student is responsible for purchasing textbooks, equipment, and supplemental materials required for classes. The College will make every effort to use free or low-cost open educational resources in Program courses. To assist with their success, required textbooks and materials must be available to each registered student on the first day of class. Exceptions must be discussed with the Dual Credit Director and the SJCCD instructional Department Chair and agreed upon by the Parties prior to the first day of class.

XIII. ATTENDANCE

- a) Students must report regularly and promptly to dual credit Program courses to ensure success. Failure to comply with this College policy may result in receiving a grade of an "FX" which translates to an F for excessive absences. Students are expected to actively participate in class and complete all assigned readings/assignments. Failure to participate may be considered an absence.

XIV. WITHDRAWAL FROM COLLEGE COURSES

- a) Dual Credit Program students wishing to withdraw from college courses must speak with the Dual Credit office and their parent to fully understand how the drop will impact their educational path at the high school and at SJCCD.
- b) All dates regarding withdrawal deadlines published on the SJCCD website shall apply to dual credit Program students. Once the final withdrawal deadline has passed, the student shall have no further opportunities for withdrawal thereafter and will receive the grade earned

in the class.

XV. TRANSCRIPTION OF CREDIT

- a) Grades for college courses will be transcribed upon successful completion of the College's end-of-term processing following the College's academic calendar.

XVI. ACADEMIC POLICIES AND STUDENT SUPPORT SERVICES

- a) Students in dual credit Program courses are eligible to utilize the same support services, learning resources, and benefits that are afforded all College students.
- b) Parents/students may access the current College Catalog <https://publications.sanjac.edu/> and the current Student Handbook <https://publications.sanjac.edu/student-handbook/> from the website. All policies in the SJCCD Catalog and Student Handbook apply fully to dual credit students enrolled in the Program.
- c) The College will offer college advising services for dual credit students enrolled in the Program. The College offers advising services for dual credit students regarding transferability and applicability to baccalaureate degree plans of all college credits offered and earned and with interpreting their degree plan. In addition, the College advisor can assist dual credit students with navigating SJCCD's policies and procedures. The name of the SJCCD advisor responsible for dual credit is located on the SJCCD Dual Credit website.
- d) An individual pathway for each dual credit student will be developed and accessible to the student in Degreeworks.

XVII. STUDENT CONDUCT

- a) Homeschool students enrolled in the dual credit Program are required to adhere to policies, procedures, and regulations regarding facilities and equipment usage and also the College's policies with regard to student conduct while at the SJCCD facilities. The failure of any dual credit Program student to comply with the policies, procedures, and regulations will subject the student to appropriate action taken by the College, including suspension and dismissal from the Program. All disciplinary action, including suspension and dismissal from the dual credit Program, shall conform with the codes of conduct of the College.
- b) Grievance or Complaint procedures for handling student complaints regarding college courses apply to all students including those enrolled in dual credit courses. Dual credit students with general complaints, discrimination or harassment complaints, or complaints alleging sexual harassment, sexual assault, dating violence, domestic violence or stalking shall follow the complaint procedures as stated in the College's Code of Student Conduct at <https://publications.sanjac.edu/student-handbook/complaint-procedures/>. A student may report a grievance or complaint at the following link: https://cm.maxient.com/reportingform.php?SanJacCollege&layout_id=0.

XVIII. CONCEALED HANDGUN NOTICE

- a) Under Texas Senate Bill 11 (2019 Regular Session of the Legislature), and per SJCCD Policy III.3000.A: Campus Carry, a holder of a valid license to carry who is age 21 or older is authorized to possess a concealed handgun on SJCCD property. The policy also identifies certain campus locations and activities where a valid licensed-to-carry holder may be excluded from carrying a handgun due to previously existing State of Texas Statutes or exclusion zones identified by the

Attachment 1

College including the areas designated for the ECHS. More information can be found at <https://www.sanjac.edu/policy-iii3000a-campus-carry>.

XIX. FUNDING

- a) Students enrolled in college courses at SJCCD campuses will be charged the appropriate SJCCD tuition and/or fee rate based on the residency requirements under Applicable Law. SJCCD will waive a portion of the student's tuition as approved by the Board of Trustees for college courses taken for dual credit. As of Fall 2023, the current waiver is 75% of tuition and fees for in-district and out-of-district students, and 76% of tuition and fees for out-of-state students. The remaining tuition and fees will be paid by the student to SJCCD. The College's Board of Trustees reserves the right to adjust tuition and fees as deemed necessary or advisable during the year.

Executed as of _____

San Jacinto Community College Representative Signature

Date

Home Schooling Parent Signature

Date

Home School Student Signature

Date

Action Item “XVIII”
Regular Board Meeting March 4, 2024
Consideration of Approval of 2023-2024 Administrator Salary Schedule

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve the revised Administrator Salary Schedule for employees currently in salary grades 34 and above.

BACKGROUND

This action establishes the Administrator Salary Schedule effective March 5, 2024. Previously in Fiscal Year (FY) 24, a job evaluation study was conducted by Evergreen Solutions, LLC and the recommendations were implemented for full-time faculty and full-time staff and administrators in salary grades 32 and below as approved by the Board on November 6, 2023. New salary schedules for full-time faculty and full-time staff and administrators in salary grades 32 and below were also approved effective November 1, 2023.

As a recommended next step, the Administration is proposing to revise the salary schedule for administrators in grades 34 and above to address the remaining employee group. Administrators in grades 34 and above are being placed in grades within the proposed salary schedule based on a review of each position’s scope of duties and responsibilities, breadth of control, number of direct reports, and fiscal impact. Performance history was a factor in determining the salary placement for each administrator within the assigned range of the proposed salary schedule.

All salary schedules are reviewed periodically to provide for market competitiveness.

IMPACT OF THIS ACTION

The current Administrator Salary Schedule has been revised. The revisions include new salary ranges for positions currently in salary grades 34 and above. The new Administrator Salary Schedule is effective March 5, 2024. The Administrator Salary Schedule is included in this recommendation for approval.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

The fiscal impact of this recommendation will be funded through salary savings from unfilled positions in FY 24. The cost associated with this recommendation is approximately \$370,000 for the remainder of FY 24. The future fiscal impact of this recommendation will be included through the annual budget development process for future years.

MONITORING AND REPORTING TIMELINE

Salary schedules are reviewed periodically for adjustments as part of the College’s overall compensation philosophy.

ATTACHMENTS

Attachment 1- 2023-2024 Administrator Salary Schedule

Action Item “XVIII”
Regular Board Meeting March 4, 2024
Consideration of Approval of 2023-2024 Administrator Salary Schedule

RESOURCE PERSONNEL

Sandra Ramirez

281-991-2648

sandra.ramirez@sjcd.edu

| San Jacinto College District 2023-2024 Salary Range Table Administrators | | | |
|---|----------------|-----------------|----------------|
| Salary Grade | Minimum | Midpoint | Maximum |
| 201 | \$101,319.74 | \$131,715.66 | \$162,111.58 |
| 202 | \$106,385.73 | \$138,301.44 | \$170,217.16 |
| 203 | \$111,705.01 | \$145,216.52 | \$178,728.02 |
| 204 | \$117,290.26 | \$152,477.34 | \$187,664.42 |
| 205 | \$125,500.58 | \$163,150.76 | \$200,800.93 |
| 206 | \$134,285.62 | \$174,571.31 | \$214,857.00 |
| 207 | \$143,685.62 | \$186,791.30 | \$229,896.99 |
| 208 | \$153,743.61 | \$199,866.69 | \$245,989.78 |
| 209 | \$164,505.66 | \$213,857.36 | \$263,209.06 |
| 210 | \$176,021.06 | \$228,827.38 | \$281,633.69 |
| 211 | \$184,788.90 | \$244,845.29 | \$304,901.69 |
| 212 | \$199,572.01 | \$264,432.92 | \$329,293.82 |
| 213 | \$215,537.77 | \$285,587.55 | \$355,637.33 |
| 214 | \$232,780.80 | \$308,434.55 | \$384,088.31 |
| 215 | \$246,747.64 | \$333,109.32 | \$419,470.99 |
| 216 | \$266,487.45 | \$359,758.06 | \$453,028.67 |
| 217 | \$287,806.45 | \$388,538.71 | \$489,270.97 |
| 218 | \$310,830.97 | \$419,621.81 | \$528,412.64 |
| 219 | \$335,697.44 | \$453,191.55 | \$570,685.65 |
| 220 | \$362,553.24 | \$489,446.87 | \$616,340.51 |

Action Item “XIX”
Regular Board Meeting, March 4, 2024
Consideration of Approval of Various Human Resources, Employee Relations
Policies and Procedures - First Reading (Informational Item)

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve the following policies and procedures pertaining to Human Resources, Employee Relations as noted below.

Recommendation for Proposed Revisions:

- Employee Discrimination and Harassment
- Employee Concerns and Grievances

The Board of Trustees will not vote on this item but is creating awareness that the policies are being considered and input is being gathered. New numbering will be added prior to the second reading.

BACKGROUND

This action is being requested to update Employee Relations policies and procedures based on legal guidance and to reflect the College’s current practices.

The College’s current policy and procedure on Employee Discrimination and Harassment includes processes for both sexual and non-sexual allegations. To clearly define the procedural differences between these two processes, the recommendation is to create two separate procedures. One procedure covers harassment and discrimination, and a second new procedure covers sexual harassment and sexual misconduct. The overall content within the procedures remains the same.

The current Employee Concerns and Grievances policy and procedures also addressed sexual harassment and sexual misconduct under the grievances section. To be consistent with the procedural changes above, all information pertaining to sexual harassment and sexual misconduct was removed from Employee Concerns and Grievances and placed in the new procedure on sexual harassment and sexual misconduct.

Additional updates include decreasing the timeframe to bring forward a concern and appeal from ten (10) to five (5) working days in the Employee Concerns and Grievances procedure.

IMPACT OF THIS ACTION

These policies and associated procedures were sent to the College community on February 22, 2024. Comments will be reviewed, and any necessary changes will be reviewed and incorporated into the policies and procedures prior to the Board’s second reading which is anticipated on April 1, 2024. Procedures are provided for informational purposes.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

No budgetary impact.

Action Item “XIX”
Regular Board Meeting, March 4, 2024
Consideration of Approval of Various Human Resources, Employee Relations
Policies and Procedures - First Reading (Informational Item)

MONITORING AND REPORTING TIMELINE

The Board will be notified of any changes that require its action.

ATTACHMENTS

Proposed Revisions:

Attachment 1 – Summary of Changes – Employee Concerns and Grievances

Attachment 2 – Policy IV-I: Employee Concerns and Grievances (current policy)

Attachment 3 – Policy #, Employee Concerns and Grievances (proposed policy)

Attachment 4 – Procedure 3-19: Employee Concerns and Grievances (current procedure)

Attachment 5 – Procedure #, Employee Concerns and Grievances (proposed procedure)

Attachment 6 – Summary of Changes – Employee Harassment and Discrimination

Attachment 7 – Policy IV-B-3-b: Employee Harassment (current policy)

Attachment 8 – Policy #, Employee Harassment and Discrimination (proposed policy)

Attachment 9 – Procedure 1-2: Employee Harassment (current. procedure)

Attachment 10 – Procedure #, Employee Harassment and Discrimination (proposed procedure)

Attachment 11 – Procedure #, Employee Sexual Harassment and Sexual Misconduct (proposed new procedure)

RESOURCE PERSONNEL

Sandra Ramirez 281-991-2648 sandra.ramirez@sjcd.edu

Vickie Del Bello 281-998-6357 vickie.delbello@sjcd.edu

Employee Discrimination and Harassment

Policies and Procedures Summary of Changes

New Policy Number: *To be determined by the Chancellor's Office*

Proposed Policy Name: **Employee Concerns and Grievances**

Current Policy Number/Name: **IV-I: Policy on Employee Concerns and Grievances**

New Procedure Number: *To be determined by the Chancellor's Office*

Proposed Procedure Name(s): **Employee Concerns and Grievances**

Current Procedure Number(s)/Name(s): **Procedure 3-19: Employee Concerns and Grievances**

Action Recommended for Policy: **Revised**

Action Recommended for Procedures: **Revised**

Web Links:

www.sanjac.edu/about/policies-procedures/IV-I-Policy-on-Employee-Concerns-and-Grievances.pdf

www.sanjac.edu/about/policies-procedures/3-19-Employee-Concerns-and-Grievances.pdf

Primary Owner: **Vice Chancellor, Human Resources, Organizational and Talent Effectiveness**

Secondary Owner: **Vice President, Human Resources**

Summary of Changes:

Policy Changes:

- Reordered paragraphs. For example, moved the definitions to the end of the policy.
- Added that “when a complaint is filed, Human Resources, Employee Relations will evaluate the employee’s allegations to ensure that the complaint has been filed under the correct policy. If the employee invokes an inapplicable policy, Employee Relations will inform the employee which policy applies to the complaint. The employee’s complaint under the correct policy will be deemed filed as of the date of the filing of the initial complaint.”
- Expanded language that employees are subject to discipline, including termination, if they demonstrate a pattern of filing complaints that have been determined to be unfounded or that lack a good faith basis to include filing a complaint that intentionally or knowingly contains a materially false statement, and/or repeatedly file grievances or concerns on the same matter that has already been addressed.
- Removed the statement under the definition of a grievance that prohibits discrimination as this is addressed in Policy <TBD>, Procedure <TBD> Employee Harassment and Discrimination, and Procedure <TBD> Sexual Harassment and Sexual Misconduct.
- Added that an employee may file a grievance under this policy if they are alleging retaliation based on their constitutional or statutory rights and that the employee must identify the specific constitutional or statutory right at issue to number 4 under exclusions.
- Removed the definition of harassment because that is addressed under Policy <TBD> and Procedure <TBD> Employee Harassment and Discrimination.
- Added the definition of retaliation to include Title VI and Title VII, Age Discrimination in Employment Act, Americans with Disabilities Act, and Title IX of the Education Amendments of 1972 as a reason to file a grievance.

Attachment 1

- Added cannot retaliate “because an employee filed a previous grievance or concern under this procedure.”
- Updated language such as “guideline” to “procedure,” “his/her” to “their,” and “shall” to “will.”
- Changed “discrimination” to “disparate treatment” as discrimination is addressed in Policy <TBD>, Procedure <TBD> Employee Harassment and Discrimination, and Procedure <TBD> Sexual Harassment and Sexual Misconduct.

Procedure Changes:

- Shortened the timeframe for an employee to bring forward a concern from ten (10) to five (5) working days.
- Reordered paragraphs and repetitive information for better flow and understanding for the reader.
- Changed the time to appeal to the respective SLT member or designee from ten (10) to five (5) working days.
- Removed information on discrimination and harassment as it is discussed in Policy <TBD>, Procedure <TBD> Employee Harassment and Discrimination, and Procedure <TBD> Sexual Harassment and Sexual Misconduct.
- Expanded relevant documents to include tangible evidence such as emails, memoranda, correspondence, or other items relevant to the issues in the grievance.
- Added that “Employee Relations will evaluate whether the allegations in the complaint are subject to this procedure or a different procedure. If the allegations, even if assumed to be true, do not implicate this procedure or if the requested relief has already been implemented, Employee Relations will notify the grievant in writing and dismiss the grievance. If this procedure applies, the respondent will receive a copy of the grievance from Employee Relations and will be provided a reasonable opportunity to submit a written response to the grievance. Employee Relations may redact the grievant’s home address and personal email address or cell phone number if contained in the grievance.”
- Added that “If the respondent provides a written response to the grievance, Employee Relations will provide a copy to the grievant who will be provided a reasonable opportunity to submit a written response. Employee Relations may redact the respondent’s home address and personal email address or cell phone number if contained in the grievance.”
- Updated language that “At the conclusion of the investigation, the designated investigator(s) will prepare a written report with findings of fact. Findings will be based on a preponderance of the evidence.” Then added language “the leader and investigator will provide a recommended remedy, if any is warranted, to the respective Strategic Leadership Team member.”
- Added “Employees who violate the privacy rights of other individuals or who engage in conduct that reasonably may be perceived as witness intimidation or retaliation against persons who are participating in the investigation or grievance process may be subject to disciplinary action up to and including termination.
- Added a 2,500-word limit to the employee appeal.
- Updated language for example “lowest possible leader” to the “first level leader,” “his/her” to “their,” “guideline” to “procedure,” and “shall” to “will.”

Policy IV-I: Policy on Employee Concerns and Grievances

1. INTRODUCTION

This policy establishes a uniform process for resolving employee concerns and grievances using a fair and consistent process that meets all state and federal laws. Employees who use the concerns or grievance procedures may do so with the knowledge that they will be protected from prejudice, discrimination, restraints, retaliation, or reprisal of any nature.

This policy recognizes two general categories of employment complaints:

- A. Concerns
- B. Grievances

Categorizing a complaint as a concern or grievance is not intended either to diminish or to elevate the issues identified in any particular complaint. The objectives of this policy is to channel employee complaints in a manner that is responsive to the nature and complexity of each complaint, that encourages prompt resolution, and that ensures the efficient use of College resources.

2. DEFINITIONS

- A. A “**concern**” is a complaint or problem regarding:
 - 1. Co-worker behaviors, social interactions, and leadership issues that occur in the workplace.
 - 2. Administrative matters such as office procedures and policy interpretation.
 - 3. Incidents or events that, while not unlawful, are contrary to College values or reasonable standards of workplace behavior.
 - 4. Bullying is covered under this policy as a concern. “**Bullying**” is the repeated or persistent infliction of abusive or inappropriate behaviors that a reasonable person would find threatening, intimidating, or humiliating.
 - 5. Any disagreement or concern not encompassed by the definition of grievance.
- B. A “**grievance**” is a dispute or disagreement alleging a violation of the following:
 - 1. A violation of a specific Board policy, administrative procedure, or law that adversely and materially impacts the employee’s wages, hours, or conditions of work. “**Conditions of work**” are defined as a work environment that impacts the health or safety of employees.
 - 2. A violation of law that prohibits discrimination in employment based upon race, creed, color, national origin, citizenship status, age, disability, pregnancy, religion, gender, sexual orientation, gender identity, genetic information, marital status, or veteran status.
 - 3. Factual allegations of harassment based on a status protected by state or federal law.
 - 4. Factual allegations of retaliation based upon the employee’s exercise of rights guaranteed by the Constitution or rights conferred by statute, including, but not limited to, the Family Medical Leave

Attachment 2 – Current Policy

Act, Uniformed Services Employment and Reemployment Rights Act, and the Texas Whistleblower Act.

3. GENERAL POLICY

A. Exclusions: The following concerns and/or grievances are not subject to the Employee Concerns and Grievances policy:

1. Termination of contractual and non-contractual employees. Contractual employees may appeal the termination decision under Policy IV-G-1: Policy on Termination or Demotion for Contractual Employees. Non-contractual employees may request a review of the termination decision under Policy IV-G-2: Policy on Termination for Non-Contractual Employees.
2. Non-renewal of an employment contract is generally excluded from this policy. Non-renewal is addressed in subject to Policy IV-G-4: Policy on Non-Renewal of Contractual Employees; however, an employee may file a grievance under this policy relating to a non-renewal in those instances in which the employee makes specific factual allegations that the non-renewal of employment was in violation of constitutional or statutory rights.
3. Employee performance evaluations.

B. Employees may be subject to disciplinary action for bringing forward repeated allegations that have been unfounded and/or unsubstantiated.

C. Employees are expected to:

1. Act in good faith in bringing forth a concern or grievance.
2. Participate in an on-going inquiry truthfully and cooperatively.
3. Provide all relevant information necessary to understand the factual background of the complaint.
4. Comply with deadlines and requests for information and cooperate in the scheduling of meetings or hearings.

D. Leaders are expected to:

1. Respond to a concern or grievance in a timely manner.
2. Refrain from publicizing employee complaints. Leaders shall exercise appropriate judgment and discretion, and shall refrain from discussing employee complaints except on a need-to-know basis, or as may be reasonably necessary during the course of an investigation.
3. Ensure the integrity of the process by conducting a thorough inquiry.
4. Take action reasonably calculated to prevent retaliation against employees who file complaints pursuant to this policy.

Attachment 2 – Current Policy

| | |
|--------------------------------|---|
| Policy #: | IV-I |
| Policy Name: | Policy on Employee Concerns and Grievances |
| Pages: | 3 |
| Adopted Date: | Grievance Policy: March 2, 1981; Concerns Policy: March 2, 1981 |
| Revision/Reviewed Date: | Grievance Policy: October 4, 1982, June 3, 1985, May 2, 1994, January 8, 2001; Concerns Policy: October 4, 1982, June 3, 1985, June 1, 1992, May 2, 1994, February 5, 2008, February 9, 2009, April 28, 2014 |
| Effective Date: | Grievance Policy: March 2, 1981, June 1, 1992, May 2, 1994, February 5, 2008, February 9, 2009; Concerns Policy: March 2, 1981, October 4, 1982, June 3, 1985, May 2, 1994, January 8, 2001, April 29, 2014 |
| Associated Procedure: | 3-19 |

Policy #, Employee Concerns and Grievances

Associated Procedure

Procedure #, Employee Concerns and Grievances

Purpose

This policy establishes a uniform process for resolving employee concerns and grievances using a fair and consistent process that complies with state and federal laws. Employees who use the concerns or grievance procedures may do so with the knowledge that they will be protected from prejudice, disparate treatment, restraints, retaliation, or reprisal of any nature for having filed a concern or grievance.

Policy

This policy recognizes two categories of employment complaints:

1. Concerns
2. Grievances

Categorizing a complaint as a concern or grievance is not intended either to diminish or to elevate the issues identified in any complaint. The objectives of this policy are to channel employee complaints in a manner that is responsive to the nature and complexity of each complaint, encourages prompt resolution, and ensures the efficient use of College resources.

Exclusions: The following subjects are excluded from the Employee Concerns and Grievances policy because other policies govern the subject matter:

1. Termination of contractual and non-contractual employees. Termination of contractual employees is addressed under Policy IV.4002.B, Termination or Demotion for Contractual Employees and Procedure IV.4002.B.a, Termination or Demotion for Contractual Employees. Termination of non-contractual employees is addressed under Policy IV.4002.C, Termination or Demotion for Non-Contractual Employees and Procedure IV.4002.C.a, Termination or Demotion for Non-Contractual Employees.
2. Non-renewal of an employment contract is addressed in Policy IV.4002.D and Procedure IV.4002.D.a. However, an employee may file a grievance under this policy relating to a non-renewal in those instances in which the employee makes specific factual allegations that the non-renewal of employment was in violation of constitutional or statutory rights. The employee must identify the specific constitutional or statutory right at issue.
3. Employee performance evaluations are addressed in Policy IV.4004.A and Procedure IV.4004.A.a.
4. Employee complaints about discrimination or harassment on the basis of race, color, national origin, citizenship, age, disability, pregnancy and pregnancy-related conditions (including childbirth and termination of pregnancy), religion, gender, sexual orientation, gender expression or identity, genetic information, marital status, or veteran status are addressed in Policy #, Employee Harassment and Discrimination, Procedure #, Employee

Harassment and Discrimination, and Procedure #, Sexual Harassment and Sexual Misconduct. However, an employee may file a grievance under this policy if they are alleging retaliation based on their constitutional or statutory rights. The employee must identify the specific constitutional or statutory right at issue.

5. Employee complaints about sexual misconduct, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking, are addressed in Policy #, Employee Harassment and Discrimination and Procedure #, Sexual Harassment and Sexual Misconduct.
6. Grievances asserting whistleblower allegations generally will be processed under Policy IV.4002.A, Protection from Retaliation for Reporting Suspected Wrongdoing and Procedure IV.4002.A.a, Protection from Retaliation for Reporting Suspected Wrongdoing.

When a complaint is filed, Human Resources, Employee Relations will evaluate the employee's allegations to ensure that the complaint has been filed under the correct policy. If the employee invokes an inapplicable policy, Employee Relations will inform the employee which policy applies to the complaint. The employee's complaint under the correct policy will be deemed filed as of the date of the filing of the initial complaint.

Employees will:

1. Act in good faith in bringing forth a concern or grievance.
2. Cooperate and provide truthful information during an investigation.
3. Provide all relevant information necessary for the decision-maker to understand the factual background of the complaint.
4. Comply with deadlines and requests for information and cooperate in the scheduling of meetings or hearings.

Leaders will:

1. Respond to a concern or grievance in a timely manner.
2. Leaders will exercise appropriate judgment and discretion and will refrain from discussing employee complaints except on a need-to-know basis or as may be reasonably necessary during the course of an investigation.
3. Ensure the integrity of the process by conducting a thorough inquiry.
4. Take action reasonably calculated to prevent retaliation against employees who file complaints pursuant to this policy.

Employees are subject to discipline, including termination, if they demonstrate a pattern of filing complaints that have been determined to be unfounded or that lack a good faith basis, file a complaint that intentionally or knowingly contains a materially false statement, and/or repeatedly file grievances or concerns on the same matter that has already been addressed.

Definitions

A “**concern**” is a complaint or problem regarding:

- A. Co-worker behaviors, social interactions, and leadership issues that occur in the workplace.
- B. Administrative matters such as office procedures and policy interpretation.
- C. Incidents or events that, while not unlawful, are contrary to College values or reasonable standards of workplace behavior.
- D. Bullying by another employee. Any disagreement or concern not encompassed by the definition of grievance.

A **“grievance”** is a dispute or disagreement regarding any of the following:

- A. A violation of a specific Board policy, administrative procedure, state or federal law, or state or federal constitution that adversely and materially impacts the employee’s wages, hours, or conditions of work.
- B. Retaliation based upon the employee’s exercise of one’s constitutional rights, including the right of free expression.
- C. Retaliation based upon the exercise of rights conferred by statute, including, but not limited to, the Title VI and Title VII of the Civil Rights Act of 1964, Family Medical Leave Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, Uniformed Services Employment and Reemployment Rights Act, and Title IX of the Education Amendments of 1972.
- D. Retaliation because an employee filed a previous grievance or concern under this policy.

“Bullying” is the repeated or persistent infliction of abusive or inappropriate behaviors that a reasonable person would find threatening, intimidating, or humiliating. Bullying may be verbal (*i.e.*, derogatory comments, insults, threats), physical (*i.e.*, repeated or persistent instances of physical contact that a reasonable person would view as offensive, undesirable, or uncomfortable), or demonstrative (*i.e.*, repeated or persistent use of threatening or offensive gestures, repeatedly trying to embarrass or humiliate an individual, or persistently engaging in behavior or activity to prevent an individual from being successful in their position). Not all confrontation, disagreement, or behavior perceived as unfriendly or rude will constitute bullying under the Board’s policy.

“Conditions of work” include hours of work, wages, duties, health and safety practices, and other practices or actions impacting the employee’s work environment.

“Retaliation” is conduct or decisions that a reasonable employee would view as materially adverse and whose purpose or effect is to discourage employees from exercising their rights under this policy or the law and which would not have occurred but for the employee’s complaint or the employee’s exercise of their constitutional or statutory rights. Retaliation does not include petty slights and annoyances.

The Authority, Applicability, Sanctions, Exclusions, and Interpretation do not differ from Policy II.2000.A, Policy and Procedures Development, Review, Revision, and Rescission.

Date of Board Approval Anticipated April 1, 2024

Attachment 3 – Proposed Policy

| | |
|-----------------|---|
| Effective Date | Anticipated April 2, 2024 |
| Primary Owner | Vice Chancellor, Human Resources, Organizational and Talent Effectiveness |
| Secondary Owner | Vice President, Human Resources |

Procedure 3-19: Employee Concerns and Grievances

1. INTRODUCTION

This procedure specifies the process for bringing forth an employee concern or grievance in accordance with Policy IV-I: Policy on Employee Concerns and Grievances.

A concern and a grievance are different in terms of the nature and severity of the circumstances. Generally:

- A. A concern is generally characterized by behaviors and actions that while not unlawful, are of concern to an employee because they are not consistent with the College values or with reasonable standards of behavior.
- B. A grievance is a more serious claim than a concern; a grievance is typically brought forth as the result of unlawful actions or failure to comply with federal or state statutes or regulations.

Because of the differences between a concern and a grievance, different procedures will be used for each.

Any employee, whether full-time or part-time, may submit a concern or grievance. An employee presenting a complaint about the terms or conditions of work may represent himself or herself or proceed through a representative.

Employees are expected to participate in good faith during an on-going investigation. Employees should not make false statements or fail to disclose information to a leader that a reasonable employee would have disclosed.

2. PROCEDURE FOR EMPLOYEE CONCERN

A “**concern**” is an employee complaint as defined in Board Policy IV-I Policy on Employee Concerns and Grievances.

The College expects all leaders to maintain an "open door" policy to provide an opportunity for employees to share their concerns, problems, or suggestions and to obtain, when possible, resolution of those concerns. Concerns should be resolved at the lowest possible level; therefore, employees will follow the leadership chain in presenting their concerns.

- A. A concern is a complaint or problem regarding behaviors, social interactions, and leadership issues that occur in the workplace. Examples of concerns include, but are not limited to:
 - 1. Disagreements with or concerns about office procedures, work assignments and directives, or work allocation within a group.
 - 2. Disagreements with or concerns about the application of a policy or regulation.
 - 3. Disagreements with or concerns about an employee's corrective action regarding performance or behavior expectations.

Attachment 4 – Current Procedure

4. Disagreements with or objections to employee discipline or an investigatory finding of employee wrongdoing.
5. Allegations of bullying against another employee.
 - a. Bullying may be verbal (i.e. derogatory comments, insults, threats), physical (i.e. repeated or persistent instances of physical contact that a reasonable person would view as offensive, undesirable, or uncomfortable), or demonstrative (i.e. repeated or persistent use of threatening or offensive gestures, repeatedly trying to embarrass or humiliate an individual, or persistently engaging in behavior or activity to prevent an individual from being successful in his or her position).
 - i. Not all confrontation, disagreement, or behavior perceived as unfriendly or rude will constitute bullying under the Board's policy.

Investigation into a concern is a serious and time-consuming endeavor. The College recognizes that the expenditure of time and resources is necessary to ensure the fair and equitable resolution of employee concerns. The College further recognizes that, in rare instances, an employee may misuse the concerns process to disrupt College operations or to humiliate or harass others. Employees who demonstrate a pattern of filing complaints without a good faith basis may be subject to disciplinary action up to and including termination. Before determining that an employee has acted in bad faith, the appropriate leader, in conjunction with the Human Resources Department, shall carefully evaluate the evidence and shall provide the employee an opportunity to respond to the allegation that the employee has acted in bad faith.

B. Procedure to submit a concern:

1. Within ten (10) working days of the date the employee knew or should have known of the event which is the basis of the concern, the employee shall present the problem, concern, or suggestion to his or her immediate leader.
2. Because some concerns are capable of immediate resolution when brought to the attention of a leader, employees are not required to put their concerns in writing as this may unnecessarily delay immediate resolution; however, when necessary to assist the administration in understanding and defining the concern, the employee may be requested to put the matter in writing.
3. If the concern is of such a nature that conferring with the leader would cause the employee undue embarrassment or discomfort, if previous discussions with the leader on the issue have been unproductive, or if the cause of concern involves the employee's immediate leader, the employee may direct his or her concern to the next level leader. Additionally, if the employee's concern is urgent and the leader is unavailable for an extended period of time, the employee may direct his or her concern to the next level leader.
4. Most concerns should be resolved within fifteen (15) working days from the time in which the concern was brought to the attention of the leader; however, if the leader needs more than fifteen (15) working days to consider the concern or to gather information related to the concern, he or she shall notify the employee in writing of how much time reasonably will be needed to provide a response.
5. If the employee is dissatisfied with the decision at any level of review, or if the leader has failed to provide a response, the employee may present the concern to the next level leader. The

Attachment 4 – Current Procedure

request for further review shall be submitted in writing within five (5) working days of when a response was or should have been received. The request for further review shall be submitted in writing to the appropriate level of leadership up to the respective the Strategic Leadership Team (SLT) member.

6. The respective SLT member will respond in writing within fifteen (15) working days of the request for review.
7. The decision of the respective SLT member will be in writing and shall be final; however, the employee may bring his or her concern to the Board of Trustees at the next regular meeting in accordance with the provision for hearing of citizens.

3. PROCEDURE FOR EMPLOYEE GRIEVANCE

A “***grievance***” is an employee complaint as defined in Board Policy IV-I Policy on Employee Concerns and Grievances.

- A. A grievance is a complaint or problem regarding policy, administrative procedure, or law that adversely and materially impacts the employee’s wages, hours, or conditions of work. Examples of a grievance include, but are not limited to:
 1. A dispute or disagreement regarding a specific administrative procedure which is related to wages, hours or conditions of work. “Conditions of work” are defined as work conditions that negatively impact the health or safety of employees.
 2. Factual allegations of discrimination in employment based upon race, creed, color, national origin, citizenship status, age, disability, pregnancy, religion, gender, sexual orientation, gender identity, genetic information, marital status, or veteran status. Additionally, the College shall not discriminate or retaliate against employees who exercise rights guaranteed by the Constitution or rights conferred by statute, including, but not limited to, the Family Medical Leave Act, Uniformed Services Employment and Reemployment Rights Act, and the Texas Whistleblower Act.
 3. Factual allegations of harassment as defined in Title VII of the Civil Rights Act 1964.
- B. Investigation into a grievance allegation is a serious and time-consuming endeavor. The College recognizes that the expenditure of time and resources is necessary to ensure the fair and equitable resolution of employee grievances. The College further recognizes that, in rare instances, an employee may misuse the grievance process to disrupt College operations or to humiliate or harass others. Employees who demonstrate a pattern of filing complaints without a good faith basis may be subject to disciplinary action up to and including termination. Before determining that an employee has acted in bad faith, the appropriate leader in conjunction with the Human Resources Department shall carefully evaluate the evidence and shall provide the employee an opportunity to respond to the allegation that the employee has acted in bad faith.
- C. Procedure to submit a grievance:

Attachment 4 – Current Procedure

1. Any employee who has a grievance shall first discuss the matter with his or her immediate leader. The employee then has ten (10) working days from the time of the discussion to present the problem in writing to his or her immediate leader.
2. Employees are required to put the grievance in writing. The statement must contain sufficient detail and facts to clarify the basis of the grievance, date(s) of the occurrence, individuals involved, and the proposed remedy. When appropriate, the employee shall include copies of documents relevant to the issues in the grievance.
3. If the grievance is of such a nature that conferring with the leader would cause the employee undue embarrassment or discomfort, if previous discussions with the leader on the issue have been unproductive, or if the leader is the subject of the grievance, the employee may direct his or her grievance to the next level leader. Additionally, if the employee's grievance is urgent and the leader is unavailable for an extended period of time, the employee may direct his or her grievance to the next level leader.
4. An employee with a claim of harassment or discrimination based on a protected class is not required to present a grievance to the individual who allegedly engaged in the harassment or discrimination. Employees with such claims may proceed directly to the next level of leadership. If the allegation involves a Strategic Leadership Team member, the employee may proceed directly to the Chancellor.
5. Within three (3) working days of receipt of the written grievance, the leader will notify Human Resources and successive levels of the leadership chain of the grievance.
6. Human Resources will facilitate an investigation of the grievance in conjunction with the appropriate leaders.
7. The individual who is named in the grievance shall receive a copy of the grievance and have a chance to submit a written response and/or to be interviewed about the allegations.
8. Upon receipt in Human Resources, most grievances should be resolved within fifteen (15) working days; however, if more than fifteen (15) working days is required to consider the grievance or to gather information related to the grievance, the respective SLT member or Human Resources shall notify the employee in writing of how much time reasonably will be needed to provide a response.
9. At the conclusion of the investigation, the findings shall be communicated in writing to the grievant and to the individual(s) identified in the grievance as having engaged in alleged wrongful or improper conduct toward the grievant.
10. If the findings of the inquiry are not satisfactory to (1) the employee who brought forth the grievance or (2) an employee named in the grievance, the employee(s) may appeal the decision to the respective SLT member by providing a signed letter of appeal within ten (10) working days. The statement of appeal must:
 - a. Identify all points of disagreement with the report.
 - b. Contain sufficient detail to clarify the basis of the appeal.
 - c. Explain the reasons why the appeal should be granted.
11. The respective SLT member will review the statement of appeal and at his/her discretion:
 - a. May request additional information from the grievant or the employee named in the grievance.

Attachment 4 – Current Procedure

- b. May schedule a meeting to discuss the appeal.
 - 12. The respective SLT member will provide a written response to the appeal within fifteen (15) working days. If more than fifteen (15) working days will be required to consider the appeal, the administrator hearing the appeal shall notify the employee in writing how much time likely will be needed to provide a response.
 - 13. The decision of the respective SLT member is final; however, the employee may present the facts to the Board of Trustee at the next regular meeting in accordance with the provision for hearing of citizens.
- D. If multiple grievances are filed that relate to a common question or circumstance, the College may process the grievances as a Group Grievance. A Group Grievance will be investigated in accordance with the standards and procedures established in this guideline.
- E. The College strives to resolve any grievance fairly and equitably and encourages employees to seek remedy through the grievance process; however, the Grievance Procedure shall not be construed to limit, terminate, or waive any right of an employee to seek relief in a court of proper jurisdiction regarding an employee grievance for which a remedy is provided under state or federal laws.

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|--------------------------------|---|
| Procedure #: | 3-19 |
| Procedure Name: | Employee Concerns and Grievances |
| Pages: | 5 |
| Adopted Date: | April 28, 2014 |
| Revision/Reviewed Date: | April 28, 2014 |
| Effective Date: | April 29, 2014 |
| Associated Policy: | IV-I |

Procedure #, Employee Concerns and Grievances

Associated Policy

Policy #, Employee Concerns and Grievances

Procedure

This procedure specifies the process for bringing forth an employee concern or grievance in accordance with Policy #, Employee Concerns and Grievances.

Concerns and grievances are different in terms of the nature and severity of the circumstances. Generally:

- A. A concern is characterized by behaviors and actions that, while not unlawful, are of concern to an employee because they are not consistent with the College values or with reasonable standards of behavior.
- B. A grievance is a more serious claim than a concern; a grievance is typically brought forth as the result of unlawful actions or failure to comply with certain federal or state statutes or regulations.

Because of the differences between a concern and a grievance, different processes will be used for each.

Any employee, whether full-time or part-time, may submit a concern or grievance. Employees presenting a complaint about the terms or conditions of work may represent themselves or proceed through a representative, including an attorney.

Investigation into a concern or grievance is a serious and time-consuming endeavor. The College recognizes that the expenditure of time and resources is necessary to ensure the fair and equitable resolution of employee concerns and grievances. The College further recognizes that, in rare instances, an employee may misuse the concerns or grievance process to disrupt College operations or to humiliate or harass others. Employees are subject to discipline, including termination, if they demonstrate a pattern of filing complaints that have been determined to be unfounded or that lack a good faith basis, file a concern or grievance that intentionally or knowingly contains a materially false statement, and/or repeatedly file grievances or concerns on the same matter that has already been addressed. Before determining that an employee has acted in bad faith, made false statements, or filed unfounded or repetitive complaints, the appropriate leader, in conjunction with the Human Resources, Employee Relations, will carefully evaluate the evidence and will provide the employee an opportunity to respond to the allegation that the employee has acted in bad faith, made false statements, or filed unfounded or repetitive complaints.

Procedure for Employee Concerns

A “*concern*” is an employee complaint as defined in Board Policy #, Employee Concerns and Grievances.

The College expects all leaders to maintain an "open door" policy to provide an opportunity for employees to share their concerns, problems, or suggestions and to obtain, when possible, resolution of those concerns. Concerns should be resolved with the first level leader when possible. If the concern is not resolved, employees will meet with the next level leader in presenting their concerns.

A. A concern is a complaint or problem regarding behaviors, social interactions, and leadership issues that occur in the workplace. Examples of concerns include, but are not limited to:

1. Disagreements with or concerns about office procedures, work assignments and directives, or work allocation within a group.
2. Disagreements with or concerns about the application of a policy or regulation.
3. Disagreements with or concerns about an employee's corrective action regarding performance or behavior expectations.
4. Disagreements with or objections to employee discipline or an investigatory finding of employee wrongdoing.
5. Allegations of bullying against another employee.

B. Procedure to submit a concern:

1. Within five (5) working days of the date the employee knew or should have known of the event or decision that is the basis of the concern, the employee will present the problem, concern, or suggestion to their immediate leader.
2. Because some concerns are capable of immediate resolution when brought to the attention of a leader, employees are not required to put their concerns in writing as this may unnecessarily delay immediate resolution; however, when necessary to assist the administration in understanding and defining the concern, the employee may be requested to put the concern in writing.
3. If the concern is of such a nature that conferring with the leader would cause the employee undue embarrassment or stress, if previous discussions with the leader on the issue have been unproductive, or if the employee's immediate leader is the source of the problem, the employee may direct their concern to the next level leader. Additionally, if the employee's concern is urgent and the leader is unavailable for an extended period of time, the employee may direct their concern to the next level leader.
4. Most concerns should be resolved within fifteen (15) working days from the date the concern was brought to the attention of the leader; however, if the leader needs more than fifteen (15) working days to consider the concern or to gather information related to the concern, the leader will notify the employee in writing of how much time reasonably will be needed to provide a response.
5. If the employee is dissatisfied with the decision at any level of review, or if the leader has failed to provide a response, the employee may present the concern to the next level leader. The request for further review will be submitted in writing within five (5) working days of receipt of the leader's response or the date the leader should have provided a response. The request for further review will be submitted in writing to the appropriate level of leadership up to the respective Strategic Leadership Team (SLT) member.

6. The respective leader up to the SLT member will respond in writing to the employee within fifteen (15) working days of the request for review.
7. The decision of the respective SLT member will be in writing and will be final; however, the employee may bring their concern to the Board of Trustees at the next regular meeting in accordance with the provision for hearing of citizens.

Procedure for Employee Grievances

A grievance is a complaint or problem regarding policy, administrative procedure, or law that adversely and materially impacts the employee's wages, hours, or conditions of work as defined by Board Policy #, Employee Concerns and Grievances. A grievance includes a complaint that the employee has been subjected to retaliation for exercising a constitutional right or statutory right.

A. Procedure to submit a grievance:

1. An employee must discuss the matter with their immediate leader within five (5) working days of the date the employee knew or should have known of the event or decision that is the basis of the grievance. If conferring with the immediate leader would cause the employee undue embarrassment or stress, if the leader is the source of the problem, or if immediate disclosure to the leader could jeopardize the safety of the employee, other persons, or the assets of the College, the employee may direct their grievance to the next level leader. Additionally, if the employee's grievance is urgent and the leader is unavailable for an extended period of time, the employee may direct their grievance to the next level leader.) The leader has fifteen (15) working days from the time of the discussion to respond in writing.
2. If the leader's response is unsatisfactory to the employee (or if the leader fails to respond), the employee may initiate the formal grievance process by submitting a written grievance within five (5) working days of receipt of the leader's response or the date on which the leader should have provided a response. The employee will submit a copy of the grievance to, Employee Relations.
3. The employee's written grievance must contain sufficient detail and facts to identify the basis of the grievance, date(s) of the occurrence(s) at issue, individuals involved and material witnesses (and their contact information, if known), and the proposed remedy. If the grievance alleges retaliation, the statement should explain why the employee believes that retaliation was the motive for the challenged decision or action. When applicable, the employee will include copies of relevant documents or other tangible evidence, such as emails, memoranda, correspondence, or other items relevant to the issues in the grievance. The grievance must be signed and dated.
4. Employee Relations will evaluate whether the allegations in the complaint are subject to this procedure or a different procedure. If the allegations, even if assumed to be true, do not implicate this procedure or if the requested relief has already been implemented, Employee Relations will notify the grievant in writing and dismiss the grievance. If this procedure applies, the respondent will receive a copy of the grievance from Employee Relations and will be provided a reasonable opportunity to submit a written response to the grievance. Employee Relations may redact the grievant's home address and personal email address or cell phone number if contained in the grievance.

5. If the respondent provides a written response to the grievance, Employee Relations will provide a copy to the grievant who will be provided a reasonable opportunity to submit a written response. Employee Relations may redact the respondent's home address and personal email address or cell phone number if contained in the grievance.
6. Employee Relations will facilitate an investigation of the grievance. The investigation may include review of relevant documents, electronically stored information, and tangible evidence; interviews with the grievant, respondent, or other witnesses; inspection of a workspace; and other evidence-gathering to understand the issues in the grievance and to evaluate potential remedies.
7. Upon receipt in Employee Relations, most grievances will typically be resolved within fifteen (15) working days; however, if more than fifteen (15) working days are required to properly investigate and process the grievance, Employee Relations/ will notify the employee and respondent in writing of how much time reasonably will be needed to provide a response.
8. At the conclusion of the investigation, the designated investigator(s) will prepare a written report with findings of fact. Findings will be based on a preponderance of the evidence. The leader and investigator will provide a recommended remedy, if any is warranted, to the respective Strategic Leadership Team member. The findings will be communicated in writing to the relevant leader(s), grievant, and the individual(s) identified in the grievance as the respondent(s).
9. If the findings and/or remedy are not satisfactory to the employee who brought forth the grievance or the respondent, the affected employee(s) may appeal the decision to the respective SLT member or designee by providing a signed letter of appeal within five (5) working days. The statement of appeal must:
 - a. Identify all points of disagreement with the report and identify the remedy requested.
 - b. Contain sufficient detail to explain and support the basis of the appeal.
 - c. Explain the reasons why the appeal should be granted.
 - d. Not refer to evidence that was not presented during the investigation (unless the party establishes good cause for not providing the information during the investigation).
 - e. Not to exceed 2,500 words.
10. The respective SLT member, or designee, will review the statement of appeal and at their discretion may:
 - a. Request additional information from the grievant or the employee named in the grievance.
 - b. Schedule a meeting to discuss the appeal.
11. The respective SLT member or designee will provide a written response to the appeal within fifteen (15) working days. The written response will be provided to Employee Relations, the grievant, the relevant leader, and the respondent. If more than fifteen (15) working days will be required to consider the appeal, the administrator hearing the appeal will notify the parties in writing how much time likely will be needed to provide a response.
12. The decision of the respective SLT member is final; however, the employee may address the Board of Trustees at the next regular meeting in accordance with the provision for hearing of citizens.

- B. If multiple grievances are filed that relate to a common question, management decision, or circumstance, Employee Relations may consolidate and process the grievances as a Group Grievance. A Group Grievance will be investigated in accordance with the standards and procedures established in this procedure.
- C. Employees who violate the privacy rights of other individuals or who engage in conduct that reasonably may be perceived as witness intimidation or retaliation against persons who are participating in the investigation or grievance process may be subject to disciplinary action up to and including termination.
- D. The College strives to resolve any grievance fairly and equitably and encourages employees to seek remedy through the grievance process; however, the Grievance Procedure will not be construed to limit, terminate, or waive any right of an employee to seek remedy in a court of proper jurisdiction regarding an employee grievance for which a remedy is provided under state or federal laws.

Definitions

“Bullying” is the repeated or persistent infliction of abusive or inappropriate behaviors that a reasonable person would find threatening, intimidating, or humiliating. Bullying may be verbal (*i.e.*, derogatory comments, insults, threats), physical (*i.e.*, repeated or persistent instances of physical contact that a reasonable person would view as offensive, undesirable, or uncomfortable), or demonstrative (*i.e.*, repeated or persistent use of threatening or offensive gestures, repeatedly trying to embarrass or humiliate an individual, or persistently engaging in behavior or activity to prevent an individual from being successful in their position) Not all confrontation, disagreement, or behavior perceived as unfriendly or rude will constitute bullying under the Board’s policy.

“Conditions of work” include hours of work, wages, duties, health and safety practices, and other practices or actions impacting the employee’s work environment.

“Retaliation” is conduct or decisions that a reasonable employee would view as materially adverse and whose purpose or effect is to discourage employees from exercising their rights under this policy or the law and which would not have occurred but for the employee’s complaint or the employee’s exercise of their constitutional or statutory rights. Retaliation does not include petty slights and annoyances.

| | |
|---|---|
| Date of SLT Approval | February 21, 2024 |
| Effective Date | Anticipated April 2, 2024 |
| Associated Policy | Policy #, Employee Concerns and Grievances |
| Primary Owner of Policy Associated with the Procedure | Vice Chancellor, Human Resources, Organizational and Talent Effectiveness |

Secondary Owner of Vice President, Human Resources
Policy Associated
with the Procedure

Employee Concerns and Grievances

Policies and Procedures Summary of Changes

New Policy Number: *To be determined by the Chancellor's Office*

Proposed Policy Name: **Employee Harassment and Discrimination**

Current Policy Number/Name: **Policy IV-B-3-b / Employee Harassment**

New Procedure Number: *To be determined by the Chancellor's Office*

Proposed Procedure Name(s):

1) Harassment and Discrimination

2) Sexual Harassment and Sexual Misconduct

Current Procedure Number(s)/Name(s): **Procedure 1-2 / Employee Harassment**

Action Recommended for Policy: **Revised**

Action Recommended for Procedures: **1) Revised & 2) New**

Web Links:

www.sanjac.edu/about/policies-procedures/IV-B-3-b-Policy-on-Employee-Harassment.pdf

www.sanjac.edu/about/policies-procedures/1-2-Employee-Harassment.pdf

Primary Owner: **Vice Chancellor, Human Resources, Organizational and Talent Effectiveness**

Secondary Owner: **Vice President, Human Resources**

Summary of Changes:

Policy Changes:

- Revised the policy to include discrimination and sexual misconduct.
- Added “The College desires to foster and support a culture of mutual respect, communication, and inclusion for all employees and to provide procedures for the prompt, thorough, and impartial investigation and resolution of complaints” to the purpose.
- Added a statement to the beginning of the policy stating “This policy prohibits discrimination in all College programs and activities regardless of location. The prohibition applies to all work sites (whether or not owned by the College), all College facilities (whether leased or owned), work-related travel, and work vehicles. The prohibition encompasses off-campus conduct that unreasonably creates a hostile or intimidating work environment.”
- Added campus visitors, and independent contractors providing service to the College to individuals prohibited from engaging in conduct constituting unlawful harassment or discrimination.
- Added the Pregnancy Discrimination Act; the Pregnant Workers Fairness Act of 2022; the Equal Pay Act; the Rehabilitation Act of 1973; the Vietnam Era Veterans’ Readjustment Assistance Act of 1974; and Title II of the Genetic Information Non-Discrimination Act to the list of federal and state laws under which discrimination, harassment, and sexual harassment/misconduct are prohibited.
- Added that “An individual who works for the College and currently is taking one or more classes at the College may file an employment discrimination complaint under this policy if the alleged discrimination occurred while the individual was performing work duties for the College.”

Attachment 6

- Added information that this policy does not apply to complaints by students or complaints by employees against students. These complaints are redirected to the Policy III.3006.D Sexual Misconduct for Students and Procedure III.3006.D.a Allegations of Sexual Misconduct.
- Changed the requirement from regularly offered for in-house training on harassment and discrimination to be required on an annual basis for all employees.
- Moved the information regarding prompt reporting from the current procedure to the policy. Also updated the language to encourage prompt reporting so that rapid and constructive action can be taken, when appropriate, and explain that early reporting and intervention are key components for resolving actual or perceived incidents of discrimination, harassment, or sexual misconduct.
- Added a paragraph under “Retaliation is Prohibited” to describe what is not included under retaliation. For example, exercising one’s First Amendment rights or making false statements in bad faith.
- Added section “Evaluation of Harassment Claims” to describe how the College will evaluate whether or not unlawful harassment has occurred.
- Added section “Complaints Based on a Failure to Provide Workplace Accommodations” to address ADA accommodations.
- Included the Vice President of Human Resources, Title IX Coordinator, or Employee Relations investigators to the list under “Complaints Against District Officials and Board Members.”
- Added “domestic violence” under harassment, discrimination, and sexual misconduct.
- Added “pregnancy related conditions” to the EEO statement.
- Updated language such as “shall” to “will.”

Procedure Changes:

- Transitioned from one procedure that covered employee harassment, including sexual harassment, and discrimination into two separate procedures. The purpose of this change is to clearly define the procedural differences between sexual and non-sexual harassment and discrimination.
 - Procedure 1) Harassment and Discrimination
 - Procedure 2) Sexual Harassment and Sexual Misconduct
- Included “pregnancy related conditions” in the EEO statement.
- Updated language such as “guideline” to “procedure,” “his/her” to “their,” “shall” to “will,” and “Compliance and Judicial Affairs” to “Office of Student Rights and Responsibilities.”
- Included “domestic violence” under harassment, discrimination, and sexual misconduct.
- Added that “findings and determination(s) will be provided to both the complainant and respondent in writing via a letter.”
- Added “Other Inappropriate Conduct” definition.
- Added definitions of harassment, discrimination, and retaliation.

Policy IV-B-3-b: Employee Harassment

1. INTRODUCTION

It is the policy of the San Jacinto College to provide an educational, employment, and business environment free of discrimination based on protected status: race, creed, color, national origin, citizenship status, age, disability, pregnancy, religion, gender, sexual orientation, gender expression or identity, genetic information, marital status, or veteran status. Trustees, administrators, faculty, staff, and other agents of the College will not engage in conduct constituting unlawful harassment or discrimination.

Each leader has the responsibility to maintain a workplace free of discrimination and harassment. The College will promptly investigate all allegations of discrimination and harassment and take appropriate disciplinary action, including dismissal, against employees who engage in unlawful harassment.

Exclusion: This policy does not apply to students. Students who wish to file discrimination or harassment complaint must use procedures identified in Board Policy IV-B-3a, Student Harassment.

2. POLICY

It is a violation of this Policy to discriminate regarding employment opportunities, benefits or privileges, to create discriminatory work conditions, or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, due to the employee's protected status.

Citizenship status discrimination does not violate this policy when such discrimination is required to comply with a statute, regulation, executive order, or federal government contract.

Discrimination and harassment are prohibited by numerous federal and state laws, including Title VII of the Civil Rights Act 1964; the Age Discrimination in Employment Act of 1975; the Americans with Disabilities Act of 1990; and the Texas Labor Code. This Policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Prohibited discrimination and harassment includes, but is not limited to, conduct based on a protected characteristic that:

1. Creates an intimidating or offensive work environment;
2. Unreasonably interferes with an individual's work or academic performance;
3. Otherwise adversely affects an individual's employment opportunities.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome verbal comments of a sexual nature, and unwelcome physical contact or touching of a sexual nature. Sexual harassment is wrongful regardless of whether the parties are of the same sex or of the opposite sex. A violation of this policy occurs when:

1. Submission to such conduct is explicitly or implicitly made a term or condition of employment;
2. Submission to or rejection of such conduct is used as a basis for personnel that affect the individual who has been subjected to sexual advances; and/or
3. Such conduct has the effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.

DISPUTE RESOLUTION AND COMPLAINT PROCESS

Any employee alleging discrimination or harassment in violation of this policy is encouraged to seek resolution of his/her complaint. The College administration shall prepare and disseminate a procedure for investigating complaints about discrimination and harassment. This procedure shall be available to employees on the College's web site.

RETALIATION IS PROHIBITED

Employees have a legal right to file charges of harassment and to participate as witnesses in an investigation of such a charge. Retaliation against complainants and witnesses is strictly forbidden.

Attachment 7 – Current Policy

“Retaliation” is conduct or decisions that a reasonable employee would view as materially adverse and whose purpose or effect is to discourage employees from exercising their rights under this policy or under the law. The protection against retaliation applies to all good-faith complaints, even if the complaints ultimately are not sustained.

COMPLAINTS AGAINST DISTRICT OFFICIALS AND BOARD MEMBERS

Charges of harassment and discrimination against the Vice Chancellor of Human Resources shall be filed directly with the Chancellor. Charges against the Chancellor or any board member shall be filed with the Board Chairman. Charges against the Chairman shall be filed with the Vice Chairman. The official receiving the charge shall take appropriate, prompt action to ensure that the complaint is investigated including, as appropriate, hiring an external investigator.

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|--------------------------------|---|
| Policy #: | IV-B-3-b |
| Policy Name: | Employee Harassment |
| Pages: | 3 |
| Adopted Date: | March 5, 1984 |
| Revision/Reviewed Date: | Revised February 3, 1992; Revised June 14, 2004; Revised February 7, 2011; and December 15, 2014 |
| Effective Date: | March 5, 1984, February 3, 1992; June 14, 2004; February 7, 2011 and December 16, 2014 |
| Associated Procedure: | 1-2 |

Policy #, Employee Harassment and Discrimination

Purpose

It is the policy of the San Jacinto College to provide an educational, employment, and business environment free of discrimination based on race, creed, color, national origin, citizenship status, age, disability, pregnancy and pregnancy related conditions, religion, gender/sex, sexual orientation, gender expression or identity, genetic information, marital status, or veteran status. This policy on discrimination encompasses discriminatory harassment and sexual misconduct. The College desires to foster and support a culture of mutual respect, communication, and inclusion for all employees and to provide procedures for the prompt, thorough, and impartial investigation, and resolution of complaints.

Policy

This policy prohibits discrimination in all College programs and activities regardless of location and applies to all work sites (whether or not owned by the College) including all College facilities (whether leased or owned), work-related travel, and work vehicles. The prohibition encompasses off-campus conduct that unreasonably creates a hostile or intimidating work environment on campus. Trustees, administrators, faculty, staff, agents of the College, campus visitors, and independent contractors providing service to the College will not engage in conduct constituting unlawful harassment or discrimination. The College will promptly investigate suspected violations and take appropriate corrective action, up to and including termination, when allegations are substantiated. Each leader has the responsibility to comply with and enforce this policy, which means reporting suspected violations to Human Resources, Employee Relations, educating and counseling employees on unacceptable behavior, and taking disciplinary action in response to violations. Leaders who knowingly allow or tolerate discrimination or who fail to report information to Employee Relations, or the Title IX Coordinator as required by law or College policy, are subject to discipline, up to and including termination.

Discrimination, harassment, and sexual misconduct are prohibited by numerous federal and state laws, including, but not limited to, Title VII of the Civil Rights Act 1964; the Age Discrimination in Employment Act; the Americans with Disabilities Act of 1990; Chapter 21 of the Texas Labor Code; the Pregnancy Discrimination Act; the Pregnant Workers Fairness Act; the Equal Pay Act; the Rehabilitation Act of 1973; the Vietnam Era Veterans' Readjustment Assistance Act of 1974; and Title II of the Genetic Information Non-Discrimination Act. This Policy is intended to comply with the prohibitions stated in all applicable state and federal anti-discrimination laws affecting employment.

Citizenship status discrimination does not violate this policy when such discrimination is required to comply with a statute, regulation, executive order, or federal government contract.

Complaints by Students Excluded: This policy does not apply to complaints by students. Complaints by students are addressed in Board Policy IV-B-3-a Student Harassment and Procedure 1-1 Student Harassment. Student complaints alleging sexual harassment, sexual assault, dating violence, domestic violence, or stalking must be brought under Policy III.3006.D, Sexual Misconduct and Procedure III.3006.D.a, Allegations of Sexual Misconduct.

An individual who works for the College and currently is taking one or more classes at the College may file an employment discrimination complaint under this policy if the alleged discrimination occurred while the individual was performing work duties for the College. If the alleged discrimination occurred while the individual was participating in an education program or activity of the College, the individual must utilize the complaint procedures for students.

Sexual Misconduct Complaints by Employees Against Students: Employee complaints against a student alleging sexual harassment, sexual assault, dating violence, domestic violence, or stalking must be brought under Policy III.3006.D, Sexual Misconduct and Procedure III.3006.D.a, Allegations of Sexual Misconduct.

Retaliation is Prohibited

Employees have a legal right to file charges of employment discrimination, harassment, and sexual misconduct, to oppose discriminatory employment practices, to seek supportive measures, and to participate in an investigation of such employment complaints. Retaliation against such employees is strictly forbidden.

Retaliation is conduct that a reasonable employee would view as materially adverse and whose purpose or effect is to discourage employees from exercising their rights under this policy or under the law and which would not have occurred but for the employee's complaint or the employee's exercise of their statutory rights. Retaliation does not include exercising one's First Amendment rights or charging an individual with making a materially false statement in bad faith in the course of an investigation or grievance proceeding.

The protection against retaliation applies to all good-faith complaints, even if the complaint ultimately is not sustained. Employees may file retaliation complaints under Policy #, Employee Concerns and Grievances.

Evaluation of Harassment Claims

Whether unlawful harassment has occurred will be based on the totality of the circumstances, including but not limited to:

- a) the nature, severity, frequency, and duration of the conduct (e.g., verbal versus non-verbal, whether the conduct was physically threatening, whether the conduct was offensive but not threatening).
- b) the context and location of the conduct.
- c) the number of participants in the conduct and whether the alleged respondent specifically targeted the affected individual.
- d) the degree to which the conduct interfered with the affected individual's work environment.

When an investigation results in an adverse finding, the above factors will be considered when determining discipline, corrective action, and/or remedial measures. Additional factors include but are not limited to the following:

- a) Alleged respondent’s disciplinary and work history.
- b) Alleged respondent’s response to prior supervisory interventions.
- c) Quality of the evidence (e.g., direct firsthand knowledge; credible corroborating evidence).
- d) The level of ongoing threat to the physical safety, security, and wellbeing of the complaining party or others in the college community.
- e) The need to address the impact or effects of the conduct on a specific departmental unit.
- f) Alleged offender’s response to the complaint, including whether the alleged offender engaged in retaliation against the complaining party or witnesses.

Complaints Based on a Failure to Provide Workplace Accommodations

This policy applies to complaints based on the alleged failure to provide reasonable workplace accommodations to employees with a disability as defined under the Americans with Disabilities Act; employees who have requested a reasonable accommodation due to a sincerely held religious belief or practice; and employees who have requested a reasonable accommodation based on pregnancy, childbirth, or related medical condition or based on the employee’s request for break time for lactation purposes as permitted by Policy IV.4000.I, Lactation. In accordance with Human Resources Procedures, reasonable accommodations must be provided unless doing so would constitute an undue hardship for the College.

Dispute Resolution and Complaint Process

The College encourages the prompt reporting of complaints or concerns so that immediate and constructive action can be taken, when appropriate. Early reporting and intervention are key components of a program for resolving actual or perceived incidents of discrimination, harassment, or sexual misconduct.

Any employee alleging a violation of this policy is encouraged to seek resolution of their complaint. The College administration will prepare and disseminate procedures for investigating complaints under this policy. Procedure #, Employee Harassment and Discrimination will address all complaints except those involving sexual harassment, sexual misconduct, and other inappropriate conduct of a sexual nature. Procedure #, Employee Sexual Harassment and Sexual Misconduct will address complaints involving sexual harassment, sexual misconduct, and other inappropriate conduct of a sexual nature.

Complaints Against District Officials and Board Members

Charges of harassment and discrimination against the Vice Chancellor of Human Resources, Organizational and Talent Effectiveness, Vice President of Human Resources, Title IX

Coordinator, or Employee Relations investigators will be filed directly with the Chancellor. Charges against the Chancellor or any board member will be filed with the Board Chairperson. Charges against the Chairperson will be filed with the Vice Chairperson. The official receiving the charge will take appropriate, prompt action to ensure that the complaint is investigated including, as appropriate, designating an objective and neutral investigator, and to take remedial, corrective, or disciplinary action if the complaint is substantiated.

Prevention

San Jacinto College will develop and implement a comprehensive prevention and outreach program on employment discrimination, employment harassment, and sexual misconduct, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

The Board recognizes that prevention is the best tool for the elimination of harassment and discrimination and conditions conducive to harassment and discrimination. Therefore, the Chancellor will take all necessary steps to prevent and eliminate harassment and discrimination including, but not limited to:

- a) Developing and publishing procedures for the prompt and equitable investigation and resolution of complaints.
- b) Distributing this policy to employees and students through the San Jacinto College website and/or handbooks.
- c) Ensuring that in-house training on harassment and discrimination is established and required annually by all employees.
- d) Publishing harassment and discrimination prevention materials where appropriate.
- e) Including an explanation of the College District’s anti-harassment and anti-discrimination policy during student and employee orientation.
- f) Reviewing the Board’s policies on employment discrimination, employment harassment, sexual harassment, sexual assault, dating violence, domestic violence, and stalking at least each biennium and revise the policy as necessary and obtain approval from the Board.

The Authority, Applicability, Sanctions, Exclusions, and Interpretation do not differ from Policy II.2000.A, Policy and Procedures Development, Review, Revision, and Rescission.

Associated Procedures

Procedure #, Employee Harassment and Discrimination

Procedure #, Employee Sexual Harassment and Sexual Misconduct

Date of Board Approval Anticipated April 1, 2024

Effective Date Anticipated April 2, 2024

Attachment 8 – Proposed Policy

Primary Owner Vice Chancellor, Human Resources, Organizational and Talent Effectiveness

Secondary
Owner Vice President, Human Resources

Procedure 1-2: Employee Harassment

1. INTRODUCTION

The purpose of this procedure is to implement the College's policy against employee harassment and discrimination.

2. DEFINITIONS:

(A) **Harassment based on protected status:** San Jacinto College provides an environment free of harassment and discrimination based on race, creed, color, national origin, citizenship status, age, disability, pregnancy, religion, gender, sexual orientation, gender expression or identity, genetic information, marital status, or veteran status. Prohibited harassment includes but is not limited to verbal, written communication or physical conduct, based on a protected characteristic, that is severe or pervasive and:

- i. Creates an intimidating or offensive work environment;
- ii. Unreasonably interferes with an individual's work performance; or
- iii. Otherwise adversely affects an individual's employment opportunities.

(B) **Sexual harassment** includes, but is not limited to, unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome spoken or written comments of a sexual nature, and unwelcome physical contact or touching of a sexual nature. Conduct is considered unwelcome when it is not solicited by an individual and is regarded by him or her as unwanted or offensive. Sexual harassment is wrongful regardless of whether the parties are of the same sex or of the opposite sex. Sexual harassment occurs when:

1. Submission to such conduct is explicitly or implicitly made a term or condition of employment or participation in other college activities;
2. Submission to or rejection of such conduct is used as a basis for personnel decisions that affect the individual who has been subjected to sexual advances; and/or
3. Such conduct has the effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive work.

In evaluating a harassment or discrimination complaint, the College shall consider the totality of circumstances, including whether the alleged conduct is incidental and isolated or whether it has become severe or pervasive.

(C) What is Domestic/Dating Violence?

Domestic violence can be defined as a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This can include any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, threaten, blame, injure, or wound someone.

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship is determined based on the following factors:

- Length of the relationship
- Type of the relationship
- Frequency of interaction between the persons in the relationship

Resources for Victims of Domestic/Dating Violence

3. GENERAL POLICY

Conduct that constitutes harassment or discrimination will violate these procedures whether it occurs during working hours, during a lunch break, or at off-campus locations where College employees are working or engaged in activities on behalf of the College. After-hours conduct, such as telephoning an employee at home, may violate this procedure if the subject matter or purpose of the conduct is work-related or if the conduct adversely impacts or is likely to impact working relationships or the work environment.

EXAMPLES OF PROHIBITED CONDUCT

Examples of prohibited conduct include, but are not limited to, the following:

- A. Making any decisions or taking any actions regarding employment opportunities, benefits or privileges, to create discriminatory work conditions, or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, due to the employee's protected status.
- B. Requests for sexual favors accompanied by implied or overt promises of preferential treatment regarding an individual's employment status;
- C. Requests for sexual favors accompanied by implied or overt threats of retaliation or other adverse consequences if the recipient does not comply;
- D. Demeaning jokes, slurs or offensive comments about the body, appearance, or clothing because of the person's protected status;
- E. Display of offensive and/or demeaning explicit graphics, cartoons, pictures, photographs, or objects that are unrelated to the workplace or course of study and are exploitative or demeaning in nature;
- F. Use of electronic equipment and devices, including computer networks, cell phones, and copy machines, to transmit or display objectively offensive material or messages of a sexual nature;
- G. Unwanted flirtation or repeated requests for social/sexual encounters or favors that the recipient deems unwelcome;
- H. Suggestive or unwelcome physical contact, such as grabbing, touching, or patting;
- I. Sexually offensive comments and gestures;
- J. Acts of intimidation, threats of violence, physical assault and physical acts of aggression or damage to another's property when motivated by the individual's protected status;
- K. Degrading names or demeaning statements that are based on the individual's protected status; and
- L. Spreading rumors about a person's sexual activities or circulating or posting cartoons or other printed matter that disparages others because of their protected status.

FRATERNIZATION AND CONSENSUAL RELATIONSHIPS

The integrity of the educational mission of the College is demonstrated by the trust, respect, dignity, and equality in faculty, student, and staff relationships. It is fundamental that the professional responsibilities of faculty and staff members be carried out in an atmosphere that does not compromise these principles.

Amorous or sexual relationships between individuals of the same or the opposite sex where one has supervisory, decision-making, or other evaluative responsibility for the other may create conflicts of interest and perceptions of undue advantage. Additionally, there are special risks in any amorous or sexual relationship between individuals in unequal positions of power, i.e. teacher and student, supervisor and employee. Such relationships are inherently suspect, may undermine the integrity of the supervision and evaluation provided, may impair workplace harmony and productivity, and may lead to conflicts of interest and harassment claims.

Accordingly, as noted below, the following relationships are prohibited or discouraged by the San Jacinto College District:

A. Between faculty members and students.

- i. **Faculty members** are prohibited from seeking or engaging in an amorous or sexual relationship with a **student** when the student is enrolled in a course being taught or supervised by the faculty member or when the student is being supervised, coached, or advised by the faculty member in connection with a College-related activity (e.g., athletics, clubs, and academic competitions).
- ii. **Faculty members** are discouraged from seeking or engaging in amorous or sexual activity or relationships with **students** in the same department or program as the faculty member. If such a relationship exists or develops, the faculty member has the professional and ethical responsibility to remove himself or herself from any decision-making that may reward or penalize the student involved.

B. Between staff /administrators and students.

- i. **Staff and administrators** are prohibited from seeking or engaging in an amorous or sexual relationship with a **student** under **his or her direct or indirect supervision**. This prohibition applies to employed students over whom one has supervisory authority for job performance or academic work, e.g., Federal Work Study students.
- ii. **Staff and administrators** are discouraged from seeking or engaging in sexual activity or amorous or sexual relationships with **students** in the **same department as the staff member**. If such a relationship exists or develops, the staff member has the professional and ethical responsibility to remove himself or herself from any decisions that may reward or penalize the student involved.

C. Between employees.

- i. Employees in a supervisory position shall keep their relationships with subordinates on a professional basis and shall exercise good judgment by avoiding amorous or sexual relationships with individuals who report, directly or indirectly, to the supervisor.
- ii. Employees shall keep their relationships with co-workers in the workplace on a professional basis and shall exercise good judgment in the employment context. The College discourages amorous or sexual relationships that may interfere in the workplace between employees, as they may lead to complaints of harassment or may present a conflict of interest. Harassment complaints related to relationship concerns are taken seriously and addressed through the dispute resolution and complaint process.

INFORMAL ASSISTANCE AND DISPUTE RESOLUTION

Any individual may seek advice or information on matters related to this policy without having to lodge a formal complaint by contacting the Employee Relations Office in the Human Resources Department.

Any employee of the San Jacinto College District community alleging harassment or discrimination prohibited by this policy is encouraged to seek informal resolution of his/her complaint. Complaints may be processed informally, through leadership or their designees, or formally, through the established procedure written below. Informal resolution is not a prerequisite to filing a formal complaint.

Attachment 9 – Current Procedure

Informal resolution is useful in situations in which the alleged conduct is not severe or pervasive and the facts are largely undisputed. Informal resolution may include actions such as coaching the aggrieved party on how to directly address the offensive situation, or mediating an understanding between the aggrieved party and the alleged offender.

Should an investigation reveal that the allegations were knowingly false or made in bad faith, disciplinary action against the complainant may be imposed.

CONFIDENTIALITY

To the extent permitted by law, the College will maintain the confidentiality of records related to investigations of complaints based on discrimination, harassment and sexual violence.

PROMPT REPORTING IS ENCOURAGED

Employees who are subjected to conduct in violation of Board policy and these procedures are encouraged to report the conduct at the earliest possible stage, before the conduct becomes severe or pervasive so that the College can take appropriate action to remedy the offensive conduct. A delay in reporting may impair the College's ability to investigate, gather evidence, or take corrective action.

LOGGING A FORMAL COMPLAINT OF HARASSMENT OR DISCRIMINATION

A.

- i. Complaints shall be in writing and signed, and shall describe all incident(s) considered by the complainant to be harassment or discrimination. Complaints shall identify any relevant dates or witnesses. If the complainant is unable to prepare a written complaint or needs a reasonable accommodation in order to communicate his or her complaint, the complainant may obtain assistance from the Employee Relations Office in the Human Resources Department to initiate the complaint.
 - a. If the alleged offender is a **student**, the **aggrieved employee** shall submit the complaint to the Vice President of Human Resources, the Director of Employee Relations, or their designees. Human Resources will then notify the Associate Vice Chancellor of Student Services, and work with that person to address the complaint.
 - b. If the alleged offender is a **College employee**, the **aggrieved employee** shall submit the complaint to the Vice President of Human Resources, or the Director of Employee Relations, or their designees. The appropriate SLT member will be notified.
- ii. The Vice President of Human Resources, or the Director of Employee Relations, or their designees will promptly commence an investigation, demonstrating appropriate urgency. Prompt investigation means that the investigation is commenced and completed as expeditiously as possible given the nature and complexity of the allegations. Investigations ordinarily will be initiated within five (5) working days.

Pending the outcome of the investigation, the Chancellor or the campus Provost may temporarily transfer or reassign the accused or the complainant if the circumstances warrant such action. The Chancellor or his/her designee may place a contract employee on suspension with pay pending the final resolution of a complaint; non-contract employees may be suspended with or without pay, depending on the circumstances.

Attachment 9 – Current Procedure

- B. The investigator(s) will prepare a written report and, if warranted, recommend appropriate corrective action. The investigator(s) shall consider the severity and frequency of the conduct, the relationship of and history between the parties, where the harassment occurred, and whether there has been other past incidents involving the same alleged offender. Whether a particular action or incident constitutes a violation of this policy requires a determination based on the totality of the circumstances. The investigator's written findings shall be provided to the complainant and the accused.
- i. If the alleged offender is a **student**, then the investigator(s) shall present the report to the Associate Vice Chancellor of Student Services for disposition and imposition of a penalty, if any. The student may appeal the Associate Vice Chancellor's decision in accordance with the student discipline procedures in the Student Code of Conduct.
 - ii. If the alleged offender is an **employee**, then the investigator(s) shall present the report to the campus administration or District administration, as appropriate, for disposition and imposition of a penalty, if any. If the proposed penalty is termination, then the procedures in Policy IV-G-1 shall be followed for contract employees, and Policy IV-G-2 shall be followed for non-contract employees. If the discipline does not involve termination, the accused may seek review of the decision pursuant to Policy IV-I, the Concerns and Grievance Policy. The concern shall be submitted within five (5) working days of receipt of the decision. The concern shall be reviewed by the respective SLT member, or his or her designee. The SLT member or designee may request written submissions from the complainant and the accused. The SLT member or designee shall issue a ruling in writing within fifteen (15) working days or as soon as practicable.
 - iii. If the complainant is dissatisfied with the disposition of his or her complaint, then the complainant may seek review of the decision pursuant to Policy IV-I, the Concerns and Grievance Policy. The concern shall be reviewed by the SLT member, or his or her designee. The SLT member or designee may request written submissions from the complainant and the accused. The SLT member or designee shall issue a ruling in writing within fifteen (15) working days or as soon as practicable.
 - iv. When both employees wish to appeal the disposition of a harassment or discrimination complaint, the proceedings permitted by this policy may be consolidated at the discretion of the SLT member or designee so long as this consolidation does not prejudice either party.
- C. Should the investigation reveal that the allegations were knowingly false or made in bad faith, disciplinary action against the complainant may be recommended. Such disciplinary action may not be imposed without the approval of the respective SLT member.

ROLE OF LEADERS IN THE PREVENTION OF HARASSMENT AND DISCRIMINATION IN THE WORKPLACE

When a leader or supervisor becomes aware of harassment or discrimination allegations or incidents within his or her area of authority, the leader or supervisor shall, even in the absence of a formal, written complaint, take prompt and appropriate action reasonably necessary to ensure compliance with this policy. The leader or supervisor may make appropriate inquiries to evaluate whether further action is warranted, and they may counsel employees about appropriate and inappropriate behavior in the

workplace and issue appropriate directives to ensure compliance with this policy. Leaders and supervisors with actual knowledge of harassment and discrimination violations shall promptly notify the Employee Relations Office in the Human Resources Department.

COMPLAINTS AGAINST DISTRICT OFFICIALS

Charges of harassment or discrimination against the Vice Chancellor of Human Resources shall be filed directly with the Chancellor or designee. The Chancellor or designee shall take appropriate action to investigate the complaint and to impose an appropriate disciplinary action, if necessary. Charges of harassment or discrimination against the Chancellor or any board member shall be filed directly with the Chairman of the Board. If the charge is against the Board Chairman, the complaint shall be submitted to the Vice Chairman. The Board or its designee shall take appropriate action to investigate the complaint and to impose an appropriate sanction, if necessary. The Board may employ an outside investigator if necessary.

HARASSMENT OF STUDENTS

Students may file harassment complaints in accordance with the procedures found in the San Jacinto College District Student Handbook.

PREVENTION

The Board recognizes that prevention is the best tool for the elimination of harassment and discrimination and conditions conducive to harassment and discrimination. Therefore, the Chancellor will take all necessary steps to prevent and eliminate harassment and discrimination including, but not limited to:

- A. Developing and publishing procedures for the prompt and equitable investigation and resolution of complaints.
- B. Distributing this policy to employees and students through the San Jacinto College website and/or handbooks.
- C. Ensuring that in-house training on harassment and discrimination are established and regularly offered.
- D. Publishing harassment materials where appropriate.
- E. Including an explanation of the College District's anti-harassment policy during student and employee orientation.

[IV-B-3b Policy on Employee Harassment](#)

| | |
|--------------------------------|---|
| Procedure #: | 1-2 |
| Procedure Name: | Employee Harassment |
| Pages: | 8 |
| Adopted Date: | March 5, 1984 |
| Revision/Reviewed Date: | February 3, 1992, June 14, 2004, February 7, 2011, January 1, 2014, January 5, 2016 |
| Effective Date: | March 5, 1984, February 3, 1992, June 14, 2004, February 7, 2011, January 1, 2014, January 5, 2016 |
| Associated Policy: | IV-B-3-b |

Procedure #, Employee Harassment and Discrimination

Associated Policy

Policy #, Employee Harassment and Discrimination

Purpose

This procedure implements the College's policy against employee harassment and employee discrimination, including employee complaints that allege:

- A. discrimination or harassment based on race, creed, color, national origin, citizenship status, age, disability, pregnancy and pregnancy related conditions, religion, gender/sex, sexual orientation, gender expression or identity, genetic information, marital status, or veteran status; and
- B. failure to provide a reasonable workplace accommodation to an employee required by law based on disability, religion, pregnancy, childbirth, related medical conditions, or lactation.

Exclusion: This procedure does not apply to employee complaints based on sexual misconduct such as sexual harassment, sexual assault, dating violence, domestic violence, stalking, and/or other inappropriate conduct of a sexual nature. Complaints alleging sexual misconduct will be processed under Procedure #, Employee Sexual Harassment and Sexual Misconduct.

When an employment complaint contains both sexual and non-sexual allegations, the complaints will be consolidated and investigated pursuant to Procedure #, Employee Sexual Harassment and Sexual Misconduct.

Prohibited Conduct: Examples of prohibited conduct include, but are not limited to, the following:

- A. Making an employment decision or taking an action affecting an employee's employment opportunities, benefits, or privileges, creating discriminatory work conditions, and/or using discriminatory evaluative standards in employment when the basis of the discriminatory treatment is, in whole or in part, due to the employee's protected status.
- B. Engaging in conduct based on an employee's protected status that is sufficiently severe, pervasive, persistent, or objectively offensive such that it has the purpose or effect of unreasonably interfering with an individual's academic or work performance or of creating an intimidating, hostile, or offensive academic or work environment or otherwise adversely affects an individual's employment opportunities. Harassment can occur in different forms, including verbal, nonverbal, physical, visual, symbolic, and/or electronically based. Such conduct could include:
 - 1) Demeaning or degrading jokes, slurs, or offensive comments about the employee's abilities, body, appearance, or clothing that are motivated by the employee's protected status.
 - 2) Displaying objectively offensive and/or demeaning explicit graphics, cartoons, pictures, photographs, or objects that are unrelated to the individual's work or course of study and are motivated by the individual's protected status.

- 3) Using electronic equipment and devices, including computer networks, cell phones, and copy machines, to transmit or display objectively offensive material or messages based on the individual's protected status.
- 4) Unwelcome gestures and/or unwelcome touching directed at the employee motivated by the employee's protected status.
- 5) Acts of intimidation, threats of violence, physical assault, and/or physical acts of aggression or damage to another's property when motivated by the employee's protected status.

Informal Assistance and Dispute Resolution

San Jacinto College encourages the prompt reporting of complaints so that rapid and constructive action can be taken, when appropriate. Any individual may seek advice or information on matters related to this policy without having to file a formal complaint by contacting Human Resources, Employee Relations.

Employees are encouraged to seek informal resolution of their complaints through their respective leadership or Employee Relations; however, an employee does not have to make a report to the person who is the alleged perpetrator.

Informal resolution may be useful in situations in which the alleged conduct is not severe or pervasive or the facts are largely undisputed. Informal resolution may include actions such as coaching, counseling, or modification of work assignments.

Confidentiality

To the extent permitted by law, the College will maintain the confidentiality of information related to reports and complaints of discrimination and harassment. The College will attempt to balance the need for confidentiality with the College's responsibility to address such allegations. Some information, including the parties' names, may be disclosed to investigators, witnesses in the case, the respondent and respondent's advisor or attorney, College decision-makers, College attorneys, and others with a responsibility to ensure compliance with this procedure.

Leader Responsibility to Report Discrimination and Harassment

College leaders serve a critical role in preventing discrimination and harassment in the workplace. To assist in enforcement of the College's policy, all leaders must promptly inform Employee Relations whenever they receive information that a reasonable leader would understand as indicating a potential violation of Board Policy #, Employee Harassment and Discrimination. Leaders may contact Employee Relations via email, phone, or in person.

When a leader or supervisor becomes aware of harassment or discrimination allegations or incidents within their area of authority, the leader or supervisor will, even in the absence of a formal, written complaint, take prompt and appropriate action reasonably necessary to ensure compliance with this procedure. The leader or supervisor may make appropriate inquiries to evaluate whether further action is warranted, and they may counsel employees about appropriate

and inappropriate behavior in the workplace and issue appropriate directives to ensure compliance with this procedure.

Complaint and Investigation Procedures

1. Reporting a Complaint

An employee may report a complaint to Employee Relations via email, phone, or in person. An employee also may report complaints to the Title IX Coordinator or to the employee's leader or, if the leader is the respondent, to the next level leader. A leader who receives a complaint from an employee will promptly report the matter to Employee Relations.

As soon as practicable after receiving a report, Employee Relations will contact the employee who has been subjected to alleged discrimination or harassment ("the complainant") to acknowledge receipt of the complaint and to provide information regarding the complaint process and interim measures that may be available. If the complainant has not prepared a written complaint, the complainant should do so within five (5) working days unless extenuating circumstances warrant additional time.

While an investigation may begin based on a verbal report, particularly in circumstances involving an immediate risk of harm, a written statement ensures that Employee Relations has an accurate statement of the allegations to be evaluated and thus minimizes the risk of confusion over the issues to be reviewed. If the complainant needs a reasonable accommodation to communicate their complaint, the complainant may obtain assistance from Employee Relations.

The employee's complaint must contain the complainant's name, signature, contact information, a description of the conduct or event at issue, the name of the alleged perpetrator(s) ("respondent"), date(s) of the alleged incident(s), the names of any witnesses or persons having knowledge of such incident(s), and the resolution sought. The complainant should provide copies of any relevant documents or information when available. A complaint is "signed" when it contains the complainant's physical or digital signature or otherwise indicates that the complainant is the person submitting the complaint.

If the respondent is a student, Employee Relations will provide a copy of the complaint to the Office of Student Rights and Responsibilities and work in conjunction to investigate the complaint.

2. Initial Review of the Complaint

Employee Relations will determine whether the allegations describe unlawful discrimination or harassment. If Employee Relations determines that the allegations, even if true, do not implicate this Procedure, they will dismiss the complaint and notify the complainant. If Employee Relations determines that a different procedure applies, they will notify the complainant.

Employee Relations may also dismiss the complaint if the complainant declines to cooperate in the College's investigation, if the requested remedy has already been implemented or was offered and rejected, or if the respondent-employee is no longer employed.

As part of the initial review, Employee Relations will evaluate in conjunction with the relevant leader whether interim measures or supportive measures are appropriate. If the relevant leader is the subject of the complaint, then Employee Relations will consult with the next level leader. Interim measures could include, for example, a change in work schedule, a mutual no-contact directive, or temporary transfer when necessary to prevent disruption, to ensure the integrity of the investigation, or to enhance public or employee safety. Administrative leave of an employee must be approved by the Chancellor, or designee. The terms and conditions, including the employee's pay status, will comply with relevant College policies and procedures.

If the complainant requests that the College not investigate the matter or withdraws the complaint, Employee Relations will determine whether the available information warrants an investigation. The College will consider the seriousness of the alleged conduct; whether the College has received other reports of misconduct involving the same alleged respondent(s); whether there is a risk of harm to others; the complainant's reasons for not proceeding with the complaint, if known; and any other relevant evidence. Employee Relations will notify the complainant if a decision is made to investigate.

In cases in which the respondent is a student, Employee Relations and the Office of Student Rights and Responsibilities will coordinate to determine an appropriate investigation plan to include both departments.

3. Investigating a Complaint

An Employee Relations investigator will be assigned who is impartial and free of conflicts of interest. In the event of a conflict of interest that would preclude an investigation by Employee Relations, the College will arrange for appointment of another investigator. The investigation will be prompt and thorough. Prompt investigation means that the investigation is completed as expeditiously as possible given the nature and complexity of the allegations, availability of witnesses, and academic calendar. Investigations ordinarily will be initiated within five (5) working days of receipt of a written complaint.

Employee Relations will provide a copy of the complaint and this procedure to the respondent who will receive a reasonable time to prepare a written response. Employee Relations will inform the respondent of the policy against retaliation.

A respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made, using a preponderance of the evidence standard. Investigations typically will consist of an interview with the complainant, the respondent, and other persons whom the investigator determines may have pertinent information related to the complaint. Employee Relations will also gather and examine relevant documents and electronically stored information as may be appropriate.

Barring unusual circumstances (e.g., multiple reporting parties and witnesses or the complaint is filed immediately before winter break), most investigations will be completed within 30 to 90 calendar days.

4. Findings, Corrective Action, and Appeals

Employee Relations will prepare findings of fact and a conclusion about whether College policy was violated. Findings will be based on a preponderance of the evidence. To establish something by a “preponderance of the evidence” means to show the greater weight of the credible evidence. This standard is satisfied if the fact or conduct is deemed more likely than not to have occurred. Credibility determinations are allowed but may not be based on an individual’s status as a complainant, respondent, or witness and may not rely on stereotypes based on race, sex, religion, disability, or other categories protected by law.

Employee Relations will summarize the findings and provide the summary to the designated administrator who will determine whether corrective action, discipline, or other action is warranted. The findings and determination(s) will be provided to both the complainant and respondent in writing via a letter. Both parties will have five (5) working days from the date of the letter to submit written comments to the designated administrator. The designated administrator will review the report, the evidence, and any written comments from the parties. Within 30 calendar days, the designated administrator will issue a determination.

If the proposed discipline is termination, then the procedures in Policy IV.4002.B, Termination or Demotion of Contractual Employees, will be followed for contract employees, and Policy IV.4002.C, Termination or Demotion of Non-Contracted Employees, will be followed for non-contract employees.

If the proposed discipline is not termination and either party disagrees with the decision of the designated administrator, within five (5) working days of receipt of the decision they may seek review by submitting a written appeal to the respective SLT member, or designee. The SLT member, or designee, may request written comments from the complainant and the respondent. The SLT member, or designee, will issue a written determination within 30 calendar days. The determination is final; however, employees may choose to appear before the Board during the Hearing of Citizens.

When both employees wish to appeal the disposition of a harassment or discrimination complaint, the proceedings may be consolidated at the discretion of the SLT member, or designee, so long as this consolidation does not prejudice either party.

If the respondent is a student, then the designated administrator will be the Dean of the Office of Student Rights and Responsibilities, or designee. The student may appeal the decision in accordance with the student discipline procedures in the Code of Student Conduct.

Additional Conduct Rules and Procedures

1. Retaliation

Employees have a legal right to file charges of discrimination and harassment, to oppose discriminatory employment practices, to seek supportive measures, and to participate in an investigation of such complaints. Retaliation against such employees is strictly forbidden. Retaliation is conduct that a reasonable employee would view as materially adverse and whose purpose or effect is to discourage employees from exercising their rights under this policy or under

the law and which would not have occurred but for the employee’s complaint or the employee’s exercise of their statutory rights. Retaliation does not include exercising one’s First Amendment rights or charging an individual with making a materially false statement in bad faith in the course of an investigation or grievance proceeding.

The protection against retaliation applies to all good-faith complaints, even if the underlying complaint ultimately is not sustained. Employees may file retaliation complaints under Policy TBD, Employee Concerns and Grievances.

2. False Complaints

Any person who in bad faith knowingly files a false complaint under this Procedure or provides materially false information is subject to disciplinary action up to and including termination. A determination that a respondent is not responsible for allegations of discrimination or misconduct does not establish the falsity of a report, written complaint, or evidence. Similarly, determining that a respondent is responsible for a policy violation does not imply that a respondent’s statements disclaiming responsibility were false.

3. Interference with the Complaint Process

Any person who interferes with an investigation or other complaint proceeding or appeal is subject to disciplinary action up to and including termination. Actions that constitute interference include, but are not limited to:

- (a) Attempting to coerce, compel, or prevent an individual from providing testimony or evidence.
- (b) Removing, destroying, or altering documentation relevant to a complaint.
- (c) Knowingly providing false or misleading information to an investigator, designated administrator, or appeal officer or encouraging others to do so.

4. Calculating Deadlines under this Procedure

When a deadline is stated in terms of “calendar” days and the deadline falls on a weekend or state or federal holiday, the deadline will be moved to the next day that does not fall on a weekend or a holiday. When a deadline is stated in terms of “working” days, the deadline will be calculated based on the days that the College is open for business (whether in person or virtually). The term “working days” excludes spring break and winter break.

The College may extend these timeframes for good cause and with written notice to the parties.

Complaints Against District Officials

Charges of harassment or discrimination against Employee Relations investigators, the Vice President of Human Resources, the Vice Chancellor of Human Resources, or the Title IX Coordinator will be filed directly with the Chancellor, or designee. The Chancellor, or designee, will take appropriate action to appoint an impartial, trained investigator to fulfill the investigatory

function required under this procedure. The Chancellor, or designee, will serve as the designated administrator who will review and respond to the investigation report. The Chancellor’s decision is final. However, if the proposed discipline is termination and the employee holds a contract, then the employee may request a hearing pursuant to Policy IV.4002.B, Termination or Demotion of Contractual Employees.

Charges of harassment or discrimination against the Chancellor or any board member will be filed directly with the Board Chair. The Board Chair, or designee, will take appropriate action to appoint an impartial, trained investigator to fulfill the investigatory function required under this procedure. If a complaint is filed against the Chancellor, the Board of Trustees will serve as the designated administrator.

If the charge is against the Board Chair, the complaint will be submitted to the Vice Chair who will take appropriate action to appoint an impartial, trained investigator to fulfill the investigatory function required under this procedure. The remaining board members will serve as the designated administrator.

Definitions

This section includes a list of terms referenced in this and other Procedures associated with Policy #, Employee Harassment and Discrimination.

Harassment is unwelcome conduct that is based on race, creed, color, national origin, citizenship status, age, disability, pregnancy and pregnancy related conditions, religion, gender/sex, sexual orientation, gender expression or identity, genetic information, marital status, or veteran status. Harassment becomes unlawful when enduring the offensive conduct becomes a condition of continued employment, or the conduct is so severe or pervasive that it creates a work environment that is intimidating, hostile, or abusive.

Discrimination occurs when an employee is treated differently, or less favorably, based on race, creed, color, national origin, citizenship status, age, disability, pregnancy and pregnancy related conditions, religion, gender/sex, sexual orientation, gender expression or identity, genetic information, marital status, or veteran status.

Retaliation: Any adverse action taken against an employee for filing a complaint or supporting another employee’s complaint under a variety of laws.

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| Date of SLT Approval | February 21, 2024 |
| Effective Date | Anticipated April 2, 2024 |
| Associated Policy | Policy #, Employee Harassment and Discrimination |
| Primary Owner of Policy Associated with the Procedure | Vice Chancellor, Human Resources, Organizational and Talent Effectiveness |

Secondary Owner of Vice President, Human Resources
Policy Associated
with the Procedure

Procedure #, Employee Sexual Harassment and Sexual Misconduct

Associated Policy

Policy #, Employee Harassment and Discrimination

Procedures

Purpose and Scope

This procedure implements the College's policy against employee harassment in which the complaint alleges sexual misconduct such as sexual harassment, sexual assault, dating violence, domestic violence, stalking, and/or other inappropriate conduct of a sexual nature. These terms are defined in Section IX of this Procedure.

Exclusion for complaints that do not allege sex-based conduct: This procedure does not apply to complaints based on discrimination or harassment based on race, creed, color, national origin, citizenship status, age, disability, pregnancy and pregnancy related conditions, religion, gender/sex, sexual orientation, gender expression or identity, genetic information, marital status, or veteran status; and failure to provide a reasonable workplace accommodation required by law based on disability, religion, pregnancy, pregnancy-related condition, childbirth, or lactation. Complaints with these types of allegations will be processed under Procedure #, Employee Harassment and Discrimination.

When a complaint contains both sexual and non-sexual allegations, the complaints will be consolidated and investigated pursuant to Procedure #, Employee Sexual Harassment and Sexual Misconduct.

Exclusion for complaints against students: If an employee's complaint alleges sexual harassment, sexual assault, dating violence, domestic violence, stalking against a student, and/or other inappropriate conduct of a sexual nature, the complaint will be handled under Procedure III.3006.D.a, Allegations of Sexual Misconduct.

Prohibited Conduct: Harassment can occur in different forms, including verbal, nonverbal, physical, visual, symbolic, and/or electronically based. An essential consideration is whether the conduct was unwelcomed or occurred without the consent of the recipient. Examples of prohibited conduct include, but are not limited to, the following:

- A. Engaging in conduct that constitutes sexual harassment, sexual assault, dating violence, domestic violence, stalking, or other inappropriate conduct of a sexual nature as defined in this procedure.
- B. Prohibited conduct includes is but not limited to:
 - 1) Touching or grabbing an intimate part of a person's body without their consent.
 - 2) Touching or grabbing any part of a person's body after that person has indicated that such physical contact is unwelcome.
 - 3) Repeatedly asking a person to socialize on or off-duty when that person has indicated they are not interested.

- 4) Referring to a person by a sexualized or romantic nickname.
- 5) Using unwelcome sexually suggestive or explicit gestures.
- 6) Requesting a sexual favor accompanied by implied or overt promises of preferential treatment regarding an individual's employment opportunities, compensation, assignments, or status.
- 7) Requesting a sexual favor in conjunction with implied or overt threats of retaliation or other adverse consequences if the recipient does not comply.
- 8) Making sexually demeaning or degrading jokes, slurs, or comments about an employee's abilities, appearance, body, clothing, sexual orientation, and/or gender identity.
- 9) Inquiring about a person's sexual activities or preferences and/or discussing one's sexual activities or preferences in the presence of others.
- 10) Displaying or using electronic equipment and devices, including computer networks, cell phones, and copiers, to transmit or display unwelcome sexually suggestive, explicit, and/or demeaning messages, graphics, cartoons, videos, pictures, photographs, or objects that are unrelated to the individual's work or course of study.
- 11) Acts of intimidation, threats of violence, physical assault, and/or physical acts of aggression or damage to another's property when motivated by the individual's sex.

Fraternization and Consensual Relationships

The integrity of the educational mission of the College is demonstrated by the trust, respect, dignity, and equality in faculty, student, and staff relationships. It is fundamental that the professional responsibilities of faculty and staff members be carried out in an atmosphere that does not compromise these principles.

Amorous or sexual relationships between individuals where one has supervisory, decision-making, or other evaluative responsibility for the other may create conflicts of interest, abuse of power, and perceptions of undue advantage. Additionally, there are special risks in any amorous or sexual relationship between individuals in unequal positions of power, i.e., faculty and student, or supervisor and employee. Such relationships are inherently suspect, may undermine the integrity of the supervision and evaluation provided, may impair workplace harmony and productivity, and may lead to conflicts of interest and harassment claims.

Accordingly, as noted below, the following relationships are prohibited or discouraged by the College:

A. Between faculty members and students

1. **Faculty members** are **prohibited** from seeking or engaging in an amorous or sexual relationship with a **student** or student applicant when the individual is enrolled in a course being taught or supervised by the faculty member; enrolled in the same program in which the faculty member serves as an instructor, evaluator, or supervisor; is an applicant seeking to be a student in the faculty member's department; or is being supervised, coached, or advised by the faculty member in connection with a college-related activity (e.g., athletics, clubs, and academic competitions). This prohibition applies regardless of whether the

relationship is consensual. Additionally, if a faculty member has had a past amorous or sexual relationship with a person who subsequently enrolls in the faculty member's department, the faculty member will promptly disclose the prior relationship to their leader so that a plan can be formulated to manage or eliminate any potential conflicts of interest and to mitigate any potential adverse effects on the student. Confidentiality will be maintained to the extent possible.

2. **Faculty members** are strongly discouraged from seeking or engaging in amorous or sexual activity or relationships with **students** currently enrolled at the College. Even consensual relationships may create conflicts of interest or perceptions of unfairness or unfair advantage, and such concerns may exist even if the consensual relationship concludes. If such a relationship exists or develops, faculty members have the professional and ethical responsibility to remove themselves from any decision-making or evaluative activity that may reward or penalize the student involved.

B. Between staff /administrators and students

1. **Staff and administrators** are **prohibited** from seeking or engaging in an amorous or sexual relationship with a **student** under their direct or indirect supervision or a student that works in the same department as the employee. This prohibition applies to employed students over whom one has supervisory authority for job performance or academic work, e.g., Federal Work Study students. In the event the employee has had a past amorous or sexual relationship with a student who subsequently is hired or transferred to a position in the employee's department, the employee will promptly disclose the prior relationship to the employee's supervisor so that a plan can be formulated to manage or eliminate any potential conflicts of interest and to mitigate any potential adverse effects on the student. Confidentiality will be maintained to the extent possible.
2. **Staff and administrators** are strongly discouraged from seeking or engaging in sexual activity or amorous or sexual relationships with **students** currently enrolled at the College. Even consensual relationships may create conflicts of interest or perceptions of unfairness or unfair advantage, and such concerns may exist even if the consensual relationship concludes. If such a relationship exists or develops, staff members have the professional and ethical responsibility to remove themselves from any decisions or evaluative activity that may reward or penalize the student involved.

C. Between employees

1. Employees in a supervisory position will keep their relationships with subordinates on a professional basis and will not engage in amorous or sexual relationships with individuals who report, directly or indirectly, to the supervisor. Given the power imbalance in such relationships, consent by a lower-

level employee is often suspect and may be viewed by others as the product of intimidation, coercion, or special benefits. When an employee has or had a consensual relationship with another employee, the employee will refrain from participating in or influencing any votes or decisions that may reward or penalize the current or former partner.

2. Employees will keep their relationships with co-workers in the workplace on a professional basis and will exercise good judgment in the employment context. The College discourages amorous or sexual relationships among co-workers, as they may lead to complaints of harassment or may present a conflict of interest, risk of abuse of power, or perceptions of unfairness.

Violations of these standards and harassment complaints related to current or previous amorous or sexual relationships may be addressed through this procedure.

Informal Assistance and Dispute Resolution

The College encourages the prompt reporting of complaints so that rapid and constructive action can be taken, when appropriate. Any individual may seek advice or information on matters related to this policy without having to lodge a formal complaint by contacting Human Resources, Employee Relations.

Employees are encouraged to seek informal resolution of their complaints through Employee Relations, their leadership, or their designees; however, an employee need not make a report to the person who is the alleged perpetrator.

Informal resolution may be useful in situations in which the alleged conduct is not severe or pervasive or the facts are largely undisputed. Informal resolution may include actions such as coaching, counseling, or modification of work assignments.

Confidentiality

To the extent permitted by law, the College will maintain the confidentiality of information related to reports and complaints of discrimination, harassment, and sexual misconduct. The College will attempt to balance the need for confidentiality with the College's responsibility to address such allegations. Some information, including the parties' names, may be disclosed to investigators, witnesses in the case, the respondent and respondent's advisor or attorney, College decision-makers, College attorneys, and others with a responsibility to ensure compliance with this procedure.

Mandatory Employee Reporting

- A. **Mandatory employee reporting of incidents involving sexual harassment, sexual assault, dating violence, domestic violence, or stalking is found in the requirements of the [Texas Education Code Section 51.252](#).**

Any employee of the College who, in the course and scope of their employment, observes or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment, sexual assault, dating violence, domestic violence, or stalking and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the College at the time of the incident, must promptly report the incident to the College’s Title IX Coordinator unless an express exception applies. The duty to report applies if the student was enrolled at the College at the time of the incident or if the employee was employed by the College at the time of the incident. The employee will report all known information regarding the incident, including, if available, the name of the alleged victim, respondent, location, and nature of the incident via the College’s online portal at <https://dynamicforms.ngwebsolutions.com/Submit/Start/ac0f101c-1d1f-4bc9-8b2b-cfacc32fa5e?SSO=N> The employee will notify the Title IX Coordinator if the alleged victim has requested confidentiality, but such a request never relieves the employee from the responsibility to report known information to the Title IX Coordinator.

B. Limited exceptions to mandatory reporting

1. Employees are not required to self-report incidents in which they are the victim.
2. Employees with a legal duty of confidentiality—such as a licensed professional counselor providing therapeutic services—will report to the Title IX Coordinator only the type of incident reported (e.g., sexual assault or stalking). They are not required to provide names or other identifying details.
3. A campus peace officer who receives information from an alleged victim who chooses to complete a pseudonym form will, in making a report to the Title IX Coordinator, state only the type of incident reported and may not include the victim’s name, phone number, address, or other information that may directly or indirectly reveal the victim’s identity. Victim pseudonym forms are available on the website of the Crime Victims Services Division of the Texas Attorney’s General Office (<https://www.texasattorneygeneral.gov/crime-victims/services-crime-victims/pseudonym-forms-crime-victims>).

C. Mandatory Termination for Failure to Report

When an employee fails to make a mandatory report and the failure has been verified in accordance with the College’s corrective action procedures, the College will terminate the employee’s employment in accordance with the process stated in Policy IV.4002.B, Termination or Demotion of Contractual Employees and Policy IV.4002.C, Termination or Demotion of Non-Contracted Employees and affiliated procedures.

D. Criminal Sanctions for Failure to Report

Under the Texas Penal Code, failure to make a mandatory report is a Class B or Class A misdemeanor. Class A misdemeanors are punishable up to one year in jail and/or a maximum fine of \$4,000.

Leader Responsibilities

When a leader or supervisor becomes aware of harassment or discrimination allegations or incidents within their area of authority, the leader or supervisor will take prompt and appropriate action reasonably necessary to ensure compliance with this policy. In addition to making any mandatory reports required by law, the leader or supervisor may make appropriate inquiries to evaluate whether further action is warranted, and they may counsel employees about appropriate and inappropriate behavior in the workplace and issue appropriate directives to ensure compliance with this policy.

Complaint and Investigation Procedures

A. Reporting Options

Reporting an allegation does not necessarily result in an investigation. Investigations will occur, in most cases, only if the alleged victim files a written complaint and requests an investigation. There may be occasions when an alleged victim desires supportive services but does not desire an investigation. An alleged victim may seek supportive services with or without filing a written complaint. Supportive services are non-punitive measures such as a different work schedule or a no-contact directive to separate the parties.

An employee may report a complaint to Employee Relations via email, phone, in person, or via an on-line reporting system form link. An employee also may report complaints to the Title IX Coordinator or to the employee's leader or, if the leader is the respondent, to the next level leader. A leader who receives a complaint from an employee will promptly report the matter to Employee Relations, and the Title IX Coordinator.

As soon as practicable after receiving a report, Employee Relations will contact the employee ("the complainant") to acknowledge receipt of the complaint and to provide information regarding the College's complaint process, the availability of supportive services, and the employee's right to file a complaint with law enforcement. The complainant may choose to file with the College and not the police or, conversely, to file with the police and not the College.

Any person may make an anonymous report to the Title IX Coordinator via the College's online portal or by sending a written letter via email, U.S. mail, or hand delivery. However, depending on the facts and circumstances of the anonymous report and the incident being reported, the College may be limited in its ability to stop the alleged conduct, collect evidence, or remedy the situation. A report may be characterized as anonymous if the name of the reporting party is unknown or if the names of the alleged victim and/or respondent are unknown.

B. Community Resources and Evidence Preservation

Full-time employees may confidentially discuss an incident of sexual misconduct with the College's EAP (Employee Assistance Program) without concern that the employee's identity will be reported to Employee Relations, the Title IX Coordinator, or campus police. EAP counselors will not report the employee's name or details without the employee's consent. Further, an

individual’s counseling, EAP, and medical records are confidential and will not be used by the College in an investigation or adjudication proceeding without the employee’s written consent.

Employees also may make a confidential report to a community rape crisis center, clergyperson, or a health care provider of the employee’s choice. Community resources are identified on the College’s website under Sexual Assault Resources.

Individuals who have experienced sexual assault or violence are encouraged to seek medical care as promptly as possible after the incident. Seeking medical assistance is essential to obtain treatment and medication, if needed, and to preserve and photograph evidence. A Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) may be available if the incident occurred within the previous four calendar days. Individuals should avoid washing, showering, or changing clothes, if possible, before a medical exam or treatment. Clothing, if removed, should be placed in a paper bag. Email threads, text message conversations, and other communications and electronic documents should be saved and not altered.

C. Filing a Complaint

While an investigation may begin based on a verbal report, particularly in circumstances involving an immediate risk of harm, a written statement ensures that Employee Relations has an accurate statement of the allegations to be evaluated and thus minimizes the risk of confusion over the issues to be reviewed. If the complainant has not prepared a written complaint, the complainant should do so within five working days unless extenuating circumstances warrant additional time. If the complainant needs a reasonable accommodation to communicate their complaint, the complainant may obtain assistance from Employee Relations.

A written complaint informs the College that the employee requests an investigation. The employee’s complaint must contain the complainant’s name, signature, contact information, a description of the conduct or event at issue, the name of the alleged perpetrator(s) (“respondent”), date(s) of the alleged incident(s), the names of any witnesses or persons having knowledge of such incident(s), and the resolution sought. The complainant should provide copies of any relevant documents or information when available. A complaint is “signed” when it contains the complainant’s physical or digital signature or otherwise indicates that the complainant is the person submitting the complaint.

D. Initial Review of the Complaint

Employee Relations will determine whether the allegations describe sexual harassment, sexual assault, dating violence, domestic violence, stalking, or other inappropriate conduct of a sexual nature. If it is determined that the allegations, even if true, do not implicate the policy, the complaint will be dismissed, and the complainant will be notified. If it is determined that a different procedure applies, Employee Relations will notify the complainant.

As part of the initial review, Employee Relations will evaluate in conjunction with the relevant leader whether interim measures or supportive measures are appropriate. If the relevant leader is the subject of the complaint, then Employee Relations will consult with the next level leader. Interim measures could include, for example, a change in work schedule, a mutual no-contact

directive, or temporary transfer when necessary to prevent disruption, to ensure the integrity of the investigation, or to ensure public or employee safety. Administrative leave of an employee must be approved by the Chancellor, or designee. The terms and conditions, including the employee's pay status, will comply with relevant College policies and procedures.

If the complainant requests that the College not investigate the matter or withdraws the complaint, the College will strive to be respectful of the alleged victim's requests, recognizing the potential impact of an unwanted investigation upon the alleged victim. In such situations, the College also must weigh the rights, interests, and safety of all parties and the larger college community. Employee Relations will determine whether the available information warrants an investigation. The College will consider the seriousness of the alleged conduct; whether the College has received other reports of misconduct involving the same alleged respondent(s); whether there is a risk of harm to others; the complainant's reasons for not proceeding with the complaint, if known; and any other relevant evidence. Employee Relations will notify the complainant if a decision is made to investigate.

Employee Relations may dismiss a complaint if the complainant declines to cooperate in the College's investigation, if the requested remedy has already been implemented or was offered and rejected, or if the employee-respondent is no longer employed by the College.

E. Investigating a Complaint

An Employee Relations investigator will be assigned who is impartial and free of conflicts of interest. In the event of a conflict of interest that would preclude an investigation by Employee Relations, the College will arrange for appointment of another investigator. The investigation will be prompt and thorough. Prompt investigation means that the investigation is completed as expeditiously as possible given the nature and complexity of the allegations, availability of witnesses, and academic calendar. Investigations ordinarily will be initiated within five (5) working days of receipt of a written complaint.

Employee Relations will provide a copy of the complaint and this procedure to the respondent who will receive a reasonable time to prepare a written response before being interviewed. Employee Relations will notify the respondent of the policy against retaliation. A respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made, using a preponderance of the evidence standard.

The parties may bring an advisor/support person to interviews or meetings relating to an investigation or proceedings under this procedure. Investigations typically will consist of an interview with the complainant, the respondent, and other persons whom the investigator determines may have pertinent information related to the complaint. The investigator also will gather and examine relevant documents and electronically stored information as may be appropriate. The investigator will not collect or consider evidence subject to a legally-recognized privilege unless the party who holds the privilege waived the privilege in writing; a party's medical, psychological, and similar treatment records without the party's voluntary, written consent to do so; or evidence about a complainant's prior sexual behavior unless it is offered to prove that someone other than the respondent committed the alleged misconduct or is offered to prove consent.

Barring unusual circumstances (*e.g.*, multiple reporting parties and witnesses or the complaint is filed immediately before winter break), most investigations will be completed within 60 to 90 calendar days.

F. Findings, Corrective Action, and Appeals

The investigator(s) will prepare findings of fact and a conclusion about whether College policy was violated. Findings will be based on a preponderance of the evidence. To establish something by a “preponderance of the evidence” means to show the greater weight of the credible evidence. This standard is satisfied if the fact or conduct is deemed more likely than not to have occurred. Credibility determinations are allowed but may not be based on an individual’s status as a complainant, respondent, or witness and may not rely on sex stereotypes.

The investigator’s written findings and determination will be summarized in a report and provided to the complainant, the respondent, and the designated administrator who will determine whether corrective action, discipline, or other action is warranted. The parties will have five working days to submit written comments to the designated administrator. The designated administrator will review the report, the documentary evidence, and any written comments from the parties. Within 30 calendar days, the designated administrator will issue a determination.

If the proposed action is termination, then the procedures in Policy IV.4002.B, Termination or Demotion of Contractual Employees, will be followed for contract employees, and Policy IV.4002.C, Termination or Demotion of Non-Contracted Employees, will be followed for non-contract employees.

If the proposed action is not termination or nonrenewal and either party disagrees with the decision of the designated administrator, within five (5) working days of receipt of the decision they may seek review by submitting a written appeal to the respective SLT member, or designee. The SLT member, or designee, may request written comments from the complainant and the respondent. The SLT member, or designee, will issue a written determination within 30 calendar days. The determination is final; however, employees may choose to appear before the Board during the Hearing of Citizens.

When both employees wish to appeal the disposition of a complaint, the proceedings may be consolidated at the discretion of the SLT member, or designee, so long as this consolidation does not prejudice either party.

Additional Conduct Rules and Procedures

A. Retaliation

Employees have a legal right to file charges of sexual misconduct, to seek supportive measures, and to participate in an investigation of such complaints. Retaliation against such employees is strictly forbidden. Retaliation is conduct that a reasonable employee would view as materially adverse and whose purpose or effect is to discourage employees from exercising their rights under this policy or under the law and which would not have occurred but for the employee’s complaint or the employee’s exercise of their statutory rights. Retaliation does not include exercising one’s

First Amendment rights or charging an individual with making a materially false statement in bad faith in the course of an investigation or grievance proceeding.

The protection against retaliation applies to all good-faith complaints, even if the complaint ultimately is not sustained. Employees may file retaliation complaints under Policy #, Employee Concerns and Grievances.

B. False Complaints

Any person who in bad faith knowingly files a false complaint under this Procedure or provides materially false information is subject to corrective action up to and including termination from the College. A determination that a respondent is not responsible for allegations of sexual misconduct does not establish the falsity of a report, written complaint, or evidence. Similarly, determining that a respondent is responsible for a policy violation does not imply that a respondent's statements disclaiming responsibility were false.

C. Interference with the Complaint Process

Any person who interferes with an investigation or other complaint proceeding or appeal is subject to corrective action up to and including termination. Actions that constitute interference include, but are not limited to:

- (a) Attempting to coerce, compel, or prevent an individual from providing testimony or evidence.
- (b) Removing, destroying, or altering documentation relevant to a complaint.
- (c) Knowingly providing false or misleading information to an investigator, designated administrator, or appeal officer or encouraging others to do so.

D. Calculating Deadlines Under This Procedure

When a deadline is stated in terms of “calendar” days and the deadline falls on a weekend or state or federal holiday, the deadline will be moved to the next day that does not fall on a weekend or a holiday. When a deadline is stated in terms of “working” days, the deadline will be calculated based on the days that the College is open for business (whether in person or virtually). The term “working days” excludes spring break and winter break.

The College may extend these timeframes for good cause and with written notice to the parties.

Complaints Against District Officials

Charges of sexual harassment or sexual misconduct against Employee Relations investigators, the Vice President of Human Resources, the Vice Chancellor of Human Resources, or the Title IX Coordinator will be filed directly with the Chancellor, or designee. The Chancellor, or designee, will take appropriate action to appoint an impartial, trained investigator to fulfill the investigatory function required under this procedure. The Chancellor, or designee, will serve as the designated administrator who will review and respond to the investigation report. The Chancellor's decision

is final. However, if the proposed discipline is termination and the employee holds a contract, then the employee may request a hearing pursuant to Policy IV.4002.B, Termination or Demotion of Contractual Employees.

Charges of sexual harassment or sexual misconduct against the Chancellor or any Board member will be filed directly with the Board Chair. The Board Chair, or designee, will take appropriate action to appoint an impartial, trained investigator to fulfill the investigatory function required under this procedure. If a complaint is filed against the Chancellor, the Board of Trustees will serve as the designated administrator.

If the charge is against the Board Chair, the complaint will be submitted to the Vice Chair who will take appropriate action to appoint an impartial, trained investigator to fulfill the investigatory function required under this procedure. The remaining Board members will serve as the designated administrator.

Definitions

This section includes a list of terms referenced in this and other Procedures associated with Policy #, Employee Harassment and Discrimination.

Consent: Clear, knowing, and voluntary permission by words or action to engage in mutually agreed upon sexual activity. Consent is communicated through mutually understandable words or actions that indicate willingness by all of the involved parties to engage in the same sexual activity, at the same time, and in the same way. A current or previous dating or sexual relationship by itself is not sufficient to establish consent. Additionally, consent can be withdrawn at any time. Ideally, consent is given verbally; however, consent (or lack of consent) also may be expressed through gestures and body language. Consent is not effective if it results from: (a) the use of physical force or restraint; (b) a threat of physical force; (c) acts of intimidation; (d) acts of coercion; (e) incapacitation (including through the voluntary or involuntary ingestion of alcohol or controlled substances); or (f) other evidence that shows that the individual's ability to exercise their own free will was eliminated on the occasion in question. Specific examples of those who cannot give consent include but are not limited to:

1. The individual is under the age of 17 and is not the spouse of the alleged harasser.
2. The individual is unconscious or asleep.
3. The individual has not consented to the sexual act with the alleged harasser and the alleged harasser knows the other person is unaware that the sexual act is occurring.
4. The individual is mentally impaired or has a mental disability.
5. The alleged harasser has misrepresented or concealed their true identity to the individual.

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the reporting party.

1. The existence of such a relationship will be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of

relationship, and the frequency of interaction between the persons involved in the relationship.

2. For the purposes of this definition:
 - a) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - b) Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence refers to felony or misdemeanor crimes of violence committed by a current or former spouse, a current or past intimate partner, a person that the victim shares a child with, or by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Texas. In Texas, a person commits domestic violence if they engage in violence against a family member, household member, or a current or past partner with whom the alleged perpetrator had a continuing relationship of a romantic or intimate nature. The conduct typically involves a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person.

“Other Inappropriate Conduct” is conduct of a sexual nature that does not satisfy a legal definition of sexual harassment under state or federal law but that is nonetheless inappropriate and unprofessional in the workplace. The definition includes, but is not limited to:

1. Unwelcome sex-based advances or propositions; unwelcome requests for sexual favors; unwelcome physical contact or touching of a sexual nature; persistent and unwanted sexual attention; voyeurism; unwelcome sexual gestures; public exposure of one’s sexual organs on campus or at an event under the control of the College; displaying obscene materials in a public place on campus; forwarding pornographic or obscene material via email or text to non-consenting recipients; recording or photographing sexual activity or a person’s genital area or breast area or from a vantage point that a reasonable person would view as an invasion of personal privacy; and allowing a third party to view consensual sex without the knowledge of the other participant;
2. Unwelcome comments of a sexual nature that a reasonable person would view as gratuitous, intimidating, offensive, and/or degrading and that adversely impacts an individual’s educational or work environment. The College’s definitions are not intended to restrict constitutionally protected speech.
3. Conduct of a sexual nature that is consensual between two or more parties but that is nonetheless inappropriate in an educational environment, such as engaging in sexual acts in a campus building or displaying sexually oriented objects or materials in the presence of third parties while on campus.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program:

1. **Rape** means 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 reporting party.

2. **Fondling** means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the reporting party, including instances where the reporting party is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
3. **Incest** means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. **Statutory Rape** means sexual intercourse with a person who is under the statutory age of consent.

Sexual Harassment: State and federal law provide several definitions of sexual harassment; however, this procedure is not confined to a specific legal definition. This procedure encompasses all sexually harassing conduct whether defined under state or federal law. Moreover, the College may take action, including corrective action, to stop unwelcome sexually harassing conduct before it rises to the level of a violation of the law. The prohibitions in this policy encompass the following:

- i) “Sexual harassment” under this procedure includes, but is not limited to, unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature when:
 1. Submission to such conduct is explicitly or implicitly made a term or condition of employment.
 2. Submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual who has been subjected to the conduct.
 3. Such conduct is severe, pervasive, or persistent, or objectively offensive and has the effect of unreasonably interfering with the individual’s work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment is wrongful regardless of the gender or gender identity of the parties.

- (ii) “Sexual harassment” includes conduct that constitutes “sexual assault,” “dating violence,” “domestic violence,” or “stalking” as defined in this procedure and College Procedure III.3006.D.a, Allegations of Sexual Misconduct.
- (iii) “Sexual harassment” includes “Title IX Sexual Harassment,” which is sexual harassment in a college education program or activity in the United States that involves one or more of the following:
 1. Sexual harassment by an employee of the College in which the employee conditions the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct (“quid pro quo” harassment).
 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies

an individual equal access to the College’s education program or activity.

3. “Sexual assault,” “dating violence,” “domestic violence,” or “stalking” as defined in College Procedure III.3006.D.a, Allegations of Sexual Misconduct.

Sexual Misconduct: “Sexual Misconduct” is an umbrella term that encompasses sexual harassment, sexual assault, dating violence, domestic violence, and stalking. As used in this policy, the term also encompasses inappropriate conduct of a sexual nature that does not rise to the level of a violation of law but that is inappropriate in a collegiate environment.

Stalking refers to a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition:

1. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker 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.
2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the reporting party.
3. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Retaliation: Any adverse action taken against an employee for filing a complaint or supporting another employee’s complaint under a variety of laws.

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| Date of SLT Approval | February 21, 2024 |
| Effective Date | Anticipated April 2, 2024 |
| Associated Policy | Policy #, Employee Harassment and Discrimination |
| Primary Owner of Policy Associated with the Procedure | Vice Chancellor, Human Resources, Organizational and Talent Effectiveness |
| Secondary Owner of Policy Associated with the Procedure | Vice President, Human Resources |

Action Item “XX”
Regular Board Meeting March 4, 2024

Consideration of Approval of Policy III.3010.A, Information Resources- First Reading
(Informational Item)

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve a revised Policy on Information Resources. The Board of Trustees will not vote on this item but is creating awareness that the policy is temporarily effective under the authority granted to the Chancellor by the Board under Policy II.2000.A, and input is in the process of being gathered from the College community.

BACKGROUND

The purpose of this policy is to describe the requirements and expected responsibilities of the College to protect its Information Resources and the conditions for acceptable use of College Information Resources by the College’s users.

San Jacinto College is dedicated to the mission of teaching, learning, and public service. To support this mission, the College provides its users access to Information Resources. It is the intent of the Board, as expressed in the procedures of this policy, to support the College’s philosophy and requirements governing the use of its Information Resources.

The College is required by Texas State Law to implement an Information Security Program. This includes publishing approved policy and procedures supporting the Program.

IMPACT OF THIS ACTION

Approval of this policy and related procedures affirms that the College is in compliance with the requirements of Texas State law. In order to comply with legislation, Texas Government Code, and Texas Administrative code updates, the policy and procedure were implemented in February 2024. The Chancellor exercised this authority according to Policy II.2000.A. Permanent affirmation of the change will follow the standard policy review process at the next regularly scheduled meetings of the Board with approval anticipated on April 1, 2024.

The proposed policy and procedures were sent to the College community on February 27, 2024. Comments will be reviewed, and any changes, if appropriate, will be addressed prior to adoption. The Board’s second reading of this policy is anticipated on April 1, 2024. Procedures are provided for informational purposes and are not voted on by the Board of Trustees.

BUDGET INFORMATION

All elements related to the policy are contained within the fiscal year 2024 budget.

Action Item “XX”
Regular Board Meeting March 4, 2024

Consideration of Approval of Policy III.3010.A, Information Resources- First Reading
(Informational Item)

MONITORING AND REPORTING TIMELINE

This policy is effective as of February 15, 2024, under the Chancellor’s authority granted by the Board under Policy II.2000.A, Policy and Procedure Development, Review, Revision, and Rescission. The Board will be notified of any changes that require its action.

ATTACHMENTS

- Attachment 1 – Summary of Changes
- Attachment 2 – Current Policy VI-V: Information Resources
- Attachment 3 – Proposed Policy III.3010.A, Information Resources

Informational Items Only:

- Attachment 4 – Current Procedure 2-3-a: Individual Responsibilities For Computing Resources (Rescinded)
- Attachment 5 – Current Procedure 2-3-b: Computer Security (Rescinded)
- Attachment 6 – Current Procedure 2-3-c: Electronic Communication (Rescinded)
- Attachment 7 – Current Procedure 2-3: Computer Services - Information Technology Services (Rescinded)
- Attachment 8 – Procedure III.3010.A.a, Information Security Program
- Attachment 9 – Procedure III.3010.A.b, Cybersecurity Risk Management
- Attachment 10 – Procedure III.3010.A.c, Cybersecurity Incident Response
- Attachment 11 – Procedure III.3010.A.d, Prohibited Technologies
- Attachment 12 – Procedure III.3010.A.e, Data Security
- Attachment 13 – Procedure III.3010.A.f, Acceptable Use of Information Resources

RESOURCE PERSONNEL

| | | |
|--------------|--------------|-----------------------|
| Rob Stanicic | 281-929-4673 | rob.stanicic@sjcd.edu |
| Joshua Dray | 281-998-6119 | joshua.dray@sjcd.edu |

Policies and Procedures Summary of Changes

New Policy Number: **III.3010.A**

Proposed Policy Name: **Information Resources**

Current Policy Number/Name: **VI-V Policy on Information Resources**

New Procedure Number: *See below.*

Proposed Procedure Name(s):

Procedure III.3010.A.a, Information Security Program (new/replaces 2-3)

Procedure III.3010.A.b, Cybersecurity Risk Management (new)

Procedure III.3010.A.c, Cybersecurity Incident Response (new)

Procedure III.3010.A.d, Prohibited Technologies (new)

Procedure III.3010.A.e, Data Security (new)

Procedure III.3010.A.f, Acceptable Use of Information Resources (new)

Current Procedure Number(s)/Name(s):

Recommended for rescission –

2-3 Procedure 2-3: Computer Services – Information Technology Services (ITS)

2-3-a Procedure 2-3-a: Individual Responsibilities For Computing Resources

2-3-b Procedure 2-3-b: Computer Security

2-3-c Procedure 2-3-c: Electronic Communication (E-com)

Action Recommended for Policy: **Revised**

Action Recommended for Procedures: **Rescind and New**

Web Links: <https://www.sanjac.edu/about-san-jac/college-operations/policies-and-procedures/vi-v-policy-information-resources>

[Procedure 2-3: Computer Services – Information Technology Services \(ITS\)](#)

[Procedure 2-3-a: Individual Responsibilities For Computing Resources](#)

[Procedure 2-3-b: Computer Security](#)

[Procedure 2-3-c: Electronic Communication \(E-com\)](#)

Primary Owner: **Rob Stanicic, Chief Technology Innovations Officer**

Secondary Owner: **Joshua Dray, Chief Information Security Officer**

Summary of Changes:

Policy – Revised

- Added purpose statement
- Revised policy wording
- Including all upcoming procedures in Associated Procedures
- Modified formatting

Current Procedure Number(s)/Name(s): **2-3-b Computer Security**

Proposed Procedure Name(s): **Information Security Program**

- Revision of procedure aligned with regulatory requirements.
- Modified the title of the procedure to “Information Security Program”
- Changed the definition “incident” to “Security Incident” per SB271.
- Modified the definition of a Breach (or suspected breach) as per Section 521.053, Business & Commerce Code
- Included the definition of ransomware as defined by the introduction of ransomware, as defined by, Section 33.023, Penal Code
- Updated link for “in accordance with Procedure III.3001.J.a, Records Management.”
- Modified formatting
- Included Relevant DIR Security Controls

Proposed Procedure Name(s): **Cybersecurity Risk Management**

- This new procedure was drafted in accordance with Texas Government Code 2054 and Texas Administrative Code 202.
- Additionally, this procedure is in response to the new GLBA Safeguards.
- Modified formatting
- Included Relevant DIR Security Controls

Proposed Procedure Name(s): **Cybersecurity Incident Response**

- Included verbiage from SB 271
- This new procedure was drafted in accordance with Texas Government Code 2054 and Texas Administrative Code 202.
- Additionally, this procedure is in response to the requirements of the new GLBA Safeguards.
- Modified formatting
- Included Relevant DIR Security Controls

Proposed Procedure Name(s): **Prohibited Technologies**

- This Procedure is mandated per SB1893 and the Office of the Texas Governor letter to State Agencies, December 07, 2022.
- Added: parentheses around link for Governor’s Letter.
- Added: Texas State Senate Bill 1893 amends Chapter 620 of Texas Government Code Title 6 Subtitle A which provides more specific guidance for the use of certain social medial applications and services. Sec.620.001(1)(A) specifies “the social media service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited; or”. SB 1893 also provides specifics on Prohibitions and Exceptions.
- Added: Summary of BYOD program, governing use of college business on personal devices. The BYOD Program is to be expanded upon in the BYOD Procedure.
- Modified formatting

Attachment 1

- Included Relevant DIR Security Controls

Proposed Procedure Name(s): **Data Security**

- New procedure

Proposed Procedure Name(s): **Acceptable Use of Information Resources**

- New procedure

Policy VI-V: Policy on Information Resources

The San Jacinto College District provides information resources for employees and students to use to support the mission of the College and its related academic and business purposes. The District expects all employees and students to responsibly follow college guidelines on the use of the College's information resources and in their use of the internet.

- [Computer Services - Information Technology Services \(ITS\)](#)
- [Individual Responsibilities For Computing Resources](#)
- [Computer Security Guidelines](#)

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|--------------------------------|--|
| Policy #: | VI-V |
| Policy Name: | Policy on Information Resources |
| Pages: | 1 |
| Adopted Date: | |
| Revision/Reviewed Date: | |
| Effective Date: | |
| Associated Procedure: | 2-3, 2-3-a, 2-3-b, 2-3-c |

Policy III.3010.A, Information Resources

Purpose

The purpose of this policy is to describe the requirements and expected responsibilities of the College to protect its Information Resources, and the conditions for acceptable use of College Information Resources by the College’s Users.

Policy

San Jacinto College is dedicated to the mission of teaching, learning and public service. To support this mission, the College provides its Users access to Information Resources. It is the intent of the Board, as expressed in the procedures of this policy, to support the College’s philosophy and requirements governing the use of its Information Resources.

The Authority, Applicability, Sanctions, Exclusions, and Interpretation do not differ from Policy II.2000.A, Policy and Procedures Development, Review, Revision, and Rescission.

Associated Procedures

- Procedure III.3010.A.a, Information Security Program
- Procedure III.3010.A.b, Cybersecurity Risk Management
- Procedure III.3010.A.c, Cybersecurity Incident Response
- Procedure III.3010.A.d, Prohibited Technologies
- Procedure III.3010.A.e, Data Security
- Procedure III.3010.A.f, Acceptable Use of Information Resources

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| Date of Board Approval | This policy is effective as of February 15, 2024, under the Chancellor’s authority granted by the Board under Policy II.2000.A, Policy and Procedure Development, Review, Revision, and Rescission. Permanent affirmation of the change will follow the standard policy review process at the next regularly scheduled meetings of the Board. (First reading on March 4, 2024, second reading anticipated April 1, 2024) |
| Effective Date | February 15, 2024 |
| Primary Owner | Chief Technology Innovations Officer Chancellor |
| Secondary Owner | Chief Information Security Officer |

Procedures - Informational Items

Procedure 2-3-a: Individual Responsibilities For Computing Resources

San Jacinto College is committed to providing an educational and work climate that is conducive to the personal and professional development of each individual. It is expected that all members of the college community will use these resources and facilities in accordance with laws and college rules.

Failure to fulfill these responsibilities may lead to the cancellation of your computer account(s), other disciplinary action by the college, and/or referral to legal and law enforcement agencies. Individuals using the college's computing resources or facilities have the following responsibilities:

- Use college computing resources and facilities (mainframe computers, computer workstations, computer networks, hardware, software, and computer accounts) responsibly respecting the rights of other computer users and complying with laws, license agreements, and contracts.
- Use communal resources with respect for others. Disruptive mailings and print jobs, tying up work stations and other disproportionate use of computing facilities prevent others from using these resources.
- Use of college computing accounts should be limited to the intended purpose. Use of college-owned computers (offices and computer labs) shall be limited to college-related business or incidental personal use. The San Jacinto College District has determined that employees may use computing resources for personal reasons as long as that use does not result in additional costs or damage to the college and generally does not hinder the day-to-day operation of college offices and facilities. Use of e-mail to solicit sales or conduct business, setting up a web page to advertise or sell a service all constitute commercial use and are prohibited. In addition, use of computing resources for commercial, religious or political purposes or personal gain is prohibited.
- Protect your password and use of your account. Do not let others use your account or password. Confidential information contained on various computers should not be shared with others except when that person is authorized to know such information.
- Report improper use of computing resources and facilities. Improper use of computing resources and facilities as defined in San Jacinto College District Computing Security Rules may include:

Breach of Security

- unauthorized access to computing resources
- release of password or other confidential information on computer security

Harmful Access

- creating a computer malfunction or interruption of operation
- alteration, damage, or destruction of data injection of a computer virus

Invasion of Privacy

Attachment 4 – Current Procedure - Rescind

- Reading files without authorization
- Comply with requests about computing from the area supervisor or designee.
- Report any incidents of harassment using college computing resources and facilities. It may be harassment if
 - the behavior is unwelcome; and
 - the behavior interferes with your ability, or the ability of others to work or study; and
 - the behavior creates an intimidating, hostile or offensive environment.
- Respect the forum (talk groups, bulletin boards, public computing facilities) when communicating ideas to others via college computing facilities and resources (includes access to the Internet). All communications should reflect high ethical standards and mutual respect and civility.

Faculty, staff, and students should be aware that any form of harassment and any form of illegal discrimination against any individual is inconsistent with the values and ideals of the college community. Additional information on harassment and discrimination is available in the respective sections of the Policy Manual of the San Jacinto College District.

Report any violations to the area supervisor OR campus Technology Learning Center Coordinator.

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| Procedure #: | 2-3-a |
| Procedure Name: | Individual Responsibilities For Computing Resources |
| Pages: | 1 |
| Adopted Date: | |
| Revision/Reviewed Date: | |
| Effective Date: | |
| Associated Policy: | VI-V |

Procedure 2-3-b: Computer Security

Procedures Applicability

All users of the San Jacinto College computing resources will follow the Computer Security Procedures.

The San Jacinto College Security Procedures apply to information resources owned by others in those cases where a contractual or fiduciary duty exists to protect the resources while in the custody of San Jacinto College District. In the event of a conflict, the more restrictive security measures apply.

Procedures Statements

- Information Resources are valuable assets and unauthorized use, alteration, destruction, or disclosure of these assets is a computer-related crime, punishable under Texas statutes and federal laws.
- Attempting to circumvent security or administrative access controls for information resources is a violation of these guidelines. Assisting someone else or requesting someone else to circumvent security or administrative access controls is a violation of these guidelines.
- Use of college computing resources should be limited to the intended purpose. Use of college-owned computers (offices and computer labs) shall be limited to college-related business or incidental personal use. The San Jacinto College District has determined that employees may use computing resources for personal reasons as long as that use does not result in additional costs or damages to the college and generally does not hinder the day to day operations of college offices and facilities. Use of e-mail to solicit sales or conduct business, setting up a web page to advertise or sell a service all constitute commercial use and are prohibited. In addition, use of computing resources for commercial, religious or political purposes or personal gain is prohibited.
- Person using Information Resources will acknowledge compliance with the Computer Security Guidelines when logon-ids and passwords are assigned, and in some cases, when an administrative application is accessed.
- Violations of the Computer Security Guidelines will be reported to the San Jacinto College District Information Technology Services.
- Violations of the Computer Security Guidelines that may be violations of state and federal laws will be reported to the appropriate legal authority.
- Persons violating the Computer Security Guidelines will be subject to appropriate administrative and criminal sanctions.
- All employees will receive the Computer Security Guidelines Summary Statement from the Human Resources Department.
- Logon-ids and passwords must control access to all information resources except for those specific resources identified as having public access such as the On-Line Public Access Catalog Library System.
- Passwords must be changed periodically by the logon-id owner as determined to be necessary by Information Technology Services.
- The logon-id owner is responsible to manage their password.
- The logon-id owner is responsible for all actions and functions performed by their logon-id.

Attachment 5 – Current Procedure – Rescind

- All Information Resources used for mission critical applications should provide a notice at logon time stating that the computer system is protected by a computer security system; that unauthorized access is not permitted; and that usage may be monitored.
- Information, which by law is confidential, must be protected from unauthorized access or modification. Data, which is essential to critical functions, must be protected from loss, contamination, or destruction.
- Confidential information shall be accessible only by personnel who are authorized on a basis of strict "need to know" in the performance of their duties. Data containing any confidential information should be readily identifiable and treated as confidential in its entirety.
- An audible, continuous chain of custody shall record the transfer of confidential information. When confidential information from a department is received by another department, the receiving department, the receiving department shall maintain the confidentiality of the information in accordance with the conditions imposed by the providing department.
- All employees accessing a mission critical administrative application must receiving appropriate training and must acknowledge the security and privacy requirements for the data contained in the application.
- When an employee terminates employment, their access to information resources will be terminated.
- All information resources used for mission critical applications shall have a cost effective, written contingency plan that will provide for prompt and effective continuation of critical missions in the event of a disaster.
- End-user workstations used in sensitive or critical tasks must have adequate controls to provide continued confidentiality, integrity, and availability of data stored on the system.
- All end-user workstations will have virus protection software installed.
- Computer software purchased using college funds is San Jacinto College property and shall be protected as such.
- Physical access to all areas that house the facilities providing information resources shall be restricted to authorized personnel. Authorized visitors should be supervised and their entry and exit recorded in a log.
- Individuals who believe they have experienced computer generated harassment or illegal discrimination are encouraged to contact the appropriate administrative office to file a complaint.
- Internet access to the San Jacinto College Network will be controlled as appropriate under guidelines determined by Information Technology Services.

Procedures Administration

The Computer Security Procedures is administered by Information Technology Services. The Director of Information Technology Services, or their designee, has responsibility to:

- Monitor computer security issued
- Maintain records on computer security issues
- Monitor compliance with these guidelines

These guidelines will be reviewed annually and updated as appropriate.

Management Responsibility

Administrators are responsible for the security of information resources in all offices under their jurisdiction and for implementing information security requirements on an office-wide basis.

Administrative Data Ownership

Administrative data is owned by the administrative unit(s) having primary responsibility for creation and maintenance of the data content.

Data Custodian Responsibilities

The data custodian is the unit assigned to supply services associated with the data.

The custodian is:

- The Information Technology Services for centrally supported administrative applications,
- The end-user of an individual microcomputer workstation.

The custodian provides services in accordance with the directions from the area supervisor and is responsible for:

- Implementing specific controls over the data,
- Providing a general security access system,
- Insuring compliance of its employees with security guidelines.

Data User Responsibilities

The data user is the person who has been granted explicit authorization to access the data by the District. This authorization must be granted according to established guidelines. The user must:

- Use the data only for purposes specified by the area supervisor,
- Comply with security measures specified by the area supervisor,
- Not disclose information in the data nor the access controls over the data unless specifically authorized in writing by the area supervisor.

Electronic Mail

Electronic mail is provided to faculty, staff, and students as part of the Information Resources of San Jacinto College to conduct the business of San Jacinto College.

Electronic mail is intended to be a convenient way for the faculty and staff to communicate with one another and colleagues at other locations. The information in electronic mail files may be subject to disclosure under certain circumstances; for example, requests filed under the Texas Open Records Act, or during audit or legal investigations.

No user shall alter electronic communications to hide their identity or impersonate another person. These actions are considered forgery. All e-mail, news posts, chat sessions, or any other form of electronic communication should contain your name and/or user name. Forgery includes using another person's identity or using a fake identity. Similarly, you must not conceal your identity, except when anonymous access is explicitly provided.

The propagation of chain e-mail using San Jacinto College resources is prohibited. In most cases, first offense results in a warning. Subsequent offenses result in referral to the appropriate San Jacinto College District authority for disciplinary action.

Additionally, the only appropriate uses of mass public distribution lists are notification of official college-related activities. When using a public distribution list, text that reflects the content of the message must be placed in the subject line. This way a message that is not of interest can be deleted with being read. The use of personal group distribution lists (that is, those created and maintained by an individual) must follow these guidelines.

Auditor Access

There will be occasions when auditors require access to Information Resources and data files. The access will be permitted according to these guidelines:

Internal Auditors from San Jacinto College District

- Personnel of the Internal Audit Departments have access to all College activities, records, property, and employees in the performance of their duties.
- For non-investigative audits, access requests for Information Resources and data files will be made to the area supervisor and the administrative management of the organization operating the computers and information resources, as appropriate.
- For investigative audits, access requests for information resources and data files will be made to the appropriate administrative management level of the organization operating the computers and information resources.
- Internal Audit access to data files will be provided as specifically requested by Internal Audit; however, whenever practical, Internal Audit will utilize hard copy output or data file copies.
- Read only access will be granted, unless specific instructions are provided, to ensure proper safeguards for continued integrity and availability of data files.

External Auditors

State and Federal auditors will be granted access to Information Resources and data files on an as-needed basis after coordination with the Internal Auditors and area supervisor, and after proper training requirements are met.

Activities Prohibited by Law

Any computing activity that violates local, state or federal law is a violation of San Jacinto College District Computing Guidelines. Upon receiving a report of alleged violation, the appropriate SJCD authority may refer the incident for possible investigation and/or prosecution by the appropriate local, state, or federal authorities.

Illegal activities include, but are not limited to

Threats and Hoaxes

It is illegal to send a message via e-mail that threatens other persons or property. Federal authorities may investigate these messages.

Child Pornography

Child pornography is material that depicts minors in a sexually explicit way. Under federal child pornography statutes anyone under the age of 18 is a minor. Intentionally uploading or downloading child pornography violates these laws. It is also illegal to advertise or seek the sale, exchange, reproduction, or

distribution of child pornography. Exhibition of any files containing images of naked children could violate child pornography statutes. It is also illegal to distribute pornography to minors.

Copyright Infringement

Reproducing copyrighted material without permission of the author or their agent is considered illegal. In response to the recently enacted Digital Millennium Act, the San Jacinto College District has appointed an agent to receive statutory notices from copyright owners about infringements and to send statutory notices to affected subscribers. Upon receiving notification that a user of the San Jacinto College District computing resources has used sources inappropriately, they will notify the SJCD Chancellor, President of the appropriate campus, and the user accused of the infringement. If it is determined that an infringement has taken place, necessary steps will be taken to correct the situation. The user will also be provided with additional information explaining the appropriate use and reproduction of copyrighted material. Any user repeatedly found to infringe on the copyrights of others will lose access privileges to the San Jacinto College District computing resources.

Software Piracy

Unauthorized duplication, distribution or use of someone else's intellectual property, including computing software, is illegal and subject to both civil and criminal penalties.

Defamation/Invasion of Privacy

Defamation can occur in two forms-libel and slander. Slander is a fleeting form, like speech. Libel occurs in a physical, longer-lasting form. Defamation is conveying false information that injures a person's reputation or holds them up to ridicule or humiliation such that lowers their standing in the community or deters others from associating with them. Invasion of privacy may occur when a person's likeness is used without permission, especially for commercial purposes, or when personal or private information about a person is communicated to other persons who have no need to know the information.

Sexual Harassment

Use of a computer system to engage in sexual harassment, as defined in the District's sexual harassment guidelines is in violation of federal discrimination laws.

Scams and Pyramid Schemes

Pyramid schemes and chain e-mail involving the collection of money are illegal under federal laws.

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| Procedure #: | 2-3-b |
| Procedure Name: | Computer Security |
| Pages: | 3 |
| Adopted Date: | |
| Revision/Reviewed Date: | February 5, 2008 |
| Effective Date: | February 5, 2008 |
| Associated Policy: | VI-V |

Procedure 2-3-c: Electronic Communication (E-com)

Procedures

1.0 Overview

There is an increasing reliance on electronic communication among students, faculty and administration at San Jacinto College (SJC). This is motivated by the convenience, speed, cost-effectiveness, and environmental advantages of using electronic communication (E-Com) rather than printed communication. Because of this increasing reliance, SJC requires a policy that outlines its acceptable use of SJC E-Com.

2.0 Purpose

The purpose of these procedures is to establish the rules that govern SJC E-Com usage and protect students, employees and the college from inappropriate use.

3.0 Scope

SJC E-Com is regarded by SJC as an official means for communication with students, faculty, staff, business and the general public. SJC E-Com is all forms of college supported electronic communication including but not limited to the following:

- Email
- Instant Messaging (IM)
- Voicemail
- SMS (Text Messaging)
- Blogs

4.0 procedures

The list outlined below is by no means exhaustive, but attempts to provide a framework for acceptable usage of SJC E-Com.

4.1 General Usage

4.1.1 Disclaimers

Postings by employees from SJC E-Com accounts to newsgroups or forums should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of SJC, unless posting is in the course of business duties.

4.1.2 Assignment of accounts

Technology Services (TS) will assign all employees and students official SJC E-com accounts. It is to this official account that the college will send electronic communications.

4.1.3 Distribution lists

Technology Services (TS) will create a distribution list alias by request. The addition and deletion of account names to the distribution list is the responsibility of the requestor.

4.1.4 Malicious content

Employees and students must use extreme caution when opening SJC E-Com attachments or links (embedded or included within Instant Messages and Blog posts) received from unknown parties, which may contain viruses, e-mail/logic bombs, Trojan horse code, or any other malicious content.

4.1.5 Expectations regarding timeliness of e-mail use

Employees and students are expected to check their official e-mail address on a frequent and consistent basis in order to stay current with College communications. The campus recommends checking e-mail once a week at a minimum (unless specifically detailed by supervisor); in recognition that certain communications may be time-critical.

4.1.6 Educational uses of e-mail

Faculty may determine how e-mail will be used in their classes. It is highly recommended that if faculty has e-mail requirements and expectations they specify these requirements in their course syllabus. Faculty may expect that students' official e-mail addresses are being accessed and faculty may use e-mail for their courses accordingly.

4.1.7 Confidentiality

Confidentiality regarding student records is protected under the Family Educational Rights and Privacy Act of 1974 (FERPA). All use of e-mail, including use for sensitive or confidential information, will be consistent with FERPA. It is not appropriate to transmit sensitive information via SJC E-Com services unless such purposes are matched by an appropriate level of security

4.1.8 Legal Notification

SJC E-Com shall not be the sole method for notification of any legal action.

4.2 Prohibited Use

4.2.1 Redirecting e-mail

To protect confidentiality and to better secure communication with employees and students, automated redirection of email to outside accounts will not be permitted.

4.2.2 Disruptive and offensive messages

The SJC E-Com system shall not be used for the creation or distribution of any disruptive or offensive messages. This includes but is not limited to:

- Messages that harass or threaten harm. This also includes but is not limited to offensive comments regarding work performance, race, gender, hair color, disabilities, age, sexual orientation, pornography, religious beliefs and practice, political beliefs, or national origin.
- Chain letters or jokes including but not limited to "Ponzi" or other "pyramid" schemes of any type are prohibited.

4.2.3 Peer to peer file sharing

Peer to peer file sharing of any nature within SJC E-Com systems. Peer-to-peer networks have become notorious for fostering piracy of copyrighted materials. Employees and students who receive any communication via the SJC E-Com system, with illegal content from any SJC student or employee should report the matter to TechSupport immediately.

4.2.4 Conducting personal business

Employee and student email accounts should not be used when conducting personal business. If an employee or student makes a personal purchase over the internet, their SJC email account should not be entered into any form in conjunction with that purchase. Many companies sell lists of these addresses to marketing firms that will flood the email boxes with spam. SJC employs many resources to prevent spam at the college, using college accounts for personal business is contrary to these efforts.

4.2.5 Mass mailing

Mass mailings to external email accounts from SJC are prohibited unless approved by Marketing and Communications.

4.3 Monitoring

SJC employees and students shall have no expectation of privacy in anything they store, send or receive on the SJC E-Com system. SJC may monitor content without prior notice. SJC is not obliged to monitor SJC E-Com system content.

5.0 Enforcement

Any employee found to have violated these guidelines may be subject to disciplinary action, up to and including termination of employment. Any student found to have violated these guidelines may be subject to disciplinary action up to and including expulsion.

6.0 Definitions

Email

The electronic transmission of information through a mail protocol such as SMTP or IMAP. Typical email clients include Eudora and Microsoft Outlook.

Forwarded email

Email resent from an internal network to an outside point.

Chain email or letter

Email sent to successive people. Typically the body of the note has direction to send out multiple copies of the note and promises good luck or money if the direction is followed.

Sensitive information

Information is considered sensitive if it can be damaging to SJC or its faculty, staff, and student population.

Virus warning

Email containing warnings about virus or malware. The overwhelming majority of these emails turn out to be a hoax and contain bogus information usually intent only on frightening or misleading users.

Unauthorized Disclosure

The intentional or unintentional revealing of restricted information to people, both inside and outside SJC, who do not have a need to know that information.

SJC E-Com

SJC E-Com is defined as any SJC Email, Instant Messaging (IM), Web Logs (Blogs) account used to communicate internally/externally.

Cellular Communication

1.0 Crisis Response Team (CRT) Communication

Certain key positions have been identified by the Board of Trustees as essential to the business continuity of the college. Effective communications during an emergency is essential to crisis management. To that end, the following positions will be provided a phone with PDA capabilities owned and purchased by the college. The following key positions and/or members of the college Crisis Response Team are required to have the college issued phones in the possession and available for use:

- Chancellor
- Vice Chancellors
- CIO
- Presidents
- Vice Presidents
- Safety Director
- Police Captains
- Director of Maintenance
- Assistant Director of Maintenance
- Director of construction
- Director of Special Projects

2. Receipt of e-mail or other electronic communications of employee not on the CRT

The college provides devices paid from college funds to those who are considered crisis management personnel. The college will support pushing e-mail to individuals not on the Crisis Response Team, if the employee has a compatible phone device and the device is using Windows mobile 5 or later and preferably on the Verizon network.

3. Cell Phone Stipends

Certain positions in the college may be approved by the Board of Trustees to receive a monthly cell phone stipend. An employee approved to receive a phone stipend may purchase a cellular device and select a communication plan from the vendor or company of their choice. An employee receiving a cell phone stipend is expected to be available by cell phone and make the number known to those with a business reason to know. An employee receiving a cell phone stipend may not submit reimbursement claims for cell phone usage for business purposes; nor will the college be responsible for replacement of equipment.

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| Procedure #: | 2-3-c |
| Procedure Name: | Electronic Communication (E-com) |
| Pages: | 3 |
| Adopted Date: | |
| Revision/Reviewed Date: | |
| Effective Date: | |
| Associated Policy: | VI-V |

Procedure 2-3: Computer Services - Information Technology Services (ITS)

The District Information Technology Services (ITS) department, which is located in the District Administration Building, along with service personnel based on each campus, has the following responsibilities:

- Acquire/develop, disseminate and maintain information technology-related resources and services for educational programs and the management and administrative functions of the San Jacinto College District.
- Provide access to information technology facilities by installing and maintaining equipment and software, thereby assisting the instructional and administrative areas to perform their functions more effectively.
- Provide programming, data access/manipulation, and consultation services to instructional and administrative areas, assisting them in their objectives and assessment.
- Provide and maintain an effective telecommunications infrastructure (network and phones) necessary for the identified needs of the instructional and administrative activities.
- Provide access to the Internet and e-mail for all employees and maintain the related resources required to insure timely access.
- Provide a Web site for the access of information regarding the college and for the delivery of Internet-based distance education courses.

Acquisition of PC's and Related Equipment

Requests for the purchase of PC's and related equipment are made through existing requisition procedures. Following the appropriate approvals, the requisition will be forwarded to ITS for the acquisition, delivery and installation of the requested items. This procedure includes purchases to be made with grant funds.

Maintenance of Computer and Copier Equipment

When in need of maintenance for computer or copier equipment, college employees call the ITS help desk at (281) 998-6137 to report the problem. Information regarding the location, contact person, type and serial number of the machine and level of urgency will be necessary for input into the service call system.

This process permits scheduling of repair visits by ITS personnel as well as the efficient tracking of maintenance calls.

Software Installation/Customization/Assistance

Requests for software services should be made by contacting the ITS helpdesk at (281) 998-6137. If the help desk personnel cannot resolve the user's issue directly by phone, a work order will be initiated and the appropriate personnel will be scheduled for the earliest possible visit.

Software and the Federal Copyright Law

The San Jacinto College District's stated policy is to abide within the provisions of copyright law in all matters regarding the reproduction of materials for classroom and college use. This includes the unauthorized duplication of software.

Any duplications of software material, except for backup purposes, is a violation of the Federal Copyright Law. Penalties include fines of as much as \$100,000 and jail terms up to five years. Employees who make, acquire or use unauthorized copies of software shall be disciplined as appropriate under the circumstances. Such discipline may include termination.

Educational institutions are not exempt from the copyright laws. Due to its position of influence, San Jacinto College should make every effort to uphold the law because it is by our example that students will learn respect for intellectual property.

College employees should refer to the license agreement before making any copies of software to ensure the authorization for copying is granted. If you need clarification or have questions regarding the license agreement, please contact the ITS Department at (281) 998-6135.

Request for Programming and Data Services

The ITS Department requires a completed Job Request Form for any requests for information processing outside of their normal operating procedures. Upon receipt of a request, ITS will obtain appropriate District approval of the request. If you have a need for computer generated lists, labels or reports please contact the Help Desk at ext. 6137.

Removal of Unwanted Software Material

When a department determines that there is a need for the removal of software material, the department supervisor should contact the District ITS department by calling (281) 998-6137. The appropriate ITS personnel will schedule a pickup of the software.

After the software has been removed, the appropriate supervisor completes and signs the Removal of Software Materials form. This form is also signed by the ITS personnel. A copy of the completed form should be kept by the departmental supervisor.

At the District ITS office, records are kept regarding the status of all software materials collected. These records reflect the redistribution or type of disposal performed for the materials.

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| Procedure #: | 2-3 |
| Procedure Name: | Computer Services - Information Technology Services (ITS) |
| Pages: | 2 |
| Adopted Date: | |
| Revision/Reviewed Date: | |
| Effective Date: | |
| Associated Policy: | VI-V |

Procedure III.3010.A.a, Information Security Program

Associated Policy

Policy III.3010.A, Information Resources

1. Purpose

The College's Information Resources are vital academic and administrative assets that require appropriate safeguards. Computer systems, networks, and data are vulnerable to ever increasing cybersecurity threats. These threats have the potential to perpetrate financial fraud and compromise the integrity, availability, and confidentiality of the information used by the College to conduct its day-to-day business. To combat these threats, Federal and State Laws require the College to take measures to protect Information Resources against unauthorized access, disclosure, modification, or destruction, whether accidental or deliberate. This Procedure describes these requirements and expected responsibilities of the College and serves as a master Procedure to be referenced by other Procedures under the associated policy.

2. Applicability

This Procedure applies to all Users of Information Resources, in any form, and is intended to be broad enough to include all Users.

3. Laws, Regulations, and Standards

The College is required to comply with Federal and Texas State Laws and Regulations. In the 86th legislative session, the Texas Legislature enacted policy that requires the College to designate an Information Security Officer (ISO) and comply with state information security standards, shared services, and projects, including mandatory cybersecurity training for elected officials, employees, and contractors. Furthermore, in the 87th legislative session, the Texas Legislature enacted policy that requires the College to designate a Data Management Officer (DMO) to establish a data governance program to identify data assets, establish processes and Procedures to oversee the College's data assets, and implement practices and controls for managing and securing the College's data.

The NIST Cyber Security Framework (CSF) is an overarching standard used to implement Federal and State Laws and Regulations and is defined by the National Institute of Standards and Technology (NIST) within the U.S. Department of Commerce. To implement Texas state requirements, the College is required to comply with the standards defined by Texas Administrative Code §202 (TAC 202).

Texas state requirements should satisfy other Federal Laws and Regulations given that Texas Department of Information Resources (Texas DIR) control standards are based on [NIST 800-53](#) standards.

4. Texas State Information Security Program

Pursuant to Texas State Laws, the College is required to adopt the state’s Information Security Program that establishes formal cybersecurity governance, testing, controls, enforcement, and regular assessment and reporting to Texas DIR.

5. Program Governance

Described below are the roles and responsibilities as defined by the Information Security Program.

- a. **Chancellor.** The Chancellor is responsible for the security measures that protect the College’s Information Resources.
- b. **Designee.** The Designee is the executive that oversees the implementation and adoption of the Information Security Program. The Designee appointed by the Chancellor is the College’s Chief Technology Information Officer (CTIO).
- c. **Information Security Officer (CISO).** The CISO is the College’s Chief Information Security Officer who reports to the Designee and is the executive authorized with explicit authority to administer the information security requirements under Texas Law, as designated by the Chancellor. The CISO coordinates with Texas DIR, the College’s Data Management Officer (DMO), and with the College’s leadership, employees, students, Vendors, and other third parties as defined by [TAC 202.72](#). CISO responsibilities are outlined in [TAC202.21](#).
- d. **Data Management Officer (DMO).** The DMO reports to the Designee and is responsible for the College’s Information Security Assessment Report and implementing data management governance, processes, and controls. The DMO is regarded as the Information Resource Manager (IRM). The IRM is the executive responsible for Information Resources across the whole of the institution as defined in [Chapter 2054, Subchapter D, Texas Government Code](#). The DMO coordinates with the College’s ISO, the College’s Records Management Officer (RMO), the Texas State Chief Data Officer, the State Library and Archives Commission, and with the College’s leadership, employees, students, Vendors, and other third parties.
- e. **Strategic Leadership Team (SLT).** The SLT is the College’s executive steering committee. The SLT is required to evaluate and recommend approval to the Chancellor of the Annual Program Review, risk acceptance, and any changes to controls that are escalated to the SLT.

6. Data Governance

The DMO shall establish data governance and controls at the College. The DMO shall design and develop classifications of data produced by the College’s Technology Resources and determine appropriate data security requirements and applicable record retention schedules as outlined in Texas Government Code [Section 441.185](#) for each classification.

7. Program Controls

The CISO shall design and develop processes and controls to ensure that the Information Security Program is adopted at the College. The Information Security Program shall establish appropriate security controls to protect the confidentiality, integrity, and availability of College’s Information

Resources. These controls shall be based upon the NIST Cyber Security Framework (CSF), and in accordance with respective laws, regulation, and compliance requirements. Documentation of the College’s Information Security Program Controls as required by Policy III.3010.A, Information Resources.

7.1 Mandatory Controls

Texas Administrative Code 202 mandatory security controls shall be defined by Texas DIR in the [Security Controls Standards Catalog \(DIR CC\)](#). The controls shall include minimum information security requirements for all state information and information systems and standards to be used by all institutions of higher education to provide levels of information security according to risk levels. The mandatory control families implemented at the College are as follows:

- AC Access Control
- AT Awareness and Training
- AU Accountability, Audit, and Risk Management
- CA Security Assessment and Authorization
- CM Configuration Management
- CP Contingency Planning
- IA Identification and Authentication
- IR Incident Response
- MA Maintenance
- MP Media Protection
- PE Physical and Environmental Protection
- PL Planning
- PM Program Management
- PS Personnel Security
- RA Risk Assessment
- SA System and Service Acquisition
- SC System and Communication Protection
- SI System and Information Integrity
- SR Supply Chain Risk Management

7.2 Optional Controls

The Chancellor or Designee may employ standards for the cost-effective information security of information and information resources within or under the supervision of the College that are more stringent than the standards Texas DIR prescribes if the more stringent standards:

- a. Contain at least the applicable standards issued by Texas DIR; and
- b. Are consistent with applicable Federal Law, policies, and guidelines issued under Texas state rule, industry standards, best practices, or are deemed necessary based on a Risk Assessment to adequately protect the information held by the institution of higher education.

8. Enforcement

The Chancellor shall designate responsibility for enforcing this Procedure as described by College policies and procedures. Compliance with this Procedure and Program Controls shall be strictly enforced. Violations may result in disciplinary action, up to and including termination. Violations of Federal State or Local Laws may also result in criminal prosecution.

Information Resources are valuable assets and unauthorized use, alteration, destruction, or disclosure of these assets is a computer-related crime, punishable under Federal and State Laws. Moreover, attempting to circumvent security or administrative access controls for Information Resources and/or assisting someone else or requesting someone else to circumvent security or administrative access controls is a violation of College Policy and this Procedure.

Violations of this Procedure and applicable guidelines shall be immediately reported to the CISO and or Technical Support.

9. Regular Program Reviews

The College's Information Security Program is expected to be continually updated given the evolving maturity level of the program's adoption at the College and the ever-changing cybersecurity threat landscape. As such, the College is required to perform regular reviews of its program.

- a. **Annual Program Review and Approval.** The Designee shall annually review no later than June 1 of each year with the Chancellor and Strategic Leadership Team (SLT) an Information Security Program in accordance with Texas State Law by the CISO designed to address the security of the Information Resources owned, leased, or under the custodianship of the College against unauthorized or accidental modification, destruction, or disclosure. The program shall include processes for risk management and for information security awareness education for employees when hired, and an ongoing program for all Users.
- b. **Biennial Program Review.** In addition to the Annual Program Review, the Information Security Program must be reviewed biennially by an individual who is independent of the program to determine if the program complies with the mandatory security controls defined by Texas DIR and any controls developed by the College in accordance with Texas Law. A review of the College's Information Security Program for compliance with these standards will be performed at least biennially, based on business risk management decisions, by individual(s) independent of the information security program and as designated by the Chancellor or designated representative(s).

10. Regular Testing of Online and Mobile Applications

The College shall adopt processes addressing the privacy and security of the College's internet-facing technology resources, websites, and mobile applications. The Information Resource Custodian shall subject the website or application to a vulnerability and/or penetration test and address any vulnerability identified in the test before deployment and mitigate according to the College's risk management procedures. Ongoing vulnerability tests will be conducted as described by the RA Risk Assessment control family in DIR's CC.

11. Texas State Cloud Computing State Risk and Authorization Management Program

The College shall require each Vendor contracting with the agency to provide cloud computing services for the agency to comply with the requirements of the state risk and authorization management program. A state agency shall require a vendor contracting with the agency to provide cloud computing services for the agency that are subject to the state risk and authorization management program to maintain program compliance and certification throughout the term of the contract.

12. Reporting

Federal and Texas State Laws require the College to submit regular and ad-hoc reports to Texas DIR and other Federal Departments and Agencies. These reports are outlined below:

- a. **Information Security Plan.** Not later than June 1 of each even-numbered year the CISO shall submit an Information Security Plan on behalf of the College to Texas DIR in accordance with Texas Law.
- b. **Incident Report.** The CISO shall assess the significance of a security incident and, if applicable, report urgent incidents to the CTIO, Federal Departments or Agencies, Texas DIR, and law enforcement as required by Federal, Texas State, and Local Laws. Furthermore, The College shall include within any Vendor or third-party contract the requirement that the Vendor or third-party report information security incidents to the College in accordance with the College's Policies and Procedures and as required by Federal and Texas State Laws.
- c. **Security Breach Notification.** Upon discovering or receiving notification of a breach of system security, the CISO shall assess the significance of the breach and report the breach to the CTIO. Depending on the severity of the breach, the College shall disclose the breach to affected persons or entities in accordance with the time frames established by Federal and State Laws. The College shall give notice by using one or more of the following methods:
 - Written notice.
 - Electronic mail if the College has electronic mail addresses for the affected persons.
 - Conspicuous posting on the College District's website.
 - Publication through broadcast media.

13. Expected User Responsibilities

It is the shared responsibility of all Users to comply with designated security controls, programs, guidelines, and practices to ensure the confidentiality, integrity, and availability of College Information Resources. Information Resource Owners, Information Resource Custodians, and other Users of Information Resources shall, in consultation with the College's CTIO, CISO, and DMO be identified, and their responsibilities defined and documented by the College. The distinctions below among Information Resource Owners, Information Resource Custodians, and other Users should guide determination of these roles.

- a. **Information Resource Owner (IRO)** is a role assigned by Texas Administrative Code (TAC) 202.72 to Users who are College leaders and designated employees either responsible for the business function that is supported by the Information Resource or whom responsibility rests

for carrying out the program that uses the resources. Furthermore, the Owner of a collection of information is the person responsible for the business results of that system or the business use of the information. Where appropriate, ownership may be shared. The owner or his or her designated representative(s) are responsible for:

- Classifying information under their authority, with the concurrence of the Chancellor or designee(s), in accordance with the College District's established information classification categories.
- Approving access to information resources and periodically reviewing access lists based on documented risk management decisions.
- Formally assigning custody of information or an information resource.
- Coordinating data security control requirements with the ISO.
- Conveying data security control requirements to custodians.
- Providing authority to custodians to implement security controls and processes.
- Justifying, documenting, and being accountable for exceptions to security controls. The information owner shall coordinate and obtain approval for exceptions to security controls with the institution of higher education information security officer.
- Participating in risk assessments as provided under [Texas Administrative Code 202.75](#).
- The IRO coordinates with the College's ISO, DMO or their delegates to ensure that processes are documented and implemented as required by Texas State Laws.

b. **Information Custodian (IC)** is a User who is an employee, department, other institution, third party agent acting on behalf of the College, or Vendor responsible for supporting and implementing Information Resource controls as defined by the IRO. Custodians include information security administrators, institutional Information Technology Services/Systems departments, faculty or staff, vendors, and any third-party acting as an agent of or otherwise on behalf of the College. Custodians of information resources, including third-party entities providing outsourced information resources services to the College District, shall:

- Implement controls required to protect information and information resources required by this chapter based on the classification and risks specified by the information owner(s) or as specified by the Policies, Procedures, and standards defined by the College District's security program.
- Provide owners with information to evaluate the cost-effectiveness of controls and monitoring.
- Adhere to monitoring techniques and processes, approved by the ISO, for detecting, reporting, and investigating incidents.
- Provide information necessary to provide appropriate information security training to employees; and
- Ensure information is recoverable in accordance with risk management decisions.

c. **Information Resource User** is a User of Information Resources and has the responsibility to:

- Use the resource only for the purpose specified by the institution or Information-Owner

- Comply with information security controls and institutional policies to prevent unauthorized or accidental disclosure, modification, or destruction.
- Formally acknowledge that they will comply with the College Information Resource Policy and Procedures in a method determined by the institution head or their designated representative.
- College Information Resources designated for use by the public shall be configured to enforce the College's Information Resource Policy and Procedures without requiring user participation or intervention. Information Resources must require the acceptance of a banner or notice prior to use.

14. Definitions

This section includes a list of terms referenced in this and other Procedures associated with Policy III.3010.A, Information Resources.

Availability: means ensuring timely and reliable access to and use of information.

Breach (or suspected breach): means an unauthorized acquisition of 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. As defined by [Texas Business and Commerce Code Section 521.053](#). 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.

Cardholder: Individual who owns and benefits from the use of a membership card, particularly a payment card.

Cardholder Data (CHD): Elements of payment card information that must be protected including primary account number (PAN), cardholder name, expiration date, and the service code.

Cardholder Name: The name of the individual to whom the card is issued.

CAV2, CVC2, CID, or CVV2 data: The three- or four-digit value is printed on or to the right of the signature panel or on the face of a payment card and is used to verify card-not-present transactions.

College: means San Jacinto College District.

College Business: means activities that include teaching, learning, administration, safety, maintenance, business development, support, and project services.

Confidentiality: means reserving authorized restrictions on information access and disclosure, including means for protecting personal privacy and proprietary information.

Confidential Data: means data that is collected and maintained by an agency that must be protected against unauthorized disclosure and is not subject to public disclosure under the provisions of applicable Federal and State Laws.

Cybersecurity Governance, Risk Management, and Compliance (GRC) Team: means individuals who are knowledgeable about the organization’s HIPAA Privacy, Security and HITECH policies, procedures, training program, computer system set up, technical security controls, and who are responsible for the Cybersecurity Risk Management processes and procedures.

Data: means elemental units, regardless of form or media, includes both digital and physical, that are combined to create information used to conduct College business. Data may include but are not limited to physical media, digital, video, and audio records, photographs, and negatives.

Digital Content: means Data that is digital that includes information, data files, image files, video files, templates, project files, software code, and other digital products stored and made available through Technology Resources, along with any related materials, modifications, and updates, if any, provided by Licensor to the User and or the College.

Disposal: means the disposal of data in a certain manner that renders all data unrecoverable. This includes paper documents and any electronic media, including computers, hard drives, magnetic tapes, and USB storage devices, in accordance with [Procedure III.3001.J.a, Records Management](#). The approved PCI DSS disposal methods include cross-cut shredding, incineration, and approved shredding and disposal service. Records may not be destroyed prior to authorized disposal date.

Electronic Protected Health Information (ePHI): means any individually identifiable health information protected by HIPAA that is transmitted by or stored in electronic media.

Event: means an identified issue, alert, or error which resulted in no adverse effect on an asset or user. For example, an event can be a user who receives a phishing email but does not click on any link, reply or execute an attachment.

Expiration Date: means the date on which a card expires and is no longer valid. The expiration date is embossed, encoded, or printed on the card.

Federal Law(s): means federal privacy, information, and other data protection laws including, but not limited to, the Family Educational Rights and Privacy Act (FERPA), Gram-Leach-Bliley Act (GLBA), Personal Credit Information (PCI), Health Insurance Portability and Accountability Act (HIPAA), and Children’s Online Privacy Protection Act (COPPA).

Information Resources: means the collective of the College’s Technology Resources, Protected Data, and Digital Content. This is the term used in Texas Law.

Information Systems: means an interconnected set of Information Resources under the same direct management control that shares common functionality. An Information System normally includes hardware, software, Network Infrastructure, information, data, applications, communications, and people.

Information Technology Services (ITS): means the department within the College responsible for the delivery, support, and security of Technology Resources.

Information User(s): means employees, contractors, third parties, and or any individual provided privileged access to Protected Data.

Integrity: means the accuracy and completeness of information and assets, and the authenticity of transactions. information.

License Agreement(s): means a legal contract between the licensor and the purchaser of a software or service which establishes the purchaser's rights to use the software. A license agreement details how and when the software or service can be used and provides any User restrictions imposed on the software by the licensor. A license agreement also defines and protects the rights of both parties. In general, the College licenses software and services on behalf of College Users and College Users are bound to the terms and conditions of the license agreement.

Magnetic Stripe Data: means data encoded in the magnetic stripe or equivalent data on a chip used for authorization during a card-present transaction. Entities may not retain full magnetic-stripe data after transaction authorization.

Merchant: means a department(s) or unit(s) approved to accept payment cards and are assigned a merchant identification number.

NPI: means non-public personal information that is (1) provided by a consumer to a financial institution, (2) resulting from any transaction with the consumer or any service performed for the consumer, or (3) otherwise obtained by the financial institution.

Office of Cybersecurity (OCS): means the department within the College that provides data security services, vendor evaluation, (IR) incident response, and GRC compliance efforts. OCS drives the cybersecurity maturity of the College.

Payment Card Industry Data Security Standard (PCI DSS): means regulations as administered by the Payment Card Industry Security Standards Council (PCI SSC) to decrease payment card fraud across the internet and increase payment card data security. This includes sensitive data that is presented on a card or stored on a card, and personal identification numbers entered by the cardholder.

Personal Device(s): means devices, operating systems, software, hardware, systems, and services that are owned by the User. Includes but not limited to personal computing devices such as smartphones, tablets, and laptops; personal Internet Service Providers (ISP); mobile applications and software; storage devices such as USB drives; access to digital resources and services made available by any third-party platforms such as Google Drive and Dropbox; personal communications systems such as phone, email, text, instant messaging, and other collaboration tools.

Personal Identifying Information (PII): means any representation of information that permits the identity of an individual to whom the information applies to be reasonably inferred by either direct or indirect means. Further, PII is defined as information:

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- That directly identifies an individual (e.g., name, address, social security number or other identifying number or code, telephone number, email address, etc.) or
- By which the College intends to identify specific individuals in conjunction with other data elements, such as indirect identification. These data elements may include a combination of gender, race, birth date, geographic indicator, and other descriptors. Additionally, information permitting the physical or online contacting of a specific individual is the same as personally identifiable information. This information can be maintained in either paper, electronic or other media.

PII includes the first name or first initial and last name in combination with and linked to any one or more of the following data elements about an individual:

- Social security number
- Driver's license number or state identification card number issued in lieu of a driver's license number
- Passport number
- Financial account numbers, and/or credit card or debit card number
- Academic records
- Financial records
- Medical Records
- Disciplinary records
- Placement office records
- Personal names
- Address
- Telephone and fax numbers
- Electronic mail addresses
- Dates directly related to an individual, including birth date, admission date, discharge date, date of death
- Medical record numbers
- Health plan beneficiary numbers
- Full face photographic images and any comparable images

PII can also be reidentified in such a manner as to contain PII. The Federal Trade Commission also considers information that can reasonably be used to contact or distinguish a person as PII. This includes electronic identification such as IP addresses.

Texas Senate Bill 475 specifically prohibits the College from using, retaining, or disseminating data from global positioning system technology, individual contact tracing, or technology designed to obtain biometric identifiers to acquire information that alone or in conjunction with other information identifies an individual or the individual's location without the individual's written or electronic consent. Exceptions to this restriction include if such use, retention, and dissemination is required or permitted by a federal statute or by a Texas State statute other than Chapter 552; or made by or to a law enforcement agency for a law enforcement purpose.

PIN or PIN block: means personal identification number entered by the cardholder during a card-present transaction, or encrypted PIN block present within the transaction message.

Primary Account Number (PAN): means the number code of 14-16 digits embossed on a bank or credit card and encoded in the card's magnetic strip. PAN identifies the issuer of the card and the account and includes a check digit as an authentication device.

Protected Data: means data that includes elemental units that include Personal Identifying Information (PII), financial, educational, and/or health-related information protected by Federal and State Laws and regulations. Subject to applicable Laws, the College also considers College email addresses as Protected Data insofar as they can be used in combination with IP address discovery, other external discovery information, or through fraudulent methods such as phishing to obtain passwords to gain unauthorized access to the College's Technology Resources which process and stores other Protected Data.

Ransomware: means a computer contaminant or lock that restricts access by an unauthorized person to a computer, computer system, or computer network or any data in a computer, computer system, or computer network under circumstances in which a person demands money, property, or a service to remove the computer contaminant or lock, restore access to the computer, computer system, computer network, or data, or otherwise remediate the impact of the computer contaminant or lock as defined by Section 22.023, Penal Code.

Risk(s): means a function of the likelihood that a threat will exploit a vulnerability and the resulting impact to the College's missions, functions, image, reputation, assets, or constituencies if such an exploit were to occur.

Risk Acceptance: means an agreement between data owner, stakeholders, and advisors that the risk is understood but due to resource constraints, the College is not able to implement security controls that mitigate or transfer the risk.

Risk Assessment: means the identification of the risks to people, processes, or technology, and determines the probability of occurrence and the resulting impact for each threat/vulnerability pair identified given the security controls in place; Prioritizes risks; and Results in recommended possible actions/controls that could mitigate, transfer, or accept the determined risk. Assessments may be Quantitative or Qualitative.

Risk Mitigation: means a process that prioritizes, evaluates, and implements security controls that will reduce or offset the risks determined in the risk assessment process to satisfactory levels within an organization given its mission and available resources.

Risk Transference: means the process that prioritizes, evaluates, and leverages security controls that transfer the risk to a third party at a cost to the College.

Sensitive Data: means data that is collected and maintained by an organization that must be protected against unauthorized disclosure, except for public release under the provisions of applicable Federal or State Laws.

Security Incident: means the actual or suspected, unauthorized access, disclosure, exposure, modification, or destruction of sensitive personal information, confidential information, or other information the disclosure of which is regulated by law, per SB 271. For example, an incident can be a compromise of a user’s account, execution of malware on a College-owned asset, or a user clicking on a malicious link in a phishing email that results in the compromise of the user’s account.

Sensitive Authentication Data: means additional elements of payment card information required to be protected but never stored. These include magnetic stripe (i.e., track) data, CAV2, CVC2, CID, or CVV2 data, and PIN or PIN block.

Software Intake Form (SIF) Self-Assessment Questionnaire: means a security questionnaire/form used to collect information on technology and software solutions requested for use within the organization. This form is to be completed by the requestor’s department and submitted to Tech Support with additional input from the vendor and ITS. This questionnaire/form intends to collect information about the security controls and technology requirements built into the technology in use or planned to be used by the department/ institution.

Service Code: means a code that tells merchant terminals and acquiring networks about usage restrictions the issuer has placed on this card, defining where the card is used and for what purposes.

Technology Resources: means identity access systems, devices, software, hardware, systems, and services that are provided by the College to the User to conduct College Business. Includes but not limited to authenticated systems access; computing devices; access to internal and external networks and Internet; business services, database and reporting systems; student Information Systems; learning management systems; access to digital resources and services made available via the Intranet and internal servers and any third-party platforms used to conduct College business such as social media accounts; communications systems such as email, instant messaging, collaborations tools, telephone systems, broadcasting systems, and other information technology tools, systems, and infrastructure. This associate term used in Texas legislation in “Information Resources Technologies”.

Technical Support: means ITS Technical Support can be contacted by email at TechSupport@sjcd.edu or by phone at (281) 998-6137.

Texas State Law(s): means Texas state privacy, information, and other data protection laws including, but not limited to, Texas Senate Bill 64, House Bill 3834, Texas Senate Bill 475, Texas Identity Theft and Protection Act (TITEPA), and Texas Administrative Code Chapter 202 (TAC §202).

Threat: means the potential for a threat source to successfully exercise a particular vulnerability, intentionally or unintentionally. Threats are commonly categorized as:

Environmental – external fires, HVAC failure/temperature inadequacy, water pipe burst, power failure/fluctuation, etc.

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Human – cyber threat-actors, data entry, workforce/ex-workforce members, impersonation, insertion of malicious code, theft, viruses, SPAM, vandalism, etc.

Natural – fires, floods, electrical storms, tornados, etc.

Technological – server failure, software failure, ancillary equipment failure, etc. and environmental threats, such as power outages, hazardous material spills.

Other – explosions, medical emergencies, misuse of resources, etc.

Threat Source: means any circumstance or event with the potential to cause harm (intentional or unintentional) to an IT system. Common threat sources can be natural, human or environmental, which can impact the organization’s ability to protect ePHI, financial NPI, protected cardholder data, and student education records.

Threat Action: means the method by which an attack might be carried out, such as hacking or system intrusion.

Threat Actor: means any entity, nation-state actor, or hacktivist that poses a threat or seeks to exploit a vulnerability in the College’s Information Resources or Users.

Regulation(s): means standards and rules adopted by administrative agencies that govern how laws are enforced.

User(s): means an individual, automated application, or process that is authorized by the College to access an Information Resource. Includes, but is not limited to, all College students, faculty, staff, contractors, guests, departments, and any individual, application, or process that accesses and or uses the College’s Information Resources.

Vendor(s): means any third-party that contracts with San Jacinto Community College District to provide goods and/or services to San Jacinto Community College District.

Vulnerability: A weakness or flaw in an information system that can be accidentally triggered or intentionally exploited by a threat and lead to a compromise in the integrity of that system, i.e., resulting in a security breach or violation of policy.

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| Date of SLT Approval | February 15, 2024 |
| Effective Date | February 15, 2024 |
| Associated Policy | Policy III.3010.A, Information Resources |
| Primary Owner of Policy Associated with the Procedure | Chief Technology Innovations Officer |

Secondary Owner of Chief Information Security Officer
Policy Associated
with the Procedure

Procedure III.3010.A.b, Cybersecurity Risk Management

Associated Policy

Policy III.3010.A, Information Resources

1. Purpose

The College is required to protect its Information Resources and Protected Data from unauthorized disclosure, alteration, or destruction by performing due diligence through the accomplishment of Cybersecurity Risk Assessments. Cybersecurity Security Risk Management assesses potential threats and vulnerabilities to the Confidentiality, Integrity, and Availability of the College’s Information Resources and Protected Data, and then develops and implements Risk Mitigation strategies to efficiently and effectively mitigate the Risks identified by such Risk Assessments. Furthermore, such Risk Assessments are required by [Texas Administrative Code §202](#) (TAC 202) for any on-premises or cloud-based computing services (Third-Party Applications) procured or renewed by the College.

2. Applicability

This Procedure applies to all College Information Resources and the Users of such Information Resources, in any form, and is intended to be broad enough to include all Users. This Procedure applies to Users that request the procurement or renewal of Third-Party Applications or other Information Resources for use within the College Information Resources environment. Such Third-Party Applications and Information Resources may include software and technologies installed on-premises or within a cloud environment.

3. Laws, Regulations, and Standards

The College is required to comply with Federal and State Laws and Regulations. In particular, [TAC 202.77](#) requires that state agencies only enter or renew a contractual agreement to receive cloud-computing services (Third-Party Applications) that comply with the [Texas Risk and Authorization Management Program \(TX-RAMP\)](#). As such, the Texas Department of Information Resources (Texas DIR) established a framework for collecting information about cloud services security posture and assessing responses for compliance with required controls and documentation. Furthermore, the College is required to comply with evaluation standards as set forth by the Family Educational Rights and Privacy Act (FERPA), Gram-Leach-Bliley Act (GLBA), Personal Credit Information (PCI), Health Insurance Portability and Accountability Act (HIPAA), and Children’s Online Privacy Protection Act (COPPA), and other regulatory requirements as outlined in the College’s Information Security Program Procedure.

4. Associated Program Controls

The following Program Controls associated with this Procedure are:

PM Program Management Control Family

- PM-9 Risk Management Strategy

RA Risk Assessment Control Family

- RA-1 Risk Assessment | Policy and Procedures

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- RA-2 Security Categorization
- RA-3 Risk Assessment
- RA-3(1) Risk Assessment | Supply Chain Risk Assessment
- RA-5 Vulnerability Monitoring and Scanning
- RA-5(2) Vulnerability Monitoring and Scanning | Update Vulnerabilities To Be Scanned
- RA-5(11) Vulnerability Monitoring and Scanning | Public Disclosure Program
- RA-7 Risk Response

SA System and Service Acquisition Control Family

- SA-4 Acquisition Process

5. Roles and Responsibilities

The roles and responsibilities as defined by the Information Security Program are described in Procedure III.3010.A.a, Information Security Program. Described below are additional roles and responsibilities that pertain to this Procedure.

a. **The Office of Cybersecurity (OCS)** performs the following duties:

- Schedules, prioritizes, and conducts Cybersecurity Risk Assessments.
- Requests information from College Users related to their collection and use of Protected Data.
- Processes and follows up on requested exceptions to College Policy and Procedures.
- Facilitates Risk reviews of Third-Party vendor via the Software Intake Form (SIF) process to ensure vendors adhere to CIS Benchmarks for applicable products.
- Participates in the Cybersecurity Risk Management program, including identification of assets and services, allocation of resources, risk prioritization, risk acceptance, and implementation of risk treatment plan.

b. **College Users(s)** is an individual, automated application, or process that is authorized by the College to access an Information Resource. Includes, but is not limited to, all College students, faculty, staff, contractors, guests, departments, and any individual, application, or process that accesses and or uses the College's Information Resources.

Specifically, Administrators, Faculty, and Staff that request the procurement or renewal of Third-Party Applications and are, as such, the custodian of the Third-Party Application. Such custodians are required to cooperate with the CISO and the Office of Cybersecurity to:

- Submit a Software Intake Form (SIF).
- Participate in Risk Assessments when applicable. This includes Risk Assessments as part of the SIF process and third-party assessments or audits.
- Submit exceptions to the Cybersecurity Risk Management Procedure through the Office of Cybersecurity and work with the Office of Cybersecurity through the exceptions process.

6. Cybersecurity Risk Management Schedule

Two principal components of the Cybersecurity Risk Management process are:

- Risk Assessments, and
- Risk Mitigations

These processes shall be conducted according to the following schedule to ensure the continued adequacy and continuous improvement of the College's Information Security program:

- Scheduled Basis.** An overall Risk Assessment of the College's Information System Infrastructure shall be conducted biennially, aligning with the biennial submission of the State Agency Security Plan as required by [TAC 202.73](#). The Risk Assessment process shall be completed in a timely manner to determine Risk Mitigation strategies within the College's annual budgeting process.
- Throughout a System's Development Life Cycle.** From the time that a need for a new Third-Party Application or Information Resource is identified through the time it is disposed of, ongoing assessments of the potential threats to the Information Resource and its vulnerabilities will be undertaken as a part of the maintenance of the system. Risk Assessments are conducted:
 - Before the purchase of Third-Party Applications or other Information Resources.
 - Before the integration of new Third-Party Applications or other Information Resources and before changes are made to physical safeguards.
 - While integrating Third-Party Applications or other Information Resources and making physical, technological, or administrative security changes. This includes environmental or operational changes affecting the security of ePHI, Financial NPI, PII, protected cardholder data (PCI-DSS), and student education records.
 - While sustaining and monitoring appropriate security controls. This includes performing periodic technical and non-technical security-rule requirement assessments.
- As Needed.** The Chancellor, CTIO, or CISO may call for a full or partial Risk Assessment in response to changes in business strategies, information technology, information sensitivity, threats, legal liabilities, or other significant factors that affect the College's information systems.

7. Submitting a Software Intake Form (SIF)

A key tool in conducting Cybersecurity Assessments is the Software Intake Form (SIF). College Users requesting the procurement or renewal of Third-Party Applications or other Information Resources are required to submit a SIF to the ITS Help Desk. Contact the ITS Help Desk for further instructions on submitting a SIF.

Prior to submitting a SIF, please reference **Procedures 2-13 and 2-14 (Purchasing and Bidding)**. Requestors may also seek guidance from the Office of Cybersecurity (OCS) and Information Technology Services (ITS).

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It is the responsibility of the requestor to collect and submit information for the SIF review. If the purchase or renewal is conducted by Request for Proposal (RFP), then the requestor must submit a SIF when a finalist is selected and before a contract is awarded.

Satisfactory completion and approval of the SIF is required for the purchase or renewal of the Third-Party Application or other Information Resource. On approval of the SIF, ITS provides an ITS Approval Number to Purchasing. If the SIF is not approved, then ITS will contact the requestor to discuss the reasons for denying approval and alternative solutions.

Temporary exception requests for SIF approval prior to submission or completion of a SIF must be submitted to the College's Chief Technology Information Officer (CTIO). It is at the CTIO's discretion to approve temporary exception requests. The CTIO will assess the risks associated with the request based on the information provided. If temporary exception approval is granted, then it is subject to the outcome of the SIF review process. Please note the SIF review process may identify critical issues preventing the Third-Party Application or other Information Resource from being installed or implemented. In such cases, such Third-Party application or other Information Resource will be uninstalled and/or removed.

8. Conducting Risk Assessments and Analysis

The intent of completing a Risk Assessment is to determine potential threats and vulnerabilities and the likelihood and impact should they occur. The output of this process helps to manage risks. Prior to this or in conjunction, a Business Impact Analysis, as part of the B-COOP (Business Continuity of Operations Plan) is conducted to determine critical processes and assets.

Risk Analysis is the process of identifying and analyzing potential issues that could negatively impact key business.

9. Conducting Risk Mitigation

To mitigate the Risks identified by Risk Assessments, security measures will be implemented that are sufficient to transfer, accept, or reduce risks and vulnerabilities to a reasonable and appropriate level to:

- Ensure the Confidentiality, Integrity, and Availability of all Protected Data the College creates, receives, maintains, and/or transmits,
- Protect against any reasonably anticipated threats or hazards to the security or integrity of Protected Data,
- Protect against any reasonably anticipated uses or disclosures of Protected Data that are not permitted or required, and
- Ensure compliance with Federal and State Laws and Regulations.

10. Risk Acceptance Process

Ensuring approval of the security risk acceptance, transference, or mitigation decisions shall be the responsibility of the Information Security Officer (CISO) or CISO designee(s), in

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coordination with the Information Owner for Information Resources identified with Low or Moderate residual risk as defined by [TAC 202.75](#).

The acceptance of any high-level risks that remain (residual) after other risk controls have been applied requires the approval of the Chancellor. Such approved residual risks will be recorded in the College’s Risk Register which is maintained in Texas DIR’s Archer system.

11. Risk Mitigation and Acceptance Documentation Requirements

All Cybersecurity risk management efforts, including the College’s Risk Register with decisions made regarding specific mitigation controls implemented or not implemented shall be documented and documentation maintained for seven (7) years, at which point records will be destroyed in accordance with the College’s Records Management program and industry best practices as defined by [NIST 800-53](#).

12. Definitions

The terms referenced in this Procedure are outlined in **Procedure III.3010.A.a, Information Security Program**, Section 14. Definitions.

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| Date of SLT Approval | February 15, 2024 |
| Effective Date | February 15, 2024 |
| Associated Policy | Policy III.3010.A, Information Resources |
| Primary Owner of Policy Associated with the Procedure | Chief Technology Innovations Officer |
| Secondary Owner of Policy Associated with the Procedure | Chief Information Security Officer |

Procedure III.3010.A.c, Cybersecurity Incident Response

Associated Policy

Policy III.3010.A, Information Resources

1. Purpose

The Incident Response Procedure (IRP) serves as the foundation for the College’s response to cybersecurity incidents. Specifically, this Procedure grants the College’s Chief Information Security Officer (CISO) the authority to appoint a Cyber Incident Response Team (CIRT) in response to actual or suspected information privacy or security event/incidents. The CIRT then has authority to investigate, respond, mitigate, and report such incidents as required by Federal and State Laws.

2. Applicability

This Procedure applies to all College Information Resources and the Users of such Information Resources, in any form, and is intended to be broad enough to include all Users.

3. Laws, Regulations, and Standards

The College is required to comply with Federal and State Laws and Regulations. Specifically, the College’s Incident Response Procedure is required by [Texas Government Code 2054.518](#), [Texas Government Code 2054.603](#), [TAC 202.76](#), and [Texas DIR Security Controls Standard Catalog](#).

4. Associated Program Controls

The following Program Controls associated with this Procedure are:

IR Incident Response Control Family

- IR-1 Incident Response | Policy and Procedures
- IR-2 Incident Response Training
- IR-3 Incident Response Testing
- IR-4 Incident Handling
- IR-5 Incident Monitoring
- IR-6 Incident Reporting
- IR-7 Incident Response Assistance
- IR-8 Incident Response Plan
- IR-9 Information Spillage Response

5. Roles and Responsibilities

The roles and responsibilities as defined by the Information Security Program are described in Procedure III.3010.A.a, Information Security Program. Described below are additional roles and responsibilities that pertain to this Procedure.

- a. **Cyber Incident Response Team (CIRT).** This is a temporary cross-functional team appointed and led by the CISO. The creation of this team is required by Texas State Law and is described in Texas DIR Incident Response Team Redbook. The CIRT is responsible for responding to security breaches, viruses, and other discovered or suspected security incidents at the College.
- b. **College User(s)** is an individual, automated application, or process that is authorized by the College to access an Information Resource. Includes, but is not limited to, all College students, faculty, staff, contractors, guests, departments, and any individual, application, or process that accesses and or uses the College’s Information Resources.

6. College Incident Response Team Redbook

The College’s Incident Response Team Redbook describes:

- The membership, roles, and responsibilities of the CIRT, and the activities required when responding to actual or suspected information privacy or security event/incidents.
- The trigger events and process for activating a CIRT to respond to an actual or suspected event/incident. Once activated, the CIRT has the authority to request cooperation/establish event response priorities which may supersede daily business responsibilities or require attention outside normal business hours.

Resolution of a security event/incident is determined upon review by the CISO to ensure all appropriate steps were accomplished. Practices and playbooks will be created as needed within each step of the incident response process.

7. Reporting

The following mandatory reports are required as defined in the [Texas DIR Security Controls Standard Catalog \(DIR CC\)](#):

- a. **Urgent Incident Report.** Each State institution of higher education shall assess the significance of a security incident based on the business impact on the affected resources and the potential technical effect of the incident. Confirmed or suspected security incidents shall be reported to the DIR not later than 48 hours of discovery as required by [Texas SB 271](#). No later than 10 business days after incident eradication, closure, and recovery the state agency shall report to DIR, including the state agency CISO, the details and root cause of the incident as required by Texas SB 271. The College’s Office of Cybersecurity (OCS) also has the authority to require that incident reporting requirements be included in any contract where such reporting may be necessary.
- b. **Additional Reporting.** Further reporting actions may be required by Texas Government Code.

8. Definitions

The terms referenced in this Procedure are outlined in **Procedure III.3010.A.a, Information Security Program**, Section 14. Definitions.

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Note: See **Procedure III.3010.A.b, Cybersecurity Risk Management** for additional information on cybersecurity.

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|---|--|
| Date of SLT Approval | February 15, 2024 |
| Effective Date | February 15, 2024 |
| Associated Policy | Policy III.3010.A, Information Resources |
| Primary Owner of Policy Associated with the Procedure | Chief Technology Innovations Officer |
| Secondary Owner of Policy Associated with the Procedure | Chief Information Security Officer |

Procedure III.3010.A.d, Prohibited Technologies

Associated Policy

Policy III.3010.A, Information Resources

1. Purpose

[On December 7, 2022, the Governor of Texas required all state agencies to ban the video-sharing application TikTok](#) from all state-owned and state-issued devices and networks over the Chinese Communist Party’s ability to use the application for surveilling Texans. Governor Abbott also directed the Texas Department of Public Safety (Texas DPS) and the Texas Department of Information Resources (Texas DIR) to develop a plan providing state agencies guidance on managing Personal Devices used to conduct state business.

This Procedure refers to the College’s “Security Plan for Prohibited Technologies” and “Prohibited Technologies Security Policy” as required by Texas State Law. In addition to TikTok, the College may add other software and hardware products with security concerns to this Procedure and will be required to remove Prohibited Technologies which are on the Texas DIR Prohibited Technology list. Throughout this Procedure, "Prohibited Technologies" shall refer to TikTok and any additional hardware or software products added to this Procedure.

2. Applicability

This Procedure applies to all College Information Resources and the Users of such Information Resources, in any form, and is intended to be broad enough to include all Users.

3. Laws, Regulations, and Standards

The College is required to comply with Texas State Laws and Regulations. Specifically, Chapter 620 of Texas Government Code Title 6 Subtitle A provides specific guidance for the use of certain social medial applications and services. [Sec.620.001\(1\)\(A\)](#) specifies the social media service TikTok or any successor application or service developed or provided by ByteDance Limited, or an entity owned by ByteDance Limited.

4. List of Prohibited Technologies

Texas DIR will host a site located at located at <https://dir.texas.gov/information-security/prohibited-technologies> that lists all Prohibited Technologies including apps, software, hardware, or technology providers. The College will implement the removal and prohibition of any listed technology. The College may prohibit technology threats in addition to those identified by Texas DPS and Texas DIR.

5. Associated Program Controls

The following Program Controls associated with this Procedure are:

RA Risk Assessment Control Family

- RA-3 Risk Assessment
- RA-3(1) Risk Assessment | Supply Chain Risk Assessment
- RA-5 Vulnerability Monitoring and Scanning
- RA-5(2) Vulnerability Monitoring and Scanning | Update Vulnerabilities to Be Scanned
- RA-7 Risk Response

6. Roles and Responsibilities

The roles and responsibilities as defined by the Information Security Program are described in Procedure III.3010.A.a, Information Security Program. Described below are additional roles and responsibilities that pertain to this Procedure.

a. **The Office of Cybersecurity (OCS)** performs the following duties:

- Schedules and prioritizes Cybersecurity Risk Assessments.
- Requests information from College Users related to their collection and use of Protected Data.
- Conducts Cybersecurity Risk Assessments.
- Processes and follows up on requested exceptions to the College’s Policies and Procedures.
- Participates in the Cybersecurity Risk Management program, including identification of assets and services, allocation of resources, risk prioritization, risk acceptance, and implementation of risk treatment plan.

b. **College User(s)** is an individual, automated application, or process that is authorized by the College to access an Information Resource. Includes, but is not limited to, all College students, faculty, staff, contractors, guests, departments, and any individual, application, or process that accesses and or uses the College’s Information Resources.

7. College Devices used to conduct College Business

The use or download of Prohibited Technologies is prohibited on all College-owned devices, except where approved exceptions apply. Please refer to Section 9 of this Procedure on Exceptions.

8. Personal Devices used to conduct College Business

Personal Devices may be used by all College Users to conduct College Business, and the College will include security considerations to protect the College’s network and data from traffic related to Prohibited Technologies. However, the following limitations apply to this granted use:

- a. Access to Information Resources when using a Personal Device is limited to Information Resources protected by Multi-factor Authentication (MFA) and defense in depth.
- b. Students are restricted to only use a Personal Device that is privately owned or leased by the Student or a member of the Student’s immediate family or the Student’s ISD or Academy.

- c. Users who are employed or contracted by the College must not install or operate Prohibited Technologies on any Personal Device that is used to conduct College Business.

9. Exceptions

Exceptions to this Procedure will only be considered when the use of Prohibited Technologies is required for a specific need to conduct College Business, such as enabling criminal or civil investigations or for sharing of information to the public during an emergency.

Requests for exceptions must be submitted as a support ticket to the ITS Help Desk to the attention of the Chief Information Security Officer (CISO). Once reviewed, the request and the CISO's recommendation will be submitted to the CTIO and Strategic Leadership Team (SLT) for review. Exceptions to the ban on Prohibited Technologies may only be approved by the Chancellor. This authority may not be delegated.

All approved exceptions to the TikTok prohibition or other statewide Prohibited Technologies must be reported to Texas DIR by the CISO.

10. Implementation of the Security Plan

To protect the State's sensitive information and critical infrastructure from technology that poses a threat to the State of Texas, the security plan outlines the following objectives for each agency, which includes the College:

Objective 1: Prohibit the download or use of Prohibited Technologies on any College-issued device.

The College is required to identify, track, and control College-owned devices to prohibit the installation of or access to all prohibited applications. This includes the various prohibited applications for mobile, desktop, or other internet capable devices. Specifically, the College must manage all College-issued mobile devices by implementing the following security controls:

- a. Restrict access to "app stores" or non-authorized software repositories to prevent the installation of unauthorized applications.
- b. Maintain the ability to remotely wipe non-compliant or compromised mobile devices.
- c. Maintain the ability to remotely uninstall unauthorized software from mobile devices.
- d. Deploy secure baseline configurations for mobile devices, as determined by the College.

Objective 2: Prohibit employees and contractors from conducting College Business on Prohibited Technology enabled Personal Devices.

The College may establish a Bring Your Own Device (BYOD) program if there is a justifiable need for the use of Personal Devices to conduct College Business. Such program must consider the following:

- a. Ability to manage lost, stolen, or unauthorized devices.

Attachment 11 – Proposed Procedure

- b. Prevent the installation of banned or unauthorized software.
- c. Prevent the use of unsecure public networks.
- d. Manage open records, confidentiality, and privacy-related issues.
- e. Ability to create a guest security profile that prevents Prohibited Technologies from communicating or being downloaded while that security profile is in use; and
- f. Ability to remove all College-related business and applications from the Personal Device before removing the security profile or un-enrolling the device from the BYOD program.

Objective 3: Identify sensitive locations, meetings, and personnel within an agency that could be exposed to Prohibited Technology-enabled Personal Devices.

Sensitive locations must be identified, cataloged, and labeled by the College as soon as reasonably practicable. A sensitive location is any location, physical, or logical (such as video conferencing, or electronic meeting rooms) that is used to discuss confidential or sensitive information, including information technology configurations, criminal justice information, financial data, personally identifiable data, sensitive personal information, or any data protected by Federal and State Laws. Data rooms, data closets, emergency operations center and any other location are also regarded as sensitive locations. Exterior signage will be used to identify or label sensitive locations.

Unauthorized devices such as personal cell phones, tablets, or laptops may not enter sensitive locations, which includes any electronic meeting labeled as a sensitive location. Visitors, to include students, granted access to sensitive locations are subject to the same limitations as College Users on unauthorized personal devices when entering sensitive locations.

Objective 4: Implement network-based restrictions to prevent the use of Prohibited Technologies on the College networks by and Prohibited Technology-enabled personal device.

To ensure multiple layers of protection, the College will implement additional network-based restrictions to include:

- Configure College firewalls to block access to statewide prohibited services on all College technology infrastructures, including local networks, WAN, and VPN connections. Ensure periodic evaluation of rules as URLs, domains, and IP addresses may change frequently.
- Prohibit Personal Devices with Prohibited Technologies installed from connecting to College technology infrastructure or data.
- Provide a separate network for access to Prohibited Technologies with the approval of the Chancellor.

11. Ongoing and Emerging Technology Threats

To provide protection against ongoing and emerging technological threats to Texas State's sensitive information and critical infrastructure, Texas DPS and Texas DIR will regularly monitor and evaluate additional technologies posing concerns for inclusion in this Procedure.

12. Compliance

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All College Users shall annually confirm their understanding of this Procedure. Confirmation will be included in the College’s Annual Cybersecurity Awareness training and added to the Acceptable Use of Information Resources Procedure.

Compliance with this Procedure will be verified through various methods, including but not limited to, IT/security system reports and feedback to agency leadership.

College Users found to have violated this Procedure may be subject to disciplinary action, including termination of employment.

13. Definitions

The terms referenced in this Procedure are outlined in **Procedure III.3010.A.a, Information Security Program**, Section 14. Definitions.

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| Date of SLT Approval | February 15, 2024 |
| Effective Date | February 15, 2024 |
| Associated Policy | Policy III.3010.A, Information Resources |
| Primary Owner of Policy Associated with the Procedure | Chief Technology Innovations Officer |
| Secondary Owner of Policy Associated with the Procedure | Chief Information Security Officer |

Procedure III.3010.A.e, Data Security

Associated Policy

Policy III.3010.A, Information Resources

Related Policies

[Policy VI.6000.B, Confidentiality of Student Records](#)

1. Purpose

This Procedure describes these requirements and expected responsibilities for identifying, classifying, and applying the appropriate security controls to the College’s data. The College’s Information Resources are vital academic and administrative assets that require appropriate safeguards. Computer systems, networks, and data are vulnerable to ever-increasing cybersecurity threats. These threats have the potential to perpetrate financial fraud and compromise the Confidentiality, Integrity, and Availability of the information used to conduct its College Business. To combat these threats, Federal and State Laws require the College to take measures to protect Information Resources against unauthorized access, disclosure, modification, or destruction, whether accidental or deliberate.

2. Applicability

This Procedure applies to all Users of College Information Resources, in any form, and is intended to be broad enough to include all Users.

3. Laws, Regulations, and Standards

The College is required to comply with Federal and Texas State Laws and Regulations. In the 86th legislative session, the Texas Legislature enacted policy that requires the College to comply with state information security standards, including mandatory cybersecurity training for elected officials, employees, and contractors. Furthermore, in the 87th legislative session, the Texas Legislature enacted policy that requires the College to designate a Data Management Officer (DMO) to establish a data governance program to identify data assets, establish processes and Procedures to oversee the College’s data assets, and implement practices and controls for managing and securing the College’s data. The College is also required to comply with Federal Laws and Regulations that include but are not limited to, the Family Educational Rights and Privacy Act (FERPA), Gram-Leach-Bliley Act (GLBA), Personal Credit Information (PCI), Health Insurance Portability and Accountability Act (HIPAA), and Children’s Online Privacy Protection Act (COPPA).

4. Associated Program Controls

The following Program Controls associated with this Procedure are:

AT Awareness and Training Control Family

- AT-2 Awareness and Training | Literacy Training and Awareness
- AT-3 Awareness and Training | Role-Based Training

- AT-4 Awareness and Training | Training Records

CM Configuration Management Control Family

- CM-10 Configuration Management | Software Usage Restrictions
- CM-11 Configuration Management | User-Installed Software

RA Risk Assessment Control Family

- RA-2 Risk Assessment | Security Categorization (Sensitivity Levels)

Media Protection Control Family

- MP-6 Media Protection | Media Sanitization
- MP-6(1) Media Protection | Media Sanitization | Review, Approve, Track, Document, And Verify-2 | Security Categorization IR-6 Incident Reporting
- MP-2 Media Protection | Media Access
- MP-7 Media Protection | Media Use

SC System and Communication Protection

- SC-5 System and Communication Protection | Denial of Service Protection
- SC-7 System and Communication Protection | Boundary Protection
- SC-8 System and Communication Protection | Transmission Confidentiality and Integrity
- SC-12 System and Communication Protection | Cryptographic Key Establishment and Management
- SC-13 System and Communication Protection | Cryptographic Protection

SI System and Information Integrity Control Family

- SI-2 System and Information Integrity | Flaw Remediation
- SI-3 System and Information Integrity | Malicious Code Protection
- SI-4 System and Information Integrity | System Monitoring
- SI-5 System and Information Integrity | Security Alerts, Advisories, And Directives
- SI-10 System and Information Integrity | Information Input Validation
- SI-12 System and Information Integrity | Information Management and Retention

5. Texas DIR Data Classification Guide

The College's Office of Cybersecurity and the Texas Department of Information Resources (Texas DIR) worked with a taskforce of agency stakeholders to develop the Texas DIR Data Classification Guide, which is a model data classification taxonomy for state agencies and institutes of higher education.

Data Classification is the process of categorizing data into various types, forms, sensitivity level, or any other grouping of similar characteristics. When a piece of information (e.g., a document, memo, or customer record) is created, the Information Owner assigns a standard classification level which defines the prescribed handling requirements for that piece of information. Such categories

dictate the controls necessary to best protect the Confidentiality, Integrity, and Availability of the data.

College data stored, processed, or transmitted using College Information Resources or other resources where College Business occurs is required to be classified into categories as described by the Texas DIR Data Classification Guide into one of the following four (4) categories:

- a. **Regulated** focuses on the types of data typically regulated by federal statute or third-party agreements. Agencies, including the College, that maintain protected health, federal tax, payment card, or certain personal information will have specific requirements placed on that data by a non-Texas regulation. Therefore, regulated data has specific handling requirements that are unique to their regulations and do not apply to all agencies. The category “Regulated” is protected specifically by Federal or State law or College Policy and Procedures, including but not limited to HIPAA, FERPA, PC-DSS, Gramm-Leach-Bliley, and the Texas Identity Theft Enforcement and Protection Act.

- b. **Confidential** is the highest level of classified data at the College. A breach of Information Resources classified as Confidential would cause exceptionally grave damage to the mission of the College. The Confidential label is used to identify information that is typically excepted from public disclosure, whether specified in law or through a decision by the Open Records division of the Texas Office of the Attorney General. Confidential data include information such as attorney-client communications, protected draft communications, and computer vulnerability reports that is typically exempted from the Public Information Act and includes the data commonly referred to as “Regulated” data. College data that are not otherwise protected by a known civil statute or regulation, but which must be protected due to contractual agreements requiring Confidentiality, Integrity, or Availability considerations (e.g., Non-Disclosure Agreements, Memoranda of Understanding, Service Level Agreements, Granting or Funding Agency Agreements, etc.). Data defined in Texas Business and Commerce Code § 521.002(a)(2) is included. Examples of Confidential data may include but not limited to:
 - Personally Identifiable Information (PII): SSN, DOB, Account Numbers
 - Intellectual property: Vendor copyrights, patents, or trade secrets.
 - Passwords
 - Network architecture schematics and diagrams.

- c. **Sensitive Data** is controlled College data that is not otherwise identified as Confidential data, but which is releasable in accordance with the Texas Public Information Act (e.g., contents of specific e-mail, date of birth, salary, etc.) Such data must be appropriately protected to ensure a controlled and lawful release. A breach of College data classified as Sensitive would cause damage to the mission of the College. Information that could be subject to release under an open records request but should be controlled to protect third parties. Examples of Sensitive Data may include but not limited to:
 - Operational information
 - Personnel records
 - Information Security procedures
 - Research

- Internal Communications
- d. **Public Data** is all other data that is not Confidential and is therefore subject to public disclosure pursuant to the Texas Public Information Act. The Public information label is used for information such as published reports, press releases, and information published to the agency’s public website. Such information requires no authentication and is freely distributable by all agency personnel. This data is not otherwise identified as Confidential or Sensitive data. Such data has no legislative requirement for confidentiality, integrity, or availability and is freely and without reservation made available to the public.

6. Roles and Responsibilities

The roles and responsibilities as defined by the Information Security Program are described in Procedure III.3010.A.a, Information Security Program. Described below are specific responsibilities that pertain to this Procedure.

a. **All College Users** are:

- Required to read and acknowledge the College’s **Procedure III.3010.A.f, Acceptable Use of Information Resources** in exchange for the User being granted access to Information Resources and Protected Data.
- Expected to fully cooperate in any investigation of Information Resource abuse. The User agrees to follow all directives from the Chancellor or Designee, whether communicated verbally, in writing, or other media.
- Must immediately report suspected breaches, theft, and incidents associated with College data to Technical Support and the CISO. Technical Support: ITS Technical Support can be contacted by email at TechSupport@sjcd.edu or by phone at (281) 998-6137.

b. **Users who are elected officials, employees, and contractors** are:

- Required to complete Annual Cybersecurity Training Program. Users who are elected officials, employees, and contractors that use a computer to complete their College job responsibilities are required to complete an annual cybersecurity training program as certified by Texas Department of Information Resources (Texas DIR). Such Users agree and understand that access to College Information Resources is subject to their completion of annual cybersecurity training.

c. **Information Owners and Information Custodians.** Based on the Data Classification determined for an Information Resource, the Information Owner and the Information Custodian of the Information Resource are required to implement:

- Appropriate security controls as defined by [Texas DIR Security Controls Standard Catalog](#).
- Records retention procedures as defined by [Texas State Library and Archives Commission’s \(TSLAC\)](#) and the Office of Records Management. Information Owners and Information Custodians may seek additional guidance from The Office of Cybersecurity (OCS) and Information Technology Services (ITS) if unsure of which controls are necessary for the data under their responsibility.

7. College data and Personal Devices

College Business related data stored, processed, or transmitted using a Personal Device is subject to College Policies and Procedures.

8. Personal Data

Personal Data, being data that is personal to the User and stored, processed, or transmitted using College Information Resources as a result of incidental personal use is not considered College data and is excluded from this Procedure.

9. Definitions

The terms referenced in this Procedure are outlined in **Procedure III.3010.A.a, Information Security Program**, Section 14. Definitions.

Note: See **Procedure III.3010.A.b, Cybersecurity Risk Management** for additional information on cybersecurity.

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| Date of SLT Approval | February 15, 2024 |
| Effective Date | February 15, 2024 |
| Associated Policy | Policy III.3010.A, Information Resources |
| Primary Owner of Policy Associated with the Procedure | Chief Technology Innovations Officer |
| Secondary Owner of Policy Associated with the Procedure | Chief Information Security Officer. |

Procedure III.3010.A.f, Acceptable Use of Information Resources

Associated Policy

Policy III.3010.A, Information Resources

Other Associated Procedures:

Policy VI.6000.B, Confidentiality of Student Records

Policy VI-K: Policy Regarding Appropriate Use of Copyrighted Materials

Policy VI.6004.A, Compliance with Health Insurance Portability and Accountability Act (HIPAA)

1. Purpose

The purpose of this Procedure is to describe the conditions for Acceptable Use of Information Resources provided by the College to the User. The College maintains control, insofar as is practicable, over its Information Resources to ensure a secure and efficient operation of such Information Resources to support College Business and further the College's mission. In general, use of such Information Resources to conduct College Business is regarded as Acceptable Use.

2. Applicability

This Procedure applies to all Users of College Information Resources, in any form, and is intended to be broad enough to include all Users. Specific clauses applicable to a particular category of User are identified as such within this procedure.

3. Consent

The College provides Information Resources to the User for the purpose of conducting College Business. The User should read the terms of this Procedure carefully before using Information Resources. By using Information Resources, the User consents, accepts, and agrees to be bound and abide by the conditions of College Policy and this Procedure. The User understands that access to Information Resources is a privilege and not a right. With this privilege, the User is expected to properly use and protect Information Resources and respect the rights of other Users and third parties to their privacy, intellectual property, and other rights. Furthermore, the User understands that the College is a public junior college and governmental entity subject to specific Federal, State and Local Laws. The User agrees to be bound by and follow College Policy and this Procedure and all relevant Federal, State and Local Laws and Regulations. If warranted, the misuse of Information Resources and Digital Content by the User will result in the revocation of that User's access to Information Resources and may include disciplinary and or legal action. For all Users, documented acknowledgement of this Procedure is accomplished by completing San Jacinto Annual Cyber Awareness Training and/or clicking the checkbox on the Notice and Consent Banner when logging-in to the College's systems.

4. Laws, Regulations, and Standards

The College is required to comply with Federal and Texas State Laws and Regulations. In the 86th legislative session, the Texas Legislature enacted policy that requires the College to comply with

state information security standards, including mandatory cybersecurity training for elected officials, employees, and contractors. Furthermore, Chapter 620 of Texas Government Code Title 6 Subtitle A provides specific guidance for the use of certain social medial applications and services. [Sec.620.001\(1\)\(A\)](#) specifies the social media service TikTok or any successor application or service developed or provided by ByteDance Limited, or an entity owned by ByteDance Limited. The College is also required to comply with Federal Laws and Regulations that include but are not limited to, the Family Educational Rights and Privacy Act (FERPA), Gram-Leach-Bliley Act (GLBA), Personal Credit Information (PCI), Health Insurance Portability and Accountability Act (HIPAA), and Children’s Online Privacy Protection Act (COPPA).

5. Associated Program Controls

The following Program Controls associated with this Procedure are:

PL Planning Control Family

- PL-4 Rules of Behavior
- PL-4(1) | Rules of Behavior | Social Media and External Site/Application Usage
- Restrictions

AT Awareness and Training Control Family

- AT-2 | Literacy Training and Awareness
- AT-3 | Role-Based Training
- AT-4 | Training Records

CM Configuration Management Control Family

- CM-10 | Software Usage Restrictions
- CM-11 | User-Installed Software

6. Roles and Responsibilities

The roles and responsibilities as defined by the Information Security Program are described in Procedure III.3010.A.a, Information Security Program. Described below are additional roles and responsibilities that pertain to this Procedure.

- Users Responsibility to Cooperate.** The User is expected to fully cooperate in any investigation of Information Resource abuse. The User agrees to follow all directives from the Chancellor or designee, whether communicated verbally, in writing, or other media.
- Users Responsibility to Complete Annual Cybersecurity Training Program.** Users who are elected officials, employees, and contractors that use a computer to complete their College job responsibilities are required to complete an annual cybersecurity training program as certified by Texas Department of Information Resources (Texas DIR). Such Users agree and understand that access to College Information Resources is subject to their completion of annual cybersecurity training.

7. Disclaimer of Liability

The User agrees and understands that the College shall not be liable for the User's inappropriate use of Information Resources; the User's violations of Federal, State and Local Laws and Regulations, or License Agreements; and or the User's mistakes or negligence and costs as incurred by User. Furthermore, the College shall not be responsible for ensuring the availability of Information Resources or the accuracy, age appropriateness, or usability of any information found on the Internet.

8. Privacy

The College makes no warranties or representations as it relates to the User's privacy in use of Information Resources. The User should have no general expectation of privacy when using Information Resources. The User understands the following:

- a. The College routinely monitors Digital Content and Protected Data, software, and communications contained within its Information Resources.
- c. Digital Content and Protected Data stored on Technology Resources and on Personal Devices used to access Information Resources to conduct College Business, such as but not limited to email, text messages, documents, or other data relating to College Business, belongs to The College insofar as allowed by Federal, State and Local Laws or Regulations.
- d. While The College attempts to provide a secure environment for Information Resources, Digital Content and Protected Data, the User should be aware that the Internet and Personal Devices contain many security risks that the User may be exposed to when using Personal Devices and or accessing Information Resources when using Personal Devices. As such, the User should have no expectation of privacy when using the Internet and or Personal Devices to access Information Resources.

9. College-owned Devices and Prohibited Technologies

The use or download of Prohibited Technologies is prohibited on all College-owned devices, except where approved exceptions apply. Refer to **Procedure III.3010.A.d, Prohibited Technologies**.

- a. **Personal Use of Information Resources.** The User may use Information Resources to conduct limited and reasonable personal use insofar as such use does not interfere with the User's duties and or College business or pose a security risk to the College.
- b. **Personal Devices and Prohibited Technologies.** Personal Devices may be used by all College Users to conduct College Business insofar as allowed by College Policy and Procedures, Federal, State and Local Laws, Regulations, and License Agreements. The College will include security considerations to protect the College's network and data from traffic related to Prohibited Technologies. The following limitations apply to this granted use:
 - Access to Information Resources when using a Personal Device is limited to Information Resources protected by Multi-factor Authentication (MFA) and defense in depth.
 - Students are restricted to only use a Personal Device that is privately owned or leased by the Student or a member of the Student's immediate family or the Student's ISD or Academy.

- Users employed or contracted by the College must not install or operate Prohibited Technologies on any Personal Device that is used to conduct College Business.

The User understands and agrees that their Personal Devices and the Digital Content and any Data stored on such Personal Devices are subject to College Policies, Federal and State Laws, Regulations, and License Agreements.

10. Student Access to Information Resources

- Web Content Filtering.** The College considers access to Information Resources such as networks, the Internet, productivity and instructional software, and computers in lab spaces by Users who are students as an extension of the classroom environment. The College also considers all Users who are students as adults. As such, the College does not place age-based restrictions on User activities, nor does it filter web content.
- Dual Credit Students.** Access to College Information Resources is provided to Users who are High School students, including Minors, enrolled in any College sponsored class or program and who have been issued valid College login credentials. The College requires such Users to comply with applicable College Policies and Procedures. As such, Dual-Credit partner institutions and their students are responsible for ensuring compliance with their institution's policies and procedures.
- Minors not enrolled at the College.** Minors not enrolled at the College are not authorized Users of Information Resources and therefore require parent or guardian's consent to the College's Policies and this Procedure to access the College's network, computer labs or other computer use areas.

11. Unacceptable and Prohibited Use

Described as follows are activities regarded as Unacceptable and Prohibited uses of Information Resources by all Users.

- Unauthorized Access to Information Resources.** The User must not gain unauthorized access or enable or cause unauthorized access to Information Resources. The User with an authorized password or access to protected system accounts is prohibited from disclosing the User's password and or other forms of authentication identification, or otherwise make available protected accounts to any other User both within and outside of the College. The College will never ask for a User's username or password. Any issues discovered by the User with system security must be reported immediately to Technical Support.
- Unauthorized Access to Digital Content.** The User must not intentionally seek or provide information on, obtain copies of, or modify data files, programs, passwords, or other digital materials protected by Federal, State and Local Laws and Regulations, License Agreements and or belonging to other Users or third parties, without the specific, written permission from those Users or third parties.
- Unauthorized use of Digital Content or Data Protected by Intellectual Property and Privacy.** The User is required to comply with intellectual property and other Federal, State and

Local Laws and Regulations. The User must not use peer-to-peer file sharing networks, such as but not limited to BitTorrent and Usenet, unless such use is deemed legitimate College Business and does not violate intellectual property or other laws. Any Digital Content protected by copyright may not be copied except as specifically stipulated by the owner of the copyright in writing or otherwise permitted by copyright law. Protected Digital Content may not be copied into, from, or by using any College facility or Information Resource without a valid license or as otherwise permitted by copyright law. Unauthorized duplication, distribution, or use of someone else's intellectual property, including computing software, is prohibited.

- d. **Use of College Information Resources for Personal Business.** The User must not use Information Resources for commercial purposes that are not considered College Business. The User is reminded that the “EDU” domain on the Internet has rules restricting or prohibiting most commercial use. Specifically,
- **College email for personal business.** Users who are College employees and contractors to include persons working in an “intern” position are prohibited from using their sjcd.edu email account for personal use and business. Accounts are to be used strictly for College-related business. Examples of personal use: mailing lists/news groups, and personal purchase confirmations that are not related to College or educational price discount programs. Exceptions may be granted if specifically related to area of instruction and job function. The introduction of non-College Business-related emails increases the likelihood of SPAM and malware infected emails that pose a risk to the College’s Information Resources.
 - **Advertising.** The User must not use the College’s email system or any other Information Resources to transmit commercial or personal advertisements, solicitations, or promotions.
 - **Off-site Personal Use of Information Resources.** College-owned computing devices, equipment, and any other Information Resources taken by the User off-site must be used for College Business and must not be used for any personal or personal business use, including the use by family members or friends. Furthermore, the User is responsible for the protection and security of Digital Content protected by laws and regulations, that is stored on or accessed by College-owned and Personal Devices.
- e. **Non-compliance with the terms of License Agreements.** By using Information Resources, such as software and online services, the User agrees and understands the terms and conditions as described in License Agreements of the licenses that are granted for their use. The number and distribution of copies and access to copyrighted software and services must be handled in such a manner that the number of simultaneous Users does not exceed the number of original copies or licenses purchased by that User, unless otherwise stipulated in the purchase contract or as otherwise permitted by Federal and State Laws and Regulations.
- f. **Theft of Computing Devices and other Information Resources.** The User must protect College-owned computing devices and any other Information Resources and equipment from theft, loss, or damage.
- g. **Modification or Removal of Information Resources.** The User is prohibited from attempting to modify Information Resources or remove equipment including but not limited to computer devices and equipment, software, or peripherals.

- h. **Use of Unauthorized or Destructive Programs and Digital Content.** The User is prohibited from intentionally using or developing programs, processes, Data or Digital Content that are disruptive to other Users, damage software or hardware components of a system, or access, store, process or transmit personal, private, or restricted information and Digital Content. The User is prohibited from breaching security, including but not limited to creating or propagating viruses or other malware, key logging, denial of service attacks, ransomware, hacking, and use of another User's password.
- i. **Threats, Harassment, Libel, or Slander.** The User must not use the College's email system or any other Information Resource to send, view, or download fraudulent, threatening, harassing, obscene, threatening, or other messages or material that are a violation of applicable College Policies and Procedures, and Federal, State and Local Laws and Regulations, such as under circumstances that might contribute to creating a hostile academic or work environment.
- j. **Mass Communications and unsolicited material.** The User must not send mass messages such as texts or emails to internal College accounts unless approved by the College. The User must not send mass messages such as texts or emails to external non-College accounts unless approved by the College's Marketing or Student Services Department. Mass communications are protected by laws and regulations. Furthermore, the User understands that subscribing to an outside electronic mailing/list will be viewed as having solicited material delivered by the list. Materials which are not consistent with conducting College Business will be considered as unsolicited material and may be restricted from delivery to the College's email system or other Information Resources.
- k. **Child Pornography.** Child pornography is material that depicts minors in a sexually explicit way. Intentionally uploading, downloading, or viewing child pornography by the User violates Laws and is explicitly forbidden.
- l. **Political Use.** The User must not use Information Resources for partisan political activities as prohibited by Federal, State and Local Laws and Regulations.
- m. **Excessive use of Information Resources.** The User must not intentionally excessively use Information Resources, including but not limited to excessive, unnecessary, or wasteful usage of bandwidth, storage usage, CPU usage. Furthermore, the User must not intentionally print excessive copies of documents, files, or programs when more efficient alternatives are known. The use of College printers for personal business is prohibited.
- n. **Gambling or illegal activities.** The User must not use Information Resources for gambling or other illegal activities. The User who receives any communication or materials with illegal content from any other User or third-party should report the matter immediately to campus police, Technology Support, and their immediate leader.

12. Auditor Access

Personnel of the Internal Audit Departments have access to all College activities, records, property, and employees in the performance of their duties.

- a. For non-investigative audits, access requests for Information Resources, including information Services and data files, will be made to the User, as appropriate. Requests to access data subject to privacy laws and regulations must be submitted to the College’s Chief Information Security Officer (CISO).
- b. For investigative audits, access requests for Information Resources, including information Services and data files will be made to the appropriate College leader. Requests to access data subject to privacy laws and regulations must be submitted to the College’s Chief Information Security Officer (CISO).
- c. Internal Audit access to data files will be provided as specifically requested by Internal Audit; however, whenever practical, Internal Audit will utilize hard copy output or data file copies.
- d. Read-only access will be granted, unless specific instructions are provided, to ensure proper safeguards for continued integrity and availability of data files.
- e. State, Federal and Supervisory Authority auditors will be granted access to Information Services and data files on an as-needed basis after coordination with the Internal Auditors and area supervisor, and after proper training requirements are met.

13. Amendment and Complaints

Given the unique nature of Information Resources and the ever-evolving security threats that impact the College’s operations related to the same, this procedure may be amended or modified at any time and will continue to apply to all Users of Information Resources. Users continued use of Information Resources consent to any modifications, but such use shall not be necessary for this policy to apply to all Users as amended. Complaints related to the application of this policy should be directed to a User’s leader or the College’s Chief Information Security Officer (CISO).

14. Definitions

The terms referenced in this Procedure are outlined in **Procedure III.3010.A.a, Information Security Program**, Section 14. Definitions.

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|---|--|
| Date of SLT Approval | February 15, 2024 |
| Effective Date | Anticipated April 2, 2024 |
| Associated Policy | Policy III.3010.A, Information Resources |
| Primary Owner of Policy Associated with the Procedure | Chief Technology Innovations Officer |
| Secondary Owner of Policy Associated with the Procedure | Chief Information Security Officer |

Action Item “XXI”
Regular Board Meeting, March 4, 2024
Consideration of Approval of Policy III.3007.A, Purchasing and
Policy III.3007.D, Bidding - First Reading (Informational Item)

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve revisions to the College’s Policy on Purchasing and the Policy on Bidding. The Board of Trustees will not vote on these items but is creating awareness that the policies are being considered and input is being gathered.

BACKGROUND

The current policies on Purchasing and Bidding require some updates to meet the new required format and content standards, comply with Texas Education Code 51.3525, and clarify the requirements related to emergency situations.

Procedures have also been developed to guide employees as they utilize the College’s procurement process. Terminology was updated, references to legal codes were added, and more detailed guidance was provided. In addition, the PCard single item limit was raised from \$750 to \$1500, and the purchase threshold requiring one quote or bid was raised from \$5,000 to \$9,999.

IMPACT OF THIS ACTION

The updated policy and procedures will be sent to the College community on March 4, 2024. Comments will be reviewed and any changes, if appropriate, will be addressed prior to the Board’s second reading of this policy which is anticipated on April 1, 2024.

The associated procedures support implementation of the policies and are attached for informational purposes and will not be voted on.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

No budgetary impact.

MONITORING AND REPORTING TIMELINE

The Board will be notified of any changes that require its action.

ATTACHMENTS

Attachment 1 – Summary of Changes – Policy III.3007.A, Purchasing

Attachment 2 – Policy V-B: Policy on Purchasing (current policy)

Attachment 3 – Policy III.3007.A, Purchasing (proposed policy)

Attachment 4 – Procedure 2-13: Purchasing (current procedure – informational item)

Attachment 5 – Procedure III.3007.A.a, Purchasing (proposed procedure – informational item)

Attachment 6 – Summary of Changes – Policy III.3007.D, Bidding

Attachment 7 – Policy V-C: Policy on Bidding (current policy)

Action Item “XXI”
Regular Board Meeting, March 4, 2024
Consideration of Approval of Policy III.3007.A, Purchasing and
Policy III.3007.D, Bidding - First Reading (Informational Item)

Attachment 8 – Policy III.3007.D, Bidding (proposed policy)

Attachment 9 – Procedure 2-14: Bidding (current procedure – informational item)

Attachment 10 – Procedure III.3007.D.a, Bidding (proposed procedure – informational item)

RESOURCE PERSONNEL

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Purchasing

Policies and Procedures Summary of Changes

New Policy Number: **III.3007.A**

Proposed Policy Name: **Purchasing**

Current Policy Number/Name: Policy V-B: Policy on Purchasing

New Procedure Number: **III.3007.A.a**

Proposed Procedure Name(s): **Purchasing**

Current Procedure Number(s)/Name(s): Procedure 2-13: Purchasing

Action Recommended for Policy: Revised

Action Recommended for Procedures: Revised

Web Links:

<https://www.sanjac.edu/about/policies-procedures/V-B-Policy-on-Purchasing.pdf>

<https://www.sanjac.edu/about/policies-procedures/2-13-Purchasing.pdf>

Primary Owner: Vice Chancellor, Fiscal Affairs

Secondary Owner: Chief Procurement Officer, Contracts & Purchasing Services

Summary of Changes:

Policy Changes:

- Update Policy Number.
- Correct reference of “San Jacinto College District Purchasing Guidelines Manual” to the “San Jacinto College Purchasing Handbook”.
- Add reference to Section 51.3525(b)(1)(D) of the Texas Education Code: The College shall not “give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.”

Procedure Changes:

- Update Procedure Number.
- Funding and the Requisitioning Process:
 - Remove reference pcard single item and single purchase limit. Information was duplicated and is addressed within the appropriate sections within the procedures.
 - Remove reference to Business Office approval of Requisitions to align with current processes.
 - Correct reference of the “the Purchasing Department” to “Contracts and Purchasing Services (“the Purchasing Department”)”.
 - Remove reference of accepting verbal quotes.
 - Correct title authorized to sign Purchase Orders from “Director” to “Chief Procurement Officer (CPO)”.
- Unauthorized Purchases (After the Fact Transactions):
 - Revise Unauthorized Purchases (After the Fact Transactions) for clarity of personal liability and to align procedures with the Purchasing Handbook.

Attachment 1

- Remove reference of authorized purchases requiring the Chancellor's approval for payment.
- Criminal Offense
 - Revise to clarify who has authority to issue Purchase Orders and enter into contracts.
- Procurement Methods:
 - Remove Sam's card as a Procurement Method.
- Standing Purchase Orders:
 - Revise to clarify the recommended vendors of a PO.
- Standing Purchase Orders:
 - Revise limit of standing purchaser orders from \$5,000 to \$10,000.
- PCard Purchases (Section title update)
 - Increase Pcard single item limit from \$750 to \$1,500.
- Direct Pay Request:
 - Revise Direct Pay process to align with the process as outlined by the Accounts Payable Department.
- Campus Bookstore Purchases:
 - Revise the Campus Bookstore to not list the contracted vendor by name.
 - Correct link to the Campus Bookstore details.
- Construction Contracts:
 - Correct reference of department name from "Construction Department" to "Facilities Services Department" and "Fiscal Initiatives & Capital Projects Department".
- Independent Contractors and Consultant Contracts:
 - Correct selection process of Independent Contractors and Consultant Contracts to align with the Texas Education Code, Subchapter B, Section 44.031.
- Alcohol Purchases for Instructional Purposes (Added Section)
 - Added to align with college Procedure VII.7002.A.b, Alcohol Usage in College Programs.
- Co-Operative Purchase Contracts and Inter-Local Agreements
 - Revised to align with Policy III.3007.B, Contract Authority.

Policy V-B: Policy on Purchasing

Requirements for purchasing practices are governed by the laws of the State of Texas. All District purchases will comply with state statutes as well as the requirements of the San Jacinto College District Purchasing Guidelines Manual.

All purchases must be made in the name of the San Jacinto College District. The District shall assume responsibility for debts incurred in the name of the District so long as those debts are for purchases made in accordance with adopted Board policy and current administrative procedures regarding contracting and purchasing. The District shall not be responsible for debts incurred by persons or organizations not directly under District control. The District shall not be responsible for any other unauthorized purchase or debt. All vendors are charged with the responsibility to discover an individual or an organization's authority before any purchase, contract or debt is incurred. Persons making unauthorized purchases shall assume full responsibility for all such debts.

| | |
|--------------------------------|-----------------------------|
| Policy #: | V-B |
| Policy Name: | Policy on Purchasing |
| Pages: | 1 |
| Adopted Date: | |
| Revision/Reviewed Date: | |
| Effective Date: | |
| Associated Procedure: | 2-13 |

Policy III.3007.A, Purchasing

Purpose

This policy will address the authority and requirements related to purchasing goods or services on behalf of San Jacinto College (College).

Policy

Requirements for purchasing practices are governed by the laws of the State of Texas. All College purchases will comply with state statutes, College policies and procedures, as well as the requirements of the San Jacinto College Purchasing Handbook.

All purchases must be made in the name of the College. The College shall assume responsibility for debts incurred in the name of the College so long as those debts are for purchases made in accordance with adopted Board policy and current administrative procedures regarding contracting and purchasing. The College shall not be responsible for debts incurred by persons or organizations not directly under College control. The College shall not be responsible for any other unauthorized purchase or debt. All vendors are charged with the responsibility to discover an individual or an organization's authority before any purchase, contract or debt is incurred. Persons making unauthorized purchases shall assume full responsibility for all such debts.

Pursuant to Section 51.3525(b)(1)(D) of the Texas Education Code, the College shall not “give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution,” including, without limitation, a participant in any purchasing/contracting function of the College.

All purchasing/contracting functions shall be conducted in a manner providing for full and open competition consistent with applicable laws, policies, and procedures. Contractors are subject to discipline, up to and including termination, for violating any provision of Texas Education Code Section 51.3525(b)(1) (relating to prohibited diversity, equity, and inclusion programs and activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation). When evaluating an alleged violation of Section 51.3525, the College Administration will consider whether the contractor’s conduct constitutes a violation or falls within an exception established in Section 51.3525 of the Texas Education Code.

Definitions

College: The San Jacinto Community College District and also referenced as San Jacinto College.

Contract: An agreement between two or more parties that is intended to have legal effect to create a financial commitment or obligation of the College. A contract may include, but is not limited to, goods and service agreements, memoranda of understanding, letters of intent, lease agreements, rental agreements, grant awards, purchase orders, sole source contracts, cooperative contracts, interlocal contracts, and job order contracts.

Attachment 3 – Proposed Policy

Employee: A full-time or part-time employee of the College as defined by Human Resources policy and procedure.

The Authority, Applicability, Sanctions, Exclusions, and Interpretation do not differ from Policy II.2000.A, Policy and Procedures Development, Review, Revision, and Rescission.

Associated Procedures

Procedure III.3007.A.a, Purchasing

| | |
|------------------------|--|
| Date of Board Approval | Anticipated April 1, 2024 |
| Effective Date | Anticipated April 2, 2024 |
| Primary Owner | Vice Chancellor, Fiscal Affairs |
| Secondary Owner | Chief Procurement Officer, Contracts & Purchasing Services |

Procedure 2-13: Purchasing

Funding and the Requisitioning Process

All funds deposited with the College, regardless of source, are College funds and must be handled in accordance with State Statutes and College Policy and Procedures. Although departments are allocated funds in their budgets, this allocation is only an authority to requisition, not to purchase. Any College department having a budget allocation may request purchases be made against that allocation in accordance with the following procedure:

Purchases totaling \$5,000 or more for the purchase of all equipment, furniture, materials, supplies, and services shall be initiated through the requisition process. Small Dollar purchases for items or services in which no single item exceeds \$500 may be purchased by the procurement card method provided prior approval by the cardholder's approving authority. After entering the requisition via the Banner Financial software system, the requisition is routed to the District Business Office.

Business office personnel evaluate the requisition according to specific criteria:

- The proposed expenditure is in accordance with the purpose of the account from which it will be made;
- The amount of the expenditure is within the approved budget allocation.

After the requisition has been processed by the Business Office, it will be routed via the electronic approval process to departmental approving authorities depending on the requisition value. After the approval process is complete, it is routed to the Purchasing Department and the corresponding buyer for the commodity will:

- Verify the expenditure is for goods or services that are appropriate to the needs of the institution;
- Determine if quotes/bids are required;
- Verify/Obtain three (3) written or verbal quotes;
- Offer consulting regarding bidding/quoting procedures;
- Verify the pricing is correct;
- Verify the vendor is approved via a contract; (if applicable)
- Verify the requisition is documented properly;
- Approve the requisition and convert it to an official purchase order.

At the conclusion of the purchasing process, a purchase order is generated, printed, and signed by the Director of Contracts and Purchasing Services. Purchase orders are printed by the Purchasing Department and forwarded according to the instructions included on the Purchase Order. All terms and conditions stated on the purchase order apply.

Unauthorized the Purchases (After the Fact Transactions)

Employees who purchase goods and/or services before proper authorization has been obtained assume complete responsibility for the purchase. Any employee who places an order for goods and/or services without following the requisition process violates the College's purchasing procedures. SJCCD employees, who generate financial liability for the College without being authorized to do so, will be subject to disciplinary action, including suspension or termination.

The District Business Office is not authorized to make payment in such cases unless instructed to do so by the Chancellor or his/her designee.

Any supplier, who accepts an unauthorized order, will be advised of this policy and may jeopardize the ability to do future business with the College.

Criminal Offense

The Purchasing Department is the only authorized entity within the College to issue purchase orders or as delegated by the Chancellor or the Vice Chancellor of Fiscal Affairs to enter into a contract. All purchases shall be made in compliance with the provision listed within the Texas Education Code and College policies.

An officer, employee or agent of a school district commits an offense if the person with criminal negligence makes or authorizes separate, sequential, or component purchases to avoid the requirements of Section 44.031 (a) or (b). An offense under this subsection is a Class B misdemeanor and is an offense involving moral turpitude.

Procurement Methods

The procurement of supplies, equipment and services for the College can only be acquired by the following methods: regular purchase orders, standing purchase orders, procurement cards, Sam's Card and Direct Pay Request. A regular purchase order is the preferred method to purchase goods and services for the College while the additional methods provide increased efficiency and productivity in the purchase of small dollar repetitive purchases. The alternative methods shall not be utilized to circumvent the approval and procurement processes.

Regular Purchase Orders:

Regular Purchase Orders allow the requested product/service to be approved by the approving authorities prior to the actual purchase of the merchandise/service. Additionally, the Purchasing Department has the opportunity to source and obtain quotes to ensure a competitive environment exists for College procurements. Purchase orders are initiated by the requestor via the Banner requisitioning process. All requisitions must include the following information:

- A recommended vendor;
- A commodity code;
- A complete description of the product/service being requested including stock numbers if applicable and price;
- The appropriate FOAP code (Fund-Organization-Account-Program);
- Any other additional information in the document text section of the requisition such as bid number, quote number, do not mail instructions, confirmation only, contract information, Board approval date, etc.

When the user completes date entry of the requisition, it is processed for approvals. After the approval process is completed, the requisition is routed to the Purchasing Department for processing. **Standing Purchase Orders:**

A Standing Purchase Order is a purchase order which has been issued to a vendor where multiple purchases may be made during a specified period of time.

Conditions for use:

- For supply-type commodities and services only. (No equipment over \$5,000);
- For repetitive purchases of the same type of commodity item, services or category of items;
- Standard materials or maintenance supplies that require numerous shipments;

Attachment 4 – Current Procedure (Informational Item)

- For purchases associated by a written quote or bid awarded by the Board of Trustees.

Standing Purchase Orders should not be used when:

- No Benefit will be derived over and above use of a regular purchase order;
- As a means to provide an open line of credit with a vendor;
- Prices are unknown at ordering time, or subject to change later without notice;
- As a means to save time rather than listing description detail required by a regular purchase order.

Limits when using Standing Purchase Orders:

- Standing purchase orders not associated by a written quote, contract or a bid issued by the Purchasing Department shall not exceed \$2,500.
- Standing purchase orders exceeding \$2,500 must be associated by a written quote, contract or a bid issued by the Purchasing Department.

Procurement Card Purchases (P-card):

A Procurement Card is an alternate method of procurement utilized to purchase small dollar amounts and for travel arrangements. These purchases are governed by the procedures of the College's Procurement Card program. Employees must meet specific procurement criteria and must be approved by their approving authority prior to receiving a procurement card. Card-holders are required to use vendors approved via the bid and quoting process if applicable. The Purchasing Department is responsible for posting current vendor and contract information to assist card-holders in choosing the appropriate vendor. The monthly credit limit is established by hierarchy and need. The single item purchase limit is \$750. Exceptions to this limit include travel expenditures, utility expenditures and miscellaneous purchases as approved on a per occasion basis by the Director of Contract and Purchasing Services.

Direct Pay Request:

The Direct Pay Request method for purchasing merchandise shall only be utilized in accordance with the Direct Pay Guidelines. Direct Pay Requests are not associated with purchase orders, but an invoice must be received and approved before a payment will be issued. San Jacinto Community College District will not pay a vendor unless an invoice is received for the goods or services provided and a receiving confirmation is completed. Direct Pay Requests may be utilized during the end of the fiscal year procedures and other special requirements approved by the Director of Accounting and Financial Services.

Campus Bookstore Purchases:

The College bookstores are managed and operated by Barnes & Noble and their purpose is to sell products at retail value to generate profits. The primary customers of the bookstores are students of the College and the general public. Computer supplies and equipment purchases are prohibited purchases from the bookstore. All purchases of books and textbooks utilized by the College should be done through the bookstore unless documented that the requested title is unavailable through the bookstore. Barnes and Noble will accept purchase orders and procurement cards as a procurement method.

Receipt of Merchandise:

San Jacinto College does not have a central receiving department to receive all incoming shipments in a centralized manner. The Maintenance Department of each campus is responsible for receiving

Attachment 4 – Current Procedure (Informational Item)

merchandise and delivering of merchandise to the requesting department. It is important to specify in the requisition the building, room number, contact person and telephone number to assist the vendor with proper shipping arrangements and for Maintenance personnel to know where to deliver the goods.

When the goods or services listed on the purchase order are received by the College, the person initiating the request is responsible for verifying that the goods or services received meet the conditions and requirements stated in the purchase order.

The receiver should have a copy of the purchase order for comparison of material ordered and material being received. If a discrepancy is discovered or the product is damaged, the Maintenance Department and the vendor should be notified expeditiously. Payment should not be initiated until the discrepancy or damaged item is corrected.

The requesting department is responsible for final verification of incoming merchandise received and initiating the receiver in the Banner Financial software system.

Payment of Purchase Orders:

All invoices should be mailed to the District Business Office. The business office will forward the invoice to the originating department for approval. When the person responsible for the purchase receives the invoice for the goods or services listed on the purchase order, he or she approves the invoice for payment and promptly forwards the invoice to the District Business Office for payment. If the invoice total differs from the original purchase order total, the originator of the purchase order must be able to justify and explain the price difference. After comparing the invoice against the purchase order and any subsequent adjustments, the District Business Office personnel will process the invoice for payment.

Sole Source Purchases

Single source - The practice of using one source, among others in the competitive market, which for justifiable reason, is found to be most advantageous for the purpose of fulfilling a given purchasing need.

Sole source - This may exist when there is only one known source of supply available. An example would be a product that has a copyright, trademark or patent. SJCCD recognizes that there may be instances when proprietary or sole source purchases must be made, but such purchases must be appropriately justified. The justification for such purchases must be in writing and must be based upon a need for a specific feature of characteristic (specification) that is unique to the requested product or service that cannot be provided by any other product or service. The Purchasing Department shall provide a form for written justification. It must be signed by the requestor and other authorized individuals listed on the form and forwarded to the Purchasing Department. The explanation criteria must contain the following elements:

- Identification of the unique feature(s) or character(s)/specification(s) of the requested product that will serve as the basis for the proprietary/sole justification;
- An explanation of the need for the unique specifications. This explanation must address the critical importance of the unique specifications to the intended use of the product or service;
- A reason stating why a competitor's product is not satisfactory. This section must relate to the explanation of need for the unique specifications and should serve to support a finding that the stated need cannot be met with competing products. **Sufficient detail must be included to show that the marketplace has been canvassed to locate acceptable competitive products.**

If there are two or more products that are acceptable, preserving the competitive bidding environment will help ensure that SJCCD receives the best price. The use of proprietary/sole source purchase procedure is an overt act that must withstand critical scrutiny. Justifications must be objective and must avoid

statements that cannot be substantiated. The justification cannot be that competing products are not satisfactory. Statements regarding product quality that may be subjective should not be used. It is important to note that the price of a product is not acceptable justification for a proprietary purchase. It is recognized that many purchases are based upon extensive investigative work done by the end-user before submitting the purchase request and that there are good reasons why one product will work and another may not. Remember, however, that the proprietary/sole source purchase procedure is an exception to the competitive bidding requirements to be used only whenever appropriate. The Purchasing Department has final authority to determine if a product or service meets the sole source criteria as specified in the Texas Education code 44.031(j) (k).

Because of patent expirations, new technologies and new companies entering the market place, justification on all sole source purchases shall be reviewed on an annual basis. In addition, annual justification is not required for software or products that would require a significant financial investment by the College to replace the major component of the item/service that is considered a sole source.

Professional Services

Professional services are defined as customized services consisting of specialized intellectual or creative expertise based on personal skills or ideas of an individual(s) that are provided for a fee, which may be determined individually with each customer for each service contract.

The purchasing requirements of Education Code Section 44.031 do not apply to professional services including the services rendered by architects, fiscal agents, or attorneys. The College may contract for professional services rendered by a financial consultant or a technology consultant or a technology consultant in the manner provided by Government Code 2254.003, in lieu of the methods provided by Education Code 44.031.

Competitive bids shall not be solicited for professional services of any license or registered certified public accountant, architect, landscape architect, land surveyor, physician, optometrist, professional engineer, state-certified or state-licensed real estate appraiser, or registered nurse. Contracts for these professional services shall be made on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price. Whenever applicable, a Request for Qualifications process should be initiated to determine the overall best value for the College.

The Attorney General has provided guidance to governing bodies by opining that professional services are those that:

- Require predominantly mental or intellectual, rather than physical or manual skills;
- Require years of education and service for one to attain competence and call for a high-order of intelligence, skill and learning; and
- Has widely accepted standards of required study or specified attainments in a special knowledge as distinguished from mere skill.

The Texas Attorney General generally has refrained from making factual determinations about whether particular services are properly classified as professional services. Instead, the Attorney General generally has stated that such factual determinations should be made by the governing body of a government entity such as the College. See, E.G., Attorney General Opinion DM-418 (1996).

Standardization

All employees are encouraged to purchase standardized products established by the College. The benefits from standardization include reduced transaction cost, reduced support cost, improved communication, enhanced buying power and district-wide uniformity. The Purchasing Department is responsible for providing information to all employees regarding product standards.

Construction Contracts

All solicitations for construction services and resulting contracts shall be completed in coordination with the purchasing department. All construction contracts will be awarded in compliance with the College's purchasing policies and procedures. The most common methods of procuring construction services are:

- Competitive Bidding;
- Competitive Sealed Proposals
- Design-Build
- Construction Manager at Risk
- Construction Manager - Agent
- Job Order Contracts

The Construction Department will work in conjunction with the Purchasing Department for initiating the competitive solicitation process and maintaining the records from the results that of that process. A contract for construction services shall be issued upon approval of award by the Board of Trustees if required. The College shall award competitively bid contracts to the firm(s) offering the best value to the College according to the selection criteria established by the College and in accordance with Section 2267 of the Texas Education Code.

Independent Contractors and Consultant Contracts

Independent contractors and consultants are individuals engaged by the College to perform specific functions or tasks at his or her own discretion with respect to the means and methods used to accomplish the assignment.

Contracts for these services shall be issued prior to services rendered and submitted to the Purchasing Department for approval. In selecting a consultant or independent contractor, the responsible budget head shall base the choice on demonstrated competence, knowledge, qualifications, and on the reasonableness of the proposed fee. All contracts shall specify the nature of the service, deliverables, dollar amount, and any special payment requirements. An authorization for payment will be issued by the requestor upon satisfactory completion of the work. The requestor shall contact the Purchasing Department to communicate any changes and /or problems during the process of completing the project. Payments should be directed to the Accounts Payable Department. A copy of the Agreement should be retained in the Purchasing Department.

Grant Purchases

Grant purchases will follow the same process established for requisitioning other goods and services. Quote thresholds to procure goods and services will be in accordance with the strictest parameters established by College polies and procedures, grant provisions, funding agency requirements, Uniform Guidance rules and state procurement statutes.

Educational Agreements and Revenue Generating Agreements

Educational agreements refer to agreements between the College and a third party for establishing the terms for the sharing or use of facilities, staff or other educational resources in which no funds are exchanged between the parties. Revenue generating contracts refer to training programs and auxiliary enterprise.

Attachment 4 – Current Procedure (Informational Item)

Training programs provide customized or specialized training to area companies. These agreements generally identify the services to be provided, the fee for services, and the reimbursable cost associated with supplies and other expenses. Auxiliary enterprise contracts refer to purchases for the sole purpose of generating a profit through products or service sales.

Departments responsible for educational agreements and revenue generating contracts are responsible for initiating competitive quotes and maintaining records for their areas of responsibility. The Purchasing Department will offer assistance in establishing guidelines and contract retention.

Co-Operative Purchase Contracts and Inter-Local Agreements

San Jacinto College may participate in an inter-local agreement with another local government agency, educational institution or a purchasing cooperative organization. Upon approval by the Board of Trustees, the College may sign an agreement with another participating local government, education institution or a cooperative program which satisfies the law requiring it to seek competitive bids as stated in the Texas Education Code, Subchapter B, Section 44.031, as provided by Section 791 of the Government Code, and Sections 271.082 - 083 of the Local Government Code.

Contract Retention

The Purchasing department is the central repository for all contracts which provide goods or services to the College which financially impact the College. All contracts will be retained in accordance with the College's record retention procedures.

| | |
|--------------------------------|----------------------|
| Procedure #: | 2-13 |
| Procedure Name: | Purchasing |
| Pages: | 6 |
| Adopted Date: | |
| Revision/Reviewed Date: | April 7, 2017 |
| Effective Date: | April 7, 2017 |
| Associated Policy: | V-B and VI-AA |

Procedure III.3007.A.a, Purchasing

Associated Policy

Policy III.3007.A, Purchasing

Procedures

Funding and the Requisitioning Process

All funds deposited with San Jacinto College (College), regardless of source, are College funds and must be handled in accordance with State statutes and the College policies and procedures. Although departments are allocated funds in their respective budgets, this allocation is only an authority to requisition, not to purchase. Any College department having a budget allocation may request purchases be made against that allocation. The proper method of procurement will depend on the anticipated expenditure amounts and the type of service and materials being procured in accordance with the following requirements below:

When a request for purchase is initiated through the Banner Financial software system, a requisition is created and is routed via the electronic approval process to departmental approving authorities depending on the requisition value. After the approval process is complete, it is routed to Contracts and Purchasing Services (“the Purchasing Department”) and the corresponding buyer for the commodity will:

1. Verify the expenditure is for goods or services that are appropriate to the needs of the institution;
2. Determine if quotes/bids are required in accordance with the Policy and Procedure on Bidding;
3. Offer consulting regarding bidding/quoting process;
4. Verify the pricing is correct;
5. Verify the vendor is approved via a contract; (if applicable)
6. Verify the requisition is documented properly;
7. Approve the requisition and convert it to an official purchase order.

At the conclusion of the purchasing process, a purchase order is generated, printed, and signed by the Chief Procurement Officer (CPO) of Contracts and Purchasing Services. Purchase orders are printed by the Purchasing Department and forwarded according to the instructions included on the purchase order. All terms and conditions stated on the purchase order apply.

Unauthorized Purchases (After the Fact Transactions)

Employees who purchase goods and/or services before proper authorization has been obtained assume complete responsibility for the purchase and may be held personally liable for all costs and any damages associated with the unauthorized purchase. This personal liability includes paying for the purchase with personal funds or personally reimbursing the College for any expenses incurred. Any employee who places an order for goods and/or services without following the approved procurement methods violates the College’s purchasing procedures.

Employees, who generate financial liability for the College without being authorized to do so, will be subject to disciplinary action, including suspension or termination.

Any supplier, who accepts an unauthorized order, will be advised of this policy and may jeopardize the ability to do future business with the College.

Criminal Offense

The Purchasing Department is the only authorized entity within the College to issue purchase orders. In accordance with Policy III.3007.B, Contract Authority, only the Chancellor, the Vice Chancellor of Fiscal Affairs, or individuals with delegated signature authority may sign contracts, changes orders, addenda, and amendments. Depending on the type of contract or procurement used, the Purchasing Department will incorporate the required revisions and standards within the contract or agreement and manage the execution of the contract. All purchases shall be made in compliance with the provision listed within the Texas Education Code and College policies.

An officer, employee or agent of a school district commits an offense if the person with criminal negligence makes or authorizes separate, sequential, or component purchases to avoid the requirements of Section 44.031 (a) or (b). An offense under this subsection is a Class B misdemeanor and is an offense involving moral turpitude.

Procurement Methods

The procurement of supplies, equipment and services for the College can only be acquired by the following methods: regular purchase orders, standing purchase orders, PCards, and Direct Pay Request. A regular purchase order is the **preferred** method to purchase goods and services for the College while the additional methods provide increased efficiency and productivity in the purchase of small dollar repetitive purchases. The alternative methods shall not be utilized to circumvent the approval and procurement processes.

Regular Purchase Orders

Regular purchase orders allow the requested product/service to be approved by the approving authorities prior to the actual purchase of the merchandise/service. Additionally, the Purchasing Department has the opportunity to source and obtain quotes to ensure a competitive environment exists for College procurements. Purchase orders are initiated by the requestor via the Banner requisitioning process. All requisitions must include the following information:

1. A recommended vendor or awarded vendor as a result of a competitive solicitation, quote process, sole source or other approved exemption;
2. A commodity code;
3. A **complete** description of the product/service being requested including stock numbers if applicable and price;
4. The appropriate FOAP (Fund-Organization-Account-Program) code;

5. Any other additional information in the document text section of the requisition such as bid number, quote number, do not mail instructions, confirmation only, contract information, Board approval date, etc.

When the user completes data entry of the requisition, it is processed for approvals. After the approval process is completed, the requisition is routed to the Purchasing Department for processing.

Standing Purchase Orders

A standing purchase order is issued to a vendor where multiple purchases may be made during a specified period of time.

Conditions for use:

1. For supply-type commodities and services only. (No equipment over \$5,000);
2. For repetitive purchases and/or numerous shipments of the same type of commodity item, services or category of items;
3. For purchases with known pricing determined by a written quote, contract, or awarded bid.

Standing purchase orders should not be used when:

1. No benefit will be derived over and above use of a regular purchase order;
2. As a means to provide an open line of credit with a vendor;
3. Prices are unknown at ordering time, or subject to change later without notice;
4. As a means to save time rather than listing description detail required by a regular purchase order.

Limits when using standing purchase orders:

1. Standing purchase orders not associated by a written quote, contract or a bid issued by the Purchasing Department shall not exceed \$10,000.
2. Standing purchase orders exceeding \$10,000 must be associated by a written quote, contract or a bid issued by the Purchasing Department.

PCard Purchases

A PCard is an alternate method of procurement utilized to purchase small dollar amounts and for travel arrangements. These purchases are governed by the procedures of the College's PCard program. Employees must meet specific procurement criteria and must be approved by their approving authority prior to receiving a PCard. Cardholders are required to use vendors approved via the bid and quoting process if applicable. The Purchasing Department is responsible for posting current vendor and contract information to assist card-holders in choosing the appropriate vendor. The monthly credit limit is established by hierarchy and need. The single item purchase limit is \$1,500. Exceptions to this limit include travel expenditures, utility expenditures and miscellaneous purchases as approved on a per occasion basis by the CPO.

Direct Pay Request

The Direct Pay Request method for purchasing merchandise shall only be utilized in accordance with the Direct Pay Guidelines. Direct Pay Requests are not associated with purchase orders, but an invoice must be received and approved before a payment will be issued. The College will not pay a vendor unless an invoice is received for the goods or services provided and a receiving confirmation is completed. Direct Pay Requests may be utilized in accordance with Direct Pay process as outlined by the Accounts Payable Department.

Campus Bookstore Purchases

The College bookstores' purpose is to sell products at retail value to generate profits. The primary customers of the bookstores are students of the College and the general public. Computer supplies and equipment purchases are prohibited College purchases from the bookstore. All purchases of books and textbooks utilized by the College should be done through the bookstore unless documented that the requested title is unavailable through the bookstore. The College bookstores will accept purchase orders and PCards as a procurement method.

The following is a link to the Campus Bookstore details:

<https://www.sanjac.edu/support/academic-support/textbook-support>

Receipt of Merchandise

The College does not have a central receiving department to receive all incoming shipments in a centralized manner. The Maintenance Department of each campus is responsible for receiving merchandise and delivering merchandise to the requesting department. It is important to specify in the requisition the building, room number, contact person and telephone number to assist the vendor with proper shipping arrangements and for Maintenance personnel to know where to deliver the goods.

When the goods or services listed on the purchase order are received by the College, the person initiating the request is responsible for verifying that the goods or services received meet the conditions and requirements stated in the purchase order.

The receiver should have a copy of the purchase order for comparison of material ordered and material being received. If a discrepancy is discovered or the product is damaged, the Maintenance Department and the vendor should be notified expeditiously. Payment should not be initiated until the discrepancy or damaged item is corrected.

The requesting department is responsible for final verification of incoming merchandise received and initiating the receiver in the Banner Financial software system.

Payment of Purchase Orders

All invoices should be mailed or emailed to the District Business Office. The business office will forward the invoice to the originating department for review and approval. When the budget authority responsible for the purchase receives the invoice for the goods or services listed on the purchase order, he or she shall review, approve and sign the invoice after verifying the invoiced

amount is in accordance with the contracted rate(s) [The College contract, co-op contract, supplier contract] and promptly forward the invoice to the District Business Office for payment. If the invoice total differs from the original purchase order total or the contracted rate, the originator of the purchase order must contact the supplier to correct the error or be able to explain, in writing, the price difference. After comparing the invoice against the purchase order and any subsequent adjustments, the District Business Office personnel will process the invoice for payment.

Sole Source Purchases

Single source is the practice of using one source, among others in the competitive market, which for justifiable reason, is found to be most advantageous for the purpose of fulfilling a given purchasing need.

Sole source may exist when there is only one known source of supply available. An example would be a product that has a copyright, trademark or patent. SJCCD recognizes that there may be instances when proprietary or sole source purchases must be made, but such purchases must be appropriately justified. The justification for such purchases must be in writing and must be based upon a need for a specific feature of characteristic (specification) that is unique to the requested product or service that cannot be provided by any other product or service. The Purchasing Department shall provide a form for written justification. It must be signed by the requestor and other authorized individuals listed on the form and forwarded to the Purchasing Department. The explanation criteria must contain the following elements:

1. Identification of the unique feature(s) or character(s)/specification(s) of the requested product that will serve as the basis for the proprietary/sole justification;
2. An explanation of the need for the unique specifications. This explanation must address the critical importance of the unique specifications to the intended use of the product or service;
3. A reason stating why a competitor's product is not satisfactory. This section must relate to the explanation of need for the unique specifications and should serve to support a finding that the stated need cannot be met with competing products. **Sufficient detail must be included to show that the marketplace has been canvassed to locate acceptable competitive products.**

If there are two or more products that are acceptable, preserving the competitive bidding environment will help ensure that the College receives the best value. The use of proprietary/sole source purchase procedure is an act that must withstand critical scrutiny. Justifications must be objective and must avoid statements that cannot be substantiated. The justification cannot be that competing products are not satisfactory. Statements regarding product quality that may be subjective should not be used. It is important to note that the price of a product is not acceptable justification for a proprietary purchase. It is recognized that many purchases are based upon extensive investigative work done by the end-user before submitting the purchase request and that there are good reasons why one product will work, and another may not. Remember, however, that the proprietary/sole source purchase procedure is an exception to the competitive

bidding requirements to be used only whenever appropriate. The Purchasing Department has final authority to determine if a product or service meets the sole source criteria as specified in the Texas Education code 44.031(j) (k).

Because of patent expirations, new technologies and new companies entering the marketplace, justification on all sole source purchases shall be reviewed on an annual basis. In addition, annual justification is not required for software or products that would require a significant financial investment by the College to replace the major component of the item/service that is considered a sole source.

Professional Services

Professional services are defined as customized services consisting of specialized intellectual or creative expertise based on personal skills or ideas of an individual(s) that are provided for a fee, which may be determined individually with each customer for each service contract.

The purchasing requirements of Education Code Section 44.031 do not apply to professional services including the services rendered by architects, fiscal agents, or attorneys. The College may contract for professional services rendered by a financial consultant or a technology consultant or a technology consultant in the manner provided by Government Code 2254.003, in lieu of the methods provided by Education Code 44.031.

Competitive bids shall not be solicited for professional services of any license or registered certified public accountant, architect, landscape architect, land surveyor, physician, optometrist, professional engineer, state-certified or state-licensed real estate appraiser, or registered nurse. Contracts for these professional services shall be made on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price. Whenever applicable, a Request for Qualifications process should be initiated to determine the overall best value for the College.

Standardization

All employees are encouraged to purchase standardized products established by the College. The benefits from standardization include reduced transaction cost, reduced support cost, improved communication, enhanced buying power and district-wide uniformity. The Purchasing Department is responsible for providing information to all employees regarding product standards.

Construction Contracts

All solicitations for construction services and resulting contracts shall be completed in coordination with the Purchasing Department. All construction contracts will be awarded in compliance with the College's purchasing policies and procedures. The most common methods of procuring construction services are:

1. Competitive Bidding;
2. Competitive Sealed Proposals
3. Design-Build

4. Construction Manager at Risk
5. Construction Manager – Agent
6. Job Order Contracts

The Facilities Services Department and Fiscal Initiatives & Capital Projects Department will work in conjunction with the Purchasing Department for initiating the competitive solicitation process and maintaining the records from the results that of that process. A contract for construction services shall be issued upon approval of award by the Board of Trustees, when required. The College shall award competitively bid contracts to the firm(s) offering the best value to the College according to the selection criteria established by the College and in accordance with Section 2269 of the Texas Government Code.

Independent Contractors and Consultant Contracts

Independent contractors and consultants are individuals engaged by the College to perform specific functions or tasks at his or her own discretion with respect to the means and methods used to accomplish the assignment.

Contracts for these services shall be requested prior to services rendered and submitted to the Purchasing Department for review, negotiations, and routing of final signature approval. The selection of a consultant or independent contractor shall be based on demonstrated competence, knowledge, qualifications, and on the reasonableness of the proposed fee in accordance with the Texas Education Code, Subchapter B, Section 44.031. All contracts shall specify the nature of the service, deliverables, dollar amount, and any special payment requirements. An authorization for payment will be issued by the requestor upon satisfactory completion of the work. The requestor shall contact the Purchasing Department to communicate any changes and /or problems during the process of completing the project. Payments should be directed to the Accounts Payable Department. A copy of the Agreement should be retained in the Purchasing Department.

Grant Purchases

Grant purchases will follow the same process established for requisitioning other goods and services. Quote thresholds to procure goods and services will be in accordance with the strictest parameters established by College policies and procedures, grant provisions, funding agency requirements, the standards established to the formal adoption of the Uniform Guidance rules and state procurement statutes.

Alcohol Purchases for Instructional Purposes

The College may only purchase alcohol in accordance with the college Procedure VII.7002.A.b, Alcohol Usage in College Programs.

Educational Agreements and Revenue Generating Agreements

Educational agreements refer to agreements between the College and a third party for establishing the terms for the sharing or use of facilities, staff or other educational resources in which no funds are exchanged between the parties.

Revenue generating contracts refer to training programs and auxiliary enterprise.

Training programs provide customized or specialized training to area companies. These agreements generally identify the services to be provided, the fee for services, and the reimbursable cost associated with supplies and other expenses. Auxiliary enterprise contracts refer to purchases for the sole purpose of generating a profit through products or service sales.

Departments responsible for educational agreements and revenue generating contracts are responsible for initiating competitive quotes and maintaining records for their areas of responsibility. The Purchasing Department will offer assistance in establishing guidelines and contract retention.

Co-Operative Purchase Contracts and Inter-Local Agreements

The College may participate in an inter-local agreement with another local government agency, educational institution or a purchasing cooperative organization. In accordance with Policy III.3007.B, Contract Authority, the College may sign an agreement with another participating local government, education institution or a cooperative program which satisfies the law requiring it to seek competitive bids as stated in the Texas Education Code, Subchapter B, Section 44.031, as provided by Section 791 of the Government Code, and Sections 271.082 – 083 of the Local Government Code.

Contract Retention

The Purchasing department is the central repository for all contracts which provide goods or services to the College that financially impact the College. All contracts will be retained in accordance with the College's record retention procedures.

Definitions

Alcohol: A controlled substance to include liquor, beer, or wine.

College: The San Jacinto Community College District and also referenced as San Jacinto College.

Contract: An agreement between two or more parties that is intended to have legal effect to create a financial commitment or obligation of the College. A contract may include, but is not limited to, goods and service agreements, memoranda of understanding, letters of intent, lease agreements, rental agreements, grant awards, purchase orders, sole source contracts, cooperative contracts, interlocal contracts, and job order contracts.

Employee: A full-time or part-time employee of the College as defined by Human Resources policy and procedure.

Pcard: A purchasing card utilized and approved by the San Jacinto College Business Office.

Purchasing Contract: Any contract that requires an expenditure of College funds, regardless of the funding source.

Purchase Order: A contract that legally binds the College to purchase goods and services.

Student: A currently enrolled student of the San Jacinto Community College District as defined by instruction policy and procedure.

Trustee: Persons who are elected in accordance with the State statute and collectively comprise the governing body of the College.

Work Order: A work order is a discrete task or a job request for a client, which can be scheduled or assigned to department resources for execution. Facilities Services utilizes a computerized maintenance management software application to aid in the backlog, planning, and scheduling of work orders.

| | |
|---|--|
| Date of SLT Approval | February 21, 2024 |
| Effective Date | Anticipated April 2, 2024 |
| Associated Policy | Policy III.3007.A, Purchasing |
| Primary Owner of Policy Associated with the Procedure | Vice Chancellor, Fiscal Affairs |
| Secondary Owner of Policy Associated with the Procedure | Chief Procurement Officer, Contracts & Purchasing Services |

Bidding

Policies and Procedures Summary of Changes

New Policy Number: **III.3007.D**

Proposed Policy Name: **Bidding**

Current Policy Number/Name: Policy V-C: Policy on Bidding

New Procedure Number: **III.3007.D.a**

Proposed Procedure Name(s): **Bidding**

Current Procedure Number(s)/Name(s): Procedure 2-14: Bidding

Action Recommended for Policy: Revised

Action Recommended for Procedures: Revised

Web Links:

<https://www.sanjac.edu/about/policies-procedures/V-C-Policy-on-Bidding.pdf>

<https://www.sanjac.edu/about/policies-procedures/2-14-Bidding.pdf>

Primary Owner: Vice Chancellor, Fiscal Affairs

Secondary Owner: Chief Procurement Officer, Contracts & Purchasing Services

Summary of Changes:

Policy Changes:

- Update Policy Number.
- Clarify emergency situation requirements.

Procedure Changes:

- Update Procedure Number.
- Formal Solicitations:
 - Correct reference of the “the Purchasing Department” to “Contracts and Purchasing Services (“the Purchasing Department”)”.
- Purchasing Thresholds:
 - Increase one quote or bid required limit from \$5,000 to \$9,999. Change made in all references within procedures.
 - Revised three written quotes requirements: \$10,000 - \$49,999.99 - Three written quotes required., and an SJC Quote# must be assigned by the Purchasing Department and noted on the requisition in Banner.
- Purchases Valued at \$50,000 or More
 - Revised list of competitive methods from eight items down to six items to be in alignment with the Texas Education Code Section 44.031 and the Texas Government Code Chapter 2269.
- Timetable for Formal Procurement Procedures:
 - Revised timeline for accuracy and additional details.

Attachment 6

- Awarding Contracts:
 - Revised to align with the Texas Education Code Section 44.031 and federally funded projects.
- Evaluation of Responses:
 - Added reference to Section 2269.055 of the Texas Government Code
 - Removed reference to MWBE certification as a factor of consideration.
 - Added: Contracts less than \$100,000 per year do not require Board approval.
- Tie Bids; Tie Ranking based on Evaluations (section title revised)
 - Added clarification regarding the College' taxing district.
- Out-of-State Vendors
 - Added clarification regarding federal funded projects.
- Vendor / Provider List (Section title revised)
 - Revised for additional clarification.
- Emergency Purchases
 - Removed references of Texas Education Code.
 - Corrected reference of Campus "President" to "Provost".
 - Revised the Board of Trustees for approval limit from \$50,000 to \$100,000 to align with Policy III.3007.B.
- Vendor Protest and Dispute Resolution
 - Corrected title dealing with Protests/Disputes from "Director" to "Chief Procurement Officer (CPO)".
 - Added clarification regarding final protest process (line #3) declaring the contract void or terminating the contract.
- Contract Cancellation/Termination (section title revised)
 - Added clarification regarding cancellation or termination of a contract.
- Vendor Non-Performance and Debarment
 - Correct "bidding document" to "solicitation documents".
 - Corrected title dealing with debarment process from "Director" to "Chief Procurement Officer (CPO)".

Policy V-C: Policy on Bidding

The College follows state regulations in processing bids for the purchase of goods and services. The college Chancellor is responsible for securing bids according to state law and Board of Trustees policy. In emergency situations, as defined in the Rules, Regulations, Procedures and Interpretations, the formal competitive bidding process need not be followed. The general procedures for such an emergency are in the Rules, Regulations, Procedures and Interpretations.

| | |
|--------------------------------|--------------------------|
| Policy #: | V-C |
| Policy Name: | Policy on Bidding |
| Pages: | 1 |
| Adopted Date: | |
| Revision/Reviewed Date: | |
| Effective Date: | |
| Associated Procedure: | 2-14 |

Policy III.3007.D, Bidding

Purpose

This policy will address the legal requirements related to bidding goods or services on behalf of San Jacinto College (College).

Policy

The San Jacinto College (College) follows state regulations in processing bids for the purchase of goods and services. The College Chancellor is responsible for securing bids according to state law and Board of Trustees policy. In emergency situations, as defined in the Texas Education Code 44.031(h), the formal competitive bidding process need not be followed. The procurement process for such situations will follow the emergency purchases section of the associated procedure.

Definitions

College: The San Jacinto Community College District and also referenced as San Jacinto College.

Emergency Incident: An emergency incident is defined as any event that is outside of normal College operations and has the potential of affecting the business functions of the College or the life and safety of the College community.

The Authority, Applicability, Sanctions, Exclusions, and Interpretation do not differ from Policy II.2000.A, Policy and Procedures Development, Review, Revision, and Rescission.

Associated Procedures

Procedure III.3007.D.a, Bidding

| | |
|------------------------|--|
| Date of Board Approval | April 1, 2024 |
| Effective Date | Anticipated April 2, 2024 |
| Primary Owner | Vice Chancellor, Fiscal Affairs |
| Secondary Owner | Chief Procurement Officer, Contracts & Purchasing Services |

Procedure 2-14: Bidding

Formal Solicitations

Prior to any request for bid or proposal being prepared, advertised and disseminated to prospective bidders, a solicitation request must be completed and approved by all respective budget authorities for all procurements in which funding has not already been appropriated. The requesting department should indicate how the item or service will be used, the anticipated number of individuals who will use the item or service, the expected length of existence, the initial cost, and any future costs associated with the request. After approval is obtained, the requesting parts should forward the approval form to the Purchasing Department to initiate the procurement process.

Purchasing Thresholds

The following purchasing thresholds apply to any single purchase or series of purchases of related items within a fiscal year.

Purchases Within a Fiscal Year

| Amount of Purchase | Purchase Procedure |
|-------------------------|---|
| \$4,999.99 or less | One quote or bid required |
| \$5,000.00 - \$9,999.99 | Three quotes required. All quotes must be noted on the requisition in Banner. Quotes may be obtained by the requesting department or the Purchasing Department. |
| \$10,000 - \$49,999.99 | Three written quotes required. All quotes must be noted on the requisition in Banner. Quotes may be obtained by the requesting department or the Purchasing Department. The quotes must be forwarded to the purchasing department via email, fax, interoffice mail, etc. |
| \$50,000.00 and above | Requires formal bidding procedures and Board approval. Contact the Purchasing Department for details. |

Purchases Valued at \$50,000 or More

All College purchasing contracts, except contracts for the purchase of produce or vehicle fuel, valued at \$50,000 or more in the aggregate for each 12-month period shall be made by one of the following methods that provide the best value to the College:

1. Competitive Bidding;
2. Competitive Sealed Proposals;
3. Requests for Proposals, for services other than construction services;
4. Inter-local Contracts
5. Design/Build Contracts
6. Contract to construct, rehabilitate, alter, or repair facilities that involve using a construction manager;
7. Job order contract for the minor, repair, rehabilitation, or alteration of a facility;
8. The reverse auction procedure as defined by Section 2155.062 (D), Government Code.

Timetable for Formal Procurement Procedures

1. Solicitation packet preparation: 1 week
2. Solicitation advertisement: fourteen (14) calendar days
3. Solicitation opening, evaluation, award preparation: 1 week
4. Prepare and submit contract award recommendation for Board approval (1-3 weeks)
5. Contract award by Board of Trustees: (scheduled board meeting following Solicitation opening date)
6. Total: Minimum 7-8 weeks

Specifications should be clearly written by the requesting department in conjunction with the buyer with the goal of obtaining the best value. The purchasing office will work with the requesting department to prepare the solicitation specifications, and a preferred vendor list, at least 60 days prior to the Board of Trustees meeting at which the contract will be awarded.

Public Notification of Solicitations

Notice of the time by when and place where the bids or proposals, or the responses to a request for qualifications, will be received shall be published in the paper of general circulation in the county in which the College's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualification.

Awarding Contracts

In awarding a contract, the College shall 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 or services;
4. The extent to which the goods or services meet the College's needs;
5. The vendor's past relationship with the College;
6. The impact on the ability of the College to comply with laws relating to historically underutilized businesses;
7. The total long-term cost to the College to acquire the goods or services;
8. Any other relevant factor that a private business entity would consider in selecting a vendor.

Evaluation of Responses

When bids or proposals are received, the evaluation method stated in the solicitation will be employed. Following are several examples of methods that may be utilized:

1. The Purchasing Department will evaluate the offers and recommend the offer which provides the best overall value to the department;
2. A committee comprised of several individuals associated with the procurement will evaluate the responses utilizing a quantitative and/or qualitative scoring process;
3. An independent consultant hired by the College will evaluate the responses and recommend a vendor for award.

The bid or proposal will be awarded in accordance with the criteria listed in the solicitation document and State laws.

When the apparent “low-bidder” or highest ranked vendor is not recommended, written justification must be furnished to support the alternate selection. Written justification utilizes the criteria listed in Section 44.031 of the Texas Education Code. Brand preference, additional features or personal preference is not justification for awarding a contract. The justification document will be maintained in the Solicitation file.

After the bids or proposals are opened, tabulation sheets shall be compiled and an award recommendation shall be submitted to the Board of Trustees for approval at the next regularly scheduled Board meeting.

Tie Bids

If the College receives two or more bids from responsible bidders that are identical in nature and amount as the lowest and best bids, it shall select only one bidder from the identical bids with preference given to the bidder (if applicable) who is a resident of the District.

If two or more such bidders are residents of the District, one shall be selected by the casting of lots. The Director of Contracts and Purchasing Services shall prescribe the manner of casting lots and shall be present when the lots are cast.

Out-of-State Vendors

The Board shall not award a contract for general construction, improvements, services, or public works projects or for the purchase of supplies, materials, or equipment to a vendor whose principal place of business is not in this state, unless the non-resident underbids the lowest bid submitted by the responsible bidder by an amount that is not less than the amount which the resident bidder would be required to underbid a non-resident bidder to obtain a comparable contract in the state in which the non-resident's principal place of business is located.

Bidders List

The College's Purchasing Department will compile, and periodically review of list of vendors who have expressed an interest in providing goods or services to the College in their specific commodity grouping. The list will be updated and reviewed in order to maintain a current list of qualified vendors for all commodities.

Emergency Purchases

Emergency purchases shall comply with the Texas Education Code 44.031 (h). Contracts for the repair or replacement of a school facility or school equipment that has been destroyed, severely damaged or experiences a major unforeseen operational or structural failure may be made by other means than those required in Section 44.031 of the Texas Education Code if the Board determines that the time delay posed by adhering to those requirements would prevent or substantially impair the conduct of classes or other essential school activities.

Emergency situations are those in which facilities, equipment or other property is damaged or destroyed and in which the time delay posed by the competitive bidding process would prevent or substantially impair the conduct of classes or other essential district activities. Emergency situations include, but are not limited to, broken water pipes, electrical power outages or shortages, air-conditioning and heating failures, damage to buildings which, if not repaired expeditiously, would disrupt classes or the operation of the building or would lead to further damage to the building. In emergency situations where bidding would otherwise be required, the competitive bidding requirements stated above shall not apply. The following procedure will prevail:

1. If an emergency situation arises on a campus, the employee discovering the problem will notify his or her supervisor, who will, in turn, notify the President of the campus or his/her designee;
2. If an emergency situation is declared, the college may contract for the necessary services without the necessity of obtaining competitive bids. Bids or phone quotations should be obtained if time permits.
3. Any person or company appropriate for the job may be utilized in emergency situations;
4. All contracts in excess of \$50,000 entered into under these provisions shall be presented to the Board of Trustees for approval and ratification at their next meeting.

Vendor Protest and Dispute Resolution

In the event a vendor wishes to contest a contract awarded under the provisions of the Texas Education Code, Subchapter B, Section 44.031– 44.044, or the Texas Government Code, Section 2269, the protests must be in writing and received in the Director of Contracts & Purchasing Services office within ten (10) working days after such aggrieved person knows, or should have known, of the occurrence of the action which is protested.

In the event of a timely protest or appeal, the College may elect to postpone making an award of the contract unless the Director of Contracts & Purchasing Services – after consultation with the using department – determines the award or contract without delay is necessary to protect the interests of the San Jacinto Community College District.

A formal protest must contain:

1. A specific identification of the statutory or regulatory provisions(s) that the action complained of is alleged to have violated;
2. A specific description of each act alleged to have violated the statutory or regulatory provision(s) identified above;
3. A precise statement of the relevant facts;
4. An identification of the issue or issues to be resolved;
5. Argument and authorities in support of the protest.

The Director of Contracts & Purchasing Services shall have the authority, prior to referral to the Vice Chancellor of Fiscal Affairs, to settle and resolve the dispute concerning the solicitation or award of a contract. The Purchasing Director may solicit written responses to the protest from other interested parties.

If the protest is not resolved by mutual agreement, the Director of Contracts & Purchasing Services will refer the protest to the Vice Chancellor of Fiscal Affairs.

1. If the Vice Chancellor of Fiscal Affairs determines that no violation of rules or statutes has occurred, the Vice Chancellor Fiscal Affairs shall so inform the protesting party, the using units, and other interested parties by letter that sets forth the reasons for the determination.
2. If the Vice Chancellor of Fiscal Affairs determines that a violation of the rules or statutes has occurred in a case where a contract has not been awarded, the Vice Chancellor of Fiscal Affairs shall so inform the protesting party, the using unit, and other interested parties by letter which sets forth the reasons for the determination and the appropriate remedial actions.
3. If the Vice Chancellor of Fiscal Affairs determines that a violation of the rules or statutes has occurred in a case where a contract has been awarded, the Vice Chancellor of Fiscal Affairs shall so inform the

protesting party, the using unit, and other interested parties by letter which sets forth the reasons for the determination, which may include ordering the contract void.

The Vice Chancellor of Fiscal Affairs' decision will be final.

Unless good cause for delay is shown or the College determines that a protest or appeal raises issues significant to procurement practices or procedures, a protest or appeal that is not filed timely will not be considered.

Contract Cancellation

The following procedures shall be followed when a vendor is not performing according to the specifications, terms, conditions and performance measures of the contract or bidding document. These procedures shall be followed for an ongoing contract arrangement. The performance measures must have been communicated to the vendor in the bidding document or resulting contract or attachments thereto.

1. In the event the vendor fails to perform in accordance with the instructions, conditions, and specifications set forth in the bidding document, or the provisions contained in the accepted responses as incorporated in a resulting contract, and/or under the terms of the contract, the contract will provide for the College to give written notice of the non-performance to the vendor with an opportunity to cure the problem. Responsible party shall document the complaint by using the Vendor Performance Form and notifying the Purchasing Department of the complaint. This form shall be maintained in the Purchasing Department
2. If the non-performance issue is continued past the allotted period and is properly documented, the Director of Contracts & Purchasing Services shall contact the vendor as stated in the contract and inform them that due to their failure to cure the non-performance, the Purchasing Department is recommending the College initiate contract cancellation procedures. The vendor shall be given an opportunity to dispute the non-performance issue with a face-to-face meeting with all responsible parties. This meeting shall be documented and filed along with the vendor performance form. Subject to results of the meeting, the Director of Contract & Purchasing Services has the authority to rescind the recommendation or continue with the contract cancellation process.
3. If the contract cancellation process is continued, the Director of Contracts & Purchasing Services will cancel the contract.
4. If the vendor does not agree with the Director's decision, the vendor may appeal the decision to the Vice Chancellor of Fiscal Affairs whose decision is final.
5. Failure to provide a satisfactory remedy or cure the non-performance within the cure window will constitute cause for immediate termination of the contract. Notwithstanding the foregoing, the College reserves the right to terminate the contract immediately if the vendor fails to perform to the satisfaction of the College if the College determines, in its sole discretion that termination is in the best interest of the College. In either case, whether notice is given and the opportunity to cures is granted, in the event that the contract is terminated for convenience, the College has no further obligations or liabilities to the vendor; shall not be subject to any penalties as a result of termination, and the College shall be entitled to any and all remedies available at law or in equity, including any and all types of damages and costs, from the vendor.

Vendor Non-Performance & Debarment

The following procedures shall be followed for situations in which the vendor grossly failed to meet or perform according to the specifications, terms, conditions and performance measures of the contract or bidding document. The performance measures must have been communicated to the vendor in the bidding document or contract.

1. Responsible party shall document the complaint by using the Vendor Performance Form and notifying the Purchasing Department of the complaint. This form shall be maintained in the Purchasing Department.
2. After the non-performance has been confirmed, the Purchasing Department shall contact the vendor by mail and inform them that due to their non-performance, the Purchasing Department is recommending the College initiate debarment procedures. The vendor shall be given an opportunity to dispute the non-performance issue with a face to face meeting with all responsible parties. This meeting shall be documented and filed along with the Vendor Performance Form. Subject to results of the meeting, the Director of Contracts & Purchasing services has the authority to rescind the recommendation or continue with the department process.
3. If the debarment process is continued, the Director of Contracts & Purchasing Services will debar the vendor from participating in any Solicitations or financial transactions with the College for a period not to exceed two years.
4. If the vendor does not agree with the Director's decision, the vendor may appeal the decision to the Vice Chancellor of Fiscal Affairs whose decision is final.
5. If the Vice Chancellor of Fiscal Affairs determines debarment is warranted, the vendor will be prevented from participating in any financial transactions with the San Jacinto Community College District and shall be removed from the bidders list for a minimum of two years. The vendor will be notified in writing by the Director of Contracts & Purchasing Services. Thereafter, they may make reapplication. Approval will be subject to the vendor's ability to demonstrate that similar problems in a contractual relationship are not likely to recur.

| | |
|--------------------------------|-----------------|
| Procedure #: | 2-14 |
| Procedure Name: | Bidding |
| Pages: | 7 |
| Adopted Date: | |
| Revision/Reviewed Date: | May 2016 |
| Effective Date: | May 2016 |
| Associated Policy: | V-C |

Procedure III.3007.D.a, Bidding

Associated Policy

Policy III.3007.D, Bidding

Procedures

Formal Solicitations

Prior to any request for bid or proposal being prepared, advertised and disseminated to prospective bidders and respondents, a solicitation request must be completed and approved by all respective budget authorities for all procurements in which funding has not already been allocated. The requesting department should indicate how the item or service will be used, the anticipated number of individuals who will use the item or service, the expected length of existence, the initial cost, and any future costs associated with the request. After approval is obtained, the requesting parties should forward the approval form to Contracts and Purchasing Services (the Purchasing Department) to initiate the procurement process.

Purchasing Thresholds

The following purchasing thresholds apply to any single purchase or series of purchases of related items within a fiscal year (September 1 – August 31).

Purchases within a Fiscal Year

| <u>Amount of Purchase</u> | <u>Purchasing Procedure</u> |
|---------------------------|---|
| \$9,999.99 or less | One quote or bid required. |
| \$10,000 - \$49,999.99 | Three written quotes required, and a SJC Quote# must be assigned by the Purchasing Department and noted on the requisition in Banner. Quotes may be obtained by the requesting department or the Purchasing Department. The quotes must be forwarded to the Purchasing Department via email, interoffice mail, or other approved method. |
| \$50,000 and above | Requires formal competitive procurement procedures and Board Approval, if over \$100,000. Contact the Purchasing Department for details. |

Purchases Valued at \$50,000 or More

All San Jacinto College (College) purchasing contracts, except contracts for the purchase of produce or vehicle fuel, valued at \$50,000 or more in the aggregate for each 12-month period shall be made by one of the following methods that provide the best value to the College:

1. Competitive Bidding;
2. Competitive Sealed Proposals;
3. Requests for Proposals;
4. Interlocal Contracts;
5. The reverse auction procedure as defined by Section 2155.062 (D), Government Code; or
6. For constructions services, refer to methods as defined by Chapter 2269 of the Texas Government Code.

Timetable for Formal Procurement Procedures

1. Solicitation packet preparation (varies due to priority, research, size, and complexity):
 - 1-4 weeks
2. Solicitation advertisement:
 - 2 weeks (fourteen (14) calendar days)
3. When required, solicitation site visit/pre-bid meeting, Q&A, and submissions:
 - 1-2 weeks
4. Solicitation opening, evaluations, award preparation:
 - 1-3 weeks (add additional time for presentations, financial reviews, etc.)
5. Prepare and submit contract award recommendation for approval by Board of Trustees, if needed for contracts over \$100k:
 - 3-4 weeks
6. After contract award is approved, a contract is negotiated and executed:
 - 1-2 weeks
7. **Total:** 2-4 months on average (closer to 4 months if Board approval is required)

Specifications should be clearly written by the requesting department in conjunction with the buyer with the goal of obtaining the best value. The Purchasing Department will work with the requesting department to prepare the solicitation specifications, and a vendor list, at least 60 days prior to the Board of Trustees meeting at which the contract will be awarded.

Public Notification of Solicitations

Notice of the deadline and place where the bids or proposals, or the responses to a request for qualifications, will be received shall be published in a newspaper of general circulation in the county in which the College's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualification.

Awarding Contracts

In awarding a contract, the College shall 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 or services;

4. The extent to which the goods or services meet the College’s needs;
5. The vendor’s past relationship with the College;
6. The total long-term cost to the College to acquire the goods or services;
7. For a contract for goods and services, other than goods and services related to telecommunications and information services, building construction and maintenance, instructional materials, or federally funded, whether the vendor or the vendor's ultimate parent company or majority owner:
 - (A) has its principal place of business in this state; or
 - (B) employs at least 500 persons in this state; and
8. Any other relevant factor specifically listed in the request for bids or proposals.

Evaluation of Responses

When bids or proposals are received, the evaluation method stated in the solicitation will be employed. All employees shall conduct evaluations in an ethical and fair manner. Following are several examples of methods that may be utilized:

1. The Purchasing Department will evaluate the offers and recommend the offer which provides the best overall value to the department;
2. A committee comprised of several individuals associated with the procurement will evaluate the responses utilizing a quantitative and/or qualitative scoring process;
3. An independent consultant hired by the College will evaluate the responses and recommend a vendor for award.

The College will always seek to award the contract to the supplier offering the Best Value in accordance with the criteria listed in the solicitation document and State laws, including, but not limited to, factors listed in Section 44.031 of the Texas Education Code and Section 2269.055 of the Texas Government Code, as applicable. Any reasonable factors related to value may be considered in determining Best Value, including, but not limited to, the total life cycle cost of the item, the time to complete the procurement, cost of the method of procurement, anticipated quality of goods or services likely obtained, warranty, location of vendor, qualifications and reputation of the vendor, and the limitations of the various goods or services being procured.

Recommendation to select a particular supplier is based on Best Value to the College with the appropriate documented justification for the recommendation. Justification utilizes the criteria listed in Section 44.031 of the Texas Education Code or Section 2269.055 of the Texas Government Code, as applicable, as well as criteria listed in the solicitation. Brand preference, additional features not specified in the solicitation, or personal preference is not justification for awarding a contract.

After the bids or proposals are opened, tabulation sheets shall be compiled and an award recommendation shall be submitted to the Board of Trustees, if needed, for approval at the next regularly scheduled Board meeting and retained in the solicitation file. Contracts less than \$100,000 per year do not require Board approval.

Tie Bids; Tie Ranking based on Evaluations

If the College receives two or more bids from responsible bidders that are identical in nature and amount as the lowest and best bids, it shall select only one bidder from the identical bids with the first preference will be given to the bidder (if applicable) who is a resident of the College's taxing district. Likewise, if the College receives two or more proposals receiving the same number of points based on the evaluation in the solicitation, preference will be given to the offeror (if applicable) who is a resident of the College's taxing district.

If two or more such bidders or offerors are residents of the College's taxing district, preference shall be given to the bidder whose product is a Texas produced product (if applicable) or in the case of services, the offeror maintains an office in the College's (1) taxing district; (2) service area; or (3) the greater Houston area. If no distinction can be made based on the above process, award shall be made by drawing lots. The Purchasing Director shall prescribe the manner of drawing lots and shall be present when the lots are drawn.

Out-of-State Vendors

The Board shall not award a contract for general construction, improvements, services, or public works projects or for the purchase of supplies, materials, or equipment to a vendor whose principal place of business is not in this state, unless the non-resident underbids the lowest bid submitted by the responsible bidder by an amount that is not less than the amount which the resident bidder would be required to underbid a non-resident bidder to obtain a comparable contract in the state in which the non-resident's principal place of business is located. This process is not applicable for federally funded projects.

Vendor / Provider List

The College's Purchasing Department will compile, and periodically review of list of vendors and providers who have expressed an interest in providing goods or services to the College in their specific commodity or service grouping. The list will be updated and reviewed in order to maintain a current list of qualified vendors for all commodities and providers for regularly used services.

Emergency Purchases

Contracts for the repair or replacement of a school facility or school equipment that has been destroyed, severely damaged, or experiences a major unforeseen operational or structural failure may be made by other means than those required in Section 44.031 of the Texas Education Code if the Board determines that the time delay posed by adhering to those requirements would prevent or substantially impair the conduct of classes or other essential school activities.

Emergency situations are those in which facilities, equipment, or other property is damaged or destroyed and in which the time delay posed by the competitive bidding process would prevent or substantially impair the conduct of classes or other essential district activities. Emergency situations include, but are not limited to, broken water pipes; electrical power outages or shortages; unanticipated air-conditioning and heating failures; damage to buildings which, if not

repaired expeditiously, would disrupt classes or the operation of the building or would lead to further damage to the building; damages and losses caused by an unanticipated casualty such as a fire or weather event. In emergency situations where bidding or competitive procurement would otherwise be required, the competitive procurement requirements stated above shall not apply. The following procedure will prevail:

1. If an emergency situation arises on a campus, the employee discovering the problem will notify his or her supervisor, who will, in turn, notify the Provost of the campus or his/her designee;
2. If an emergency situation is declared, the College may contract for the necessary services without the necessity of normal competitive procurement. Bids or phone quotations should be obtained if time permits;
3. Any person or company appropriate for the job may be utilized in emergency situations; and
4. All contracts and amendments to contracts not previously approved by the Board of Trustees in excess of \$100,000 entered into under these provisions shall be presented to the Board of Trustees for approval and ratification at the next Board meeting or earliest opportunity.

Vendor Protest and Dispute Resolution

In the event a vendor wishes to contest a contract awarded under the provisions of the Texas Education Code, Subchapter B, Section 44.031– 44.044, or the Texas Government Code, Section 2269, the protests must be in writing and received in the Contracts and Purchasing Services office within ten (10) working days after such aggrieved person knows, or should have known, of the occurrence of the action which is protested.

In the event of a timely protest or appeal, the College may elect to postpone making an award of the contract unless the Chief Procurement Officer (CPO) of Contracts and Purchasing Services – after consultation with the using department – determines the award or contract without delay is necessary to protect the interests of the College.

A formal protest must contain:

1. A specific identification of the statutory or regulatory provisions(s) that the action complained of is alleged to have violated;
2. A specific description of each act alleged to have violated the statutory or regulatory provision(s) identified above;
3. A precise statement of the relevant facts;
4. An identification of the issue or issues to be resolved;
5. Argument and authorities in support of the protest.

The CPO of Contracts and Purchasing Services shall have the authority, prior to referral to the Vice Chancellor of Fiscal Affairs, to settle and resolve the dispute concerning the solicitation or

award of a contract. The CPO may solicit written responses to the protest from other interested parties.

If the protest is not resolved by mutual agreement, the CPO of Contracts and Purchasing Services will refer the protest to the Vice Chancellor of Fiscal Affairs.

1. If the Vice Chancellor of Fiscal Affairs determines that no violation of rules or statutes has occurred, the Vice Chancellor Fiscal Affairs shall so inform the protesting party, the using units, and other interested parties by letter that sets forth the reasons for the determination.
2. If the Vice Chancellor of Fiscal Affairs determines that a violation of the rules or statutes has occurred in a case where a contract has not been awarded, the Vice Chancellor of Fiscal Affairs shall so inform the protesting party, the using unit, and other interested parties by letter which sets forth the reasons for the determination and the appropriate remedial actions.
3. If the Vice Chancellor of Fiscal Affairs determines that a violation of the rules or statutes has occurred in a case where a contract has been awarded, the Vice Chancellor of Fiscal Affairs shall so inform the protesting party, the using unit, and other interested parties by letter which sets forth the reasons for the determination, which may include declaring the contract void or terminating the contract, as may be applicable.

The Vice Chancellor of Fiscal Affairs' decision will be final.

Unless good cause for delay is shown or the College determines that a protest or appeal raises issues significant to procurement practices or procedures, a protest or appeal that is not filed timely will not be considered.

Contract Cancellation/Termination

The following procedures shall be followed when a vendor is not performing according to the specifications, terms, conditions, and performance measures of the contract or bidding document. These procedures shall be followed for an ongoing contract arrangement. The performance measures must have been communicated to the vendor in the bidding document or resulting contract or attachments thereto.

1. In the event the vendor fails to perform in accordance with the instructions, conditions, and specifications set forth in the bidding document, or the provisions contained in the accepted responses as incorporated in a resulting contract, and/or under the terms of the contract, the contract will provide for the College to give written notice of the non-performance to the vendor with an opportunity to cure the problem. The responsible party shall document the complaint by using the Vendor Performance Form and notifying the Purchasing Department of the complaint. This form shall be maintained in the Purchasing Department.
2. If the non-performance issue continues past the allotted cure period and is properly documented, the CPO of Contracts and Purchasing Services shall contact the vendor as

stated in the contract and inform them that due to their failure to cure the non-performance and/or default, the Purchasing Department is recommending that the College initiate contract cancellation or termination procedures. The vendor shall be given an opportunity to dispute the non-performance issue or default with a face-to-face meeting with all responsible and interested parties. This meeting shall be documented and filed along with the vendor performance form. Subject to results of the meeting, the CPO of Contract and Purchasing Services has the authority to rescind the recommendation or continue with the contract cancellation / termination process.

3. If the contract cancellation / termination process is continued, the CPO of Contracts and Purchasing Services will cancel or terminate the contract.
4. If the vendor does not agree with the CPO's decision, the vendor may appeal the decision to the Vice Chancellor of Fiscal Affairs whose decision is final.
5. Failure to provide a satisfactory remedy or cure the non-performance within the cure window will constitute cause for immediate termination of the contract. Notwithstanding the foregoing, the College reserves the right to terminate the contract immediately if the vendor fails to perform to the satisfaction of the College and the College determines, in its sole discretion, that termination is in the best interest of the College. In either case, whether notice is given and the opportunity to cures is granted or in the event that the contract is terminated for convenience, the College shall have no further obligations or liabilities to the vendor; shall not be subject to any penalties as a result of termination; and if the vendor has defaulted, the College shall be entitled to any and all remedies available at law or in equity, including any and all types of damages and costs, from the vendor.

Vendor Non-Performance and Debarment

The following procedures shall be followed for situations in which the vendor grossly failed to meet or perform according to the specifications, terms, conditions, and performance measures of the contract or solicitation documents. The performance measures must have been communicated to the vendor in the bidding document or contract.

1. Responsible party shall document the complaint by using the Vendor Performance Form and notifying the Purchasing Department of the complaint. This form shall be maintained in the Purchasing Department.
2. After the non-performance has been confirmed, the Purchasing Department shall contact the vendor by mail and inform them that due to their non-performance, the Purchasing Department is recommending the College initiate debarment procedures. The vendor shall be given an opportunity to dispute the non-performance issue with a face-to-face meeting with all responsible parties. This meeting shall be documented and filed along with the Vendor Performance Form. Subject to results of the meeting, the CPO of Contracts and Purchasing Services has the authority to rescind the recommendation or continue with the department process.

3. If the debarment process is continued, the CPO of Contracts and Purchasing Services will debar the vendor from participating in any solicitations or financial transactions with the College for a period not to exceed two years.
4. If the vendor does not agree with the CPO's decision, the vendor may appeal the decision to the Vice Chancellor of Fiscal Affairs whose decision is final.
5. If the Vice Chancellor of Fiscal Affairs determines debarment is warranted, the vendor will be prevented from participating in any procurement and financial transactions with SJCCD and shall be removed from the vendors' list for a minimum of two years. The vendor will be notified in writing by the CPO of Contracts and Purchasing Services. Thereafter, they may make reapplication. Approval will be subject to the vendor's ability to demonstrate that similar problems in a contractual relationship are not likely to recur.

Definitions

College: The San Jacinto Community College District and also referenced as San Jacinto College.

Contract: An agreement between two or more parties that is intended to have legal effect to create a financial commitment or obligation of the College. A contract may include, but is not limited to, goods and service agreements, memoranda of understanding, letters of intent, lease agreements, rental agreements, grant awards, purchase orders, sole source contracts, cooperative contracts, interlocal contracts, and job order contracts.

Emergency Incident: An emergency incident is defined as any event that is outside of normal College operations and has the potential of affecting the business functions of the College or the life and safety of the College community.

Employee: A full-time or part-time employee of the College as defined by Human Resources policy and procedure.

Ethical conduct: Honesty, transparency, personal accountability, and an appreciation that trustees and employees are stewards of the public trust.

Purchasing Contract: Any contract that requires an expenditure of College funds, regardless of the funding source.

Trustee: Persons who are elected in accordance with the State statute and collectively comprise the governing body of the College.

Attachment 10 – Proposed Procedure (Informational Item)

| | |
|---|--|
| Date of SLT Approval | February 21, 2024 |
| Effective Date | Anticipated April 2, 2024 |
| Associated Policy | Policy III.3007.D, Bidding |
| Primary Owner of Policy Associated with the Procedure | Vice Chancellor, Fiscal Affairs |
| Secondary Owner of Policy Associated with the Procedure | Chief Procurement Officer, Contracts & Purchasing Services |

**SAN JACINTO COMMUNITY COLLEGE DISTRICT
PURCHASE RECAP
March 4, 2024**

PURCHASE REQUESTS AND CONTRACT RENEWALS

| <i>Purchase Requests</i> | <i>Amounts</i> |
|--|-----------------------------|
| Purchase Request #1 | |
| Consideration of Additional Funding for Generation Park Infrastructure | 1,900,000 |
| Purchase Request #2 | |
| Consideration of Delegation of Authority to Contract for Building C-26 Transformer | 200,000 |
| Purchase Request #3 | |
| Consideration of Approval to Contract for Campus Store Retail Services | 30,000,000 |
| Purchase Request #4 | |
| Consideration of Approval to Renew the Contract for Plumbing Services | 500,000 |
| Purchase Request #5 | |
| Consideration of Approval to Contract for Direct Mail Magazine Services | 400,000 |
| Purchase Request #6 | |
| Consideration of Approval to Purchase Graduation Event License | 165,000 |
| Purchase Request #7 | |
| Consideration of Approval to Contract for Snack Vending Services | - |
| TOTAL OF PURCHASE REQUESTS | <u>\$ 33,165,000</u> |

Purchase Request #1
Regular Board Meeting March 4, 2024

Consideration of Additional Funding for Generation Park Infrastructure

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve funding for additional Generation Park Infrastructure, including clearing and grubbing, storm sewer and swale, paving, and extension of electrical, water, and data systems.

BACKGROUND

In August 2023, the Board approved the development of a robust biotechnology training program. A month later, the College engaged Page, Southerland, Page, Inc. to develop the requirements for a Generation Park Central Utility Plant and associated Master Utilities Plan. In October 2023, Pfluger Architects was engaged to evaluate the potential for using the proposed utility plant building to initially support the Biotechnology program.

In November, the Board approved the issuance of \$4,000,000 in revenue bonds to fund the Generation Park expansion building and delegated authority to contract for that building in the same amount through Construction Manager-at-Risk (CMR) project #24-10.

In January of 2024, Tellepsen Builders, L.P. performed its initial cost estimate for the project. We continue to work on reducing cost and uncertainty for the building, which has initially priced out at \$4,300,000. Site development requirements were estimated at an additional \$1,800,000. This approach is consistent with the 2015 Bond Program and the original Generation Park Project where site development requirements were established in parallel with the buildings.

IMPACT OF THIS ACTION

Approval of this action will increase the funds available for Generation Park expansion and authorize the Chancellor to approve a Guaranteed Maximum Price that includes the Site Development Package, which needs to precede construction of the Center for Biotechnology.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

In November 2023, the Board approved an expenditure of \$4,000,000 for construction services. This request will increase the approved amount by \$1,900,000 for a total of \$5,900,000. Pending Board approval, a total of \$1,900,000 in Interest Earnings will be allocated to fund the required site development activities. This allocation includes the current cost estimate plus contingency.

MONITORING AND REPORTING TIMELINE

All work on the Generation Park Expansion Building and the associated site development will be managed by capital projects staff, with completion expected in Spring 2025.

ATTACHMENTS

None.

Purchase Request #1
Regular Board Meeting March 4, 2024
Consideration of Additional Funding for Generation Park Infrastructure

RESOURCE PERSONNEL

| | | |
|-------------------|--------------|------------------------|
| Chuck Smith | 281-998-6341 | charles.smith@sjcd.edu |
| Genevieve Scholes | 281-998-6103 | Genie.Scholes@sjcd.edu |

Purchase Request #2
Regular Board Meeting March 4, 2024

Consideration of Delegation of Authority to Contract for Building C-26 Transformer

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees authorize the Chancellor or her designee to approve the purchase of a transformer for the fiscal initiatives/capital projects department.

BACKGROUND

In July 2023, the Board approved modification of the electrical systems in Building C-26 to permit the future installation of Level 2 and 3 Electric Vehicle (EV) chargers in support of the College's automotive technician training programs. In January 2024, the first Level 3 charger installation was completed for the Stellantis automotive training program.

To provide the additional capacity required to support future chargers for other interested manufacturers, a larger building transformer is required. Due to the lead times on electrical equipment currently a year or longer, the College has elected to use the cooperative purchasing network to procure the required transformer. Vendors who are members of cooperative programs comply with the competitive procurement requirement in Texas Education Code §44.031 and is permitted through Texas Government Code §791.001(g). Request for quotes from eligible cooperative vendors was issued during the first week of February 2024. A third-party electrical contractor will be engaged for the actual installation at a later date.

IMPACT OF THIS ACTION

Approval of this action will authorize the Chancellor or her designee to award a contract to the lowest priced respondent to cooperative pricing inquiry. This will allow the transformer to be placed on order. The estimated delivery date will then be used to sequence the installation date to a time with the least impact on instruction.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

The cost of this purchase should not exceed \$200,000. The project will be funded from the approved 2015 Bond Program.

MONITORING AND REPORTING TIMELINE

This project will be managed by capital projects staff. Delivery and installation are expected to be completed by Fall 2025.

ATTACHMENTS

None.

RESOURCE PERSONNEL

| | | |
|-------------------|--------------|----------------------------|
| Chuck Smith | 281-998-6341 | charles.smith@sjcd.edu |
| Genevieve Scholes | 281-998-6349 | genevieve.scholes@sjcd.edu |

Purchase Request #3
Regular Board Meeting March 4, 2024
Consideration of Approval to Contract for Campus Store Retail Services

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve a contract with Barnes & Noble College Booksellers, LLC (Barnes & Noble) for the operations of the College bookstores.

BACKGROUND

Barnes & Noble has operated the campus bookstores since June 15, 2007. Since 2007, Barnes & Noble has provided the College with monetary and capital improvement packages and has worked closely with the College to control and reduce resource material and textbook costs for the students. Due to the evolution of the bookstore industry caused in part by the COVID pandemic the College made the decision to solicit campus store retail services prior to the exhaustion of all renewals with Barnes & Noble.

Request for proposals #24-06 was issued on November 7, 2023, to procure campus store retail services, which complies with the competitive procurement requirements per Texas Education Code §44.031(a). Respondents were given two options to submit proposals: option one for a traditional bookstore model which includes maintaining inventory onsite; and option two for a hybrid model which is inclusive of an onsite bookstore but maintains inventory offsite.

Three responses were received for option one, and five responses were received for option two. Both options were evaluated by a team comprised of representatives from auxiliary services, fiscal services, instructional innovation and support services, financial aid services, student advising services, workforce development, business and technology department, liberal arts department, health and natural sciences department and social sciences department who determined the proposal submitted by Barnes & Noble for option one will provide the best value to the College.

IMPACT OF THIS ACTION

Approval of the new contract will provide the following benefits to the College and its students:

- Guaranteed Annual Commission of \$850,000 in Year One of Contract
- Unrestricted Signing Bonus of \$300,000
- Facility Improvement Investment of \$300,000
- Annual Donation of \$25,000
- Provide First Day Inclusive Access Programs (OBPL)
- Price Match Program for Students

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

The estimated annual expenditure is \$6,000,000, for a total estimated contract value over five years of \$30,000,000, and will be primarily funded from restricted financial aid funds on behalf of students within the 2023-2024 budget and subsequent year budgets.

Purchase Request #3
Regular Board Meeting March 4, 2024
Consideration of Approval to Contract for Campus Store Retail Services

MONITORING AND REPORTING TIMELINE

The initial five-year award term will commence on July 1, 2024, with renewal options of three one-year terms.

ATTACHMENTS

Attachment 1 – Tabulation Option 1: Bookstore
Attachment 2 – Tabulation Option 2: Hybrid Model

RESOURCE PERSONNEL

| | | |
|---------------|--------------|------------------------|
| Matt Prasifka | 281-991-2627 | matt.prasifka@sjcd.edu |
| Farrah Khalil | 281-998-6326 | farrah.khalil@sjcd.edu |

RFP #24-06
Campus Store Retail Services
Attachment 1 – Tabulation Option 1: Bookstore

QUALIFICATIONS

| # | Vendors | Section 1: Acceptance of Requirements / Exceptions to RFP | Section 3: Operations | Section 4: Customer Service Project Understanding | Section 5: Staffing/Personnel | Section 6: Course Materials | Section 7: General Merchandise | Section 8: Convenience Store/Café Services | Section 9: Website/Technology | Section 10: Transition Plan | Section 11: Company History and Background | Total Points | Short List |
|---|---|---|-----------------------|---|-------------------------------|-----------------------------|--------------------------------|--|-------------------------------|-----------------------------|--|--------------|------------|
| | <i>Total Points</i> | 5 | 10 | 5 | 5 | 25 | 10 | 15 | 5 | 5 | 5 | 90 | |
| 1 | Barnes & Noble College Booksellers, LLC | 4.35 | 8.05 | 4.00 | 4.33 | 19.75 | 8.70 | 12.41 | 4.25 | 3.90 | 4.30 | 74.04 | Yes |
| 2 | Textbook Brokers | 4.68 | 7.65 | 4.13 | 3.68 | 20.05 | 8.30 | 8.48 | 4.15 | 3.78 | 3.70 | 68.60 | Yes |
| 3 | Follett Higher Education Group | 3.48 | 7.05 | 3.70 | 4.03 | 15.50 | 8.60 | 11.18 | 3.98 | 4.18 | 4.00 | 65.70 | Yes |

FINAL SCORES

| # | Shortlist Vendors | Qualification | Presentation | Financial Review | Final Score |
|---|---|---------------|--------------|------------------|---------------|
| | <i>Total Points</i> | 90 | 30 | 30 | 150 |
| 1 | Barnes & Noble College Booksellers, LLC | 74.04 | 22.75 | 24.30 | 121.09 |
| 2 | Textbook Brokers | 68.60 | 21.06 | 19.50 | 109.16 |
| 3 | Follett Higher Education Group | 65.70 | 21.33 | 21.30 | 108.33 |

RFP #24-06
Campus Store Retail Services
Attachment 2 – Tabulation Option 2: Hybrid Model

QUALIFICATIONS

| # | Vendors | Section 1: Acceptance of Requirements / Exceptions to RFP | Section 3: Operations | Section 4: Customer Service Project Understanding | Section 5: Staffing/Personnel | Section 6: Online Course Materials Store | Section 7: General Merchandise | Section 8: Convenience Store/Café Services | Section 9: Website/Technology | Section 10: Transition Plan | Section 11: Company History and Background | Total Points | Short List |
|---|---|---|-----------------------|---|-------------------------------|--|--------------------------------|--|-------------------------------|-----------------------------|--|--------------|------------|
| | <i>Total Points</i> | 5 | 10 | 5 | 5 | 25 | 10 | 15 | 5 | 5 | 5 | 90 | |
| 1 | Barnes & Noble College Booksellers, LLC | 4.05 | 8.00 | 4.00 | 4.40 | 19.75 | 8.80 | 12.47 | 4.23 | 3.90 | 4.48 | 74.08 | Yes |
| 2 | BibliU Inc | 4.70 | 5.74 | 3.95 | 4.03 | 19.78 | 8.50 | 12.15 | 3.80 | 4.03 | 3.95 | 70.63 | Yes |
| 3 | Follett Higher Education Group | 3.58 | 7.50 | 3.70 | 4.20 | 15.00 | 8.65 | 11.13 | 4.08 | 4.30 | 4.13 | 66.27 | Yes |
| 4 | Textbook Brokers | 4.70 | 7.95 | 4.00 | 3.60 | 19.68 | 8.10 | 7.82 | 4.13 | 3.85 | 3.53 | 67.36 | Yes |
| 5 | Ambassador College Bookstores | 3.48 | 6.20 | 3.28 | 2.80 | 19.33 | 5.55 | 6.33 | 3.68 | 3.18 | 3.18 | 57.01 | No |

FINAL SCORES

| # | Shortlist Vendors | Qualification | Presentation | Financial Review | Final Score |
|---|---|---------------|--------------|------------------|---------------|
| | <i>Total Points</i> | 90 | 30 | 30 | 150 |
| 1 | Barnes & Noble College Booksellers, LLC | 74.08 | 22.75 | 25.90 | 122.73 |
| 2 | BibliU Inc | 70.63 | 23.33 | 24.40 | 118.36 |
| 3 | Follett Higher Education Group | 66.27 | 21.33 | 21.10 | 108.70 |
| 4 | Textbook Brokers | 67.36 | 21.06 | 19.20 | 107.62 |

Purchase Request #4
Regular Board Meeting March 4, 2024
Consideration of Approval to Renew the Contract for Plumbing Services

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees renew a contract with Modern Plumbing Company Inc. to provide plumbing services for the facilities services department.

BACKGROUND

The facilities services department is responsible for maintaining the College's plumbing equipment and related infrastructure. Services provided by an outside firm are required for larger projects and to assist with emergency repairs that may arise throughout the year. Occasionally events occur with larger scopes or that pose safety concerns such as deep excavations. In these events, a larger experienced organization is required to safely complete repairs or alterations necessary for continued business operations.

Request for proposals #21-09 was issued December 2020 to procure plumbing services, which complies with the competitive procurement requirements per Texas Education Code §44.031(a). The Board approved the original contract with Modern Plumbing Inc. on March 1, 2021.

IMPACT OF THIS ACTION

Modern Plumbing Inc. provides staff and materials as needed for plumbing projects and all work necessary to install, repair, and maintain plumbing infrastructure and equipment when the College does not have the capacity to self-perform these services. Additionally, Modern Plumbing, Inc. is equipped and well-versed in safety critical tasks such as providing excavations and installation of shoring necessary for deeper sub-surface plumbing installations and repairs.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

The estimated annual expenditure for this request is \$500,000 and will be funded from the facilities services department's 2023-2024 operating budget and subsequent year budgets.

MONITORING AND REPORTING TIMELINE

This renewal will exercise the third of four one-year renewal options available. The new contract term will be March 8, 2024 through March 7, 2025.

ATTACHMENTS

None

RESOURCE PERSONNEL

| | | |
|-----------------------|--------------|----------------------------|
| Bryan Jones | 281-998-6343 | bryan.jones@sjcd.edu |
| Ron Andell | 281-929-4659 | ron.andell@sjcd.edu |
| Genie Freeman-Scholes | 281-998-6349 | genevieve.scholes@sjcd.edu |

Purchase Request #5
Regular Board Meeting March 4, 2024

Consideration of Approval to Contract for Direct Mail Magazine Services

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve a contract with Academic Marketing Services, LLC, dba Aperture Content Marketing for direct mail magazine (senior focus) services for the external relations department.

BACKGROUND

Academic Marketing Services will provide turnkey magazine services geared specifically toward senior residents (age 55+) living in the San Jacinto College taxing district as well as to San Jacinto College retirees. Content will be provided from the external relations department; however, Academic Marketing Services is responsible for the design, printing, and shipping of the physical copies of the publication three times per year (winter, summer, and fall). Additionally, Academic Marketing Services creates an online edition that is viewable across multiple devices and provides website and platform analytics.

Request for proposals #24-18 was issued on December 15, 2023, to procure direct mail magazine services, which complies with the competitive procurement requirements per Texas Education Code §44.031(a). Eight responses were received and evaluated by a team comprised of representatives from external relations who determined the proposal submitted by Academic Marketing Services will provide the best value to the College.

IMPACT OF THIS ACTION

The direct mail magazine publication enhances the overall awareness and impression seniors have of the College and the offerings geared toward this audience. The publication is used to educate and inform readers of the various activities, classes, and stories that may impact them and their families. Content focuses on lifelong learning services and classes, students and faculty members that are in the same age range as the readership, and various topics that are of specific interest to this audience.

While the readership of this publication may not be one of the College's main student groups, they do influence others that are within the target audience. Some content may focus on programs geared toward younger students, but it is presented in a manner to be of interest to the specified audience and the role they may have in the higher education decision-making process. Stories may contain anecdotal, factual, and or statistical information that the readership could share with those interested in attending the College.

This product is an awareness piece that places the College at the forefront of residents' minds three times per year. The content is geared toward the specific audience, it is relevant, timely, and specific to their needs.

Purchase Request #5
Regular Board Meeting March 4, 2024
Consideration of Approval to Contract for Direct Mail Magazine Services

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

The estimated annual expenditure is \$200,000, for a total estimated contract value of \$400,000, and will be funded from the external relations department's 2023-2024 operating budget and subsequent year budgets.

MONITORING AND REPORTING TIMELINE

The initial two-year award term will commence on March 5, 2024 through March 4, 2026 with three one-year renewal options.

ATTACHMENTS

Attachment 1 - Tabulation

RESOURCE PERSONNEL

| | | |
|-------------------|--------------|----------------------------|
| Amanda Fenwick | 281-998-6160 | amanda.fenwick@sjcd.edu |
| Jacquelynn Conger | 281-998-6107 | jacquelynn.conger@sjcd.edu |
| Melissa Fuqua | 281-998-6378 | melissa.fuqua@sjcd.edu |

RFP #24-18
Direct Mail Magazine (Senior Focus)
Attachment 1 – Tabulation

QUALIFICATIONS

| # | Vendors | Section 1: Firm Experience | Section 2: Personnel Experience | Section 3: Project Understanding | Section 4: References | Section 5: Exceptions to RFP | Total Points |
|---|---------------------------------|----------------------------------|---------------------------------------|--|--------------------------|------------------------------------|-----------------|
| | <i>Total Points</i> | <i>10</i> | <i>30</i> | <i>15</i> | <i>10</i> | <i>5</i> | <i>70</i> |
| 1 | Aperture Content Marketing | 9.90 | 27.00 | 13.80 | 7.74 | 5.00 | 63.44 |
| 2 | Tulip Media Group | 8.40 | 26.70 | 12.45 | 9.20 | 2.60 | 59.35 |
| 3 | Roberts Printing, Inc. | 8.80 | 22.80 | 7.80 | 7.00 | 5.00 | 51.40 |
| 4 | Mittera Group Inc | 9.30 | 22.80 | 10.95 | 7.80 | 1.90 | 52.75 |
| 5 | Southwest Precision Printers | 8.00 | 24.00 | 10.05 | 7.40 | 5.00 | 54.45 |
| 6 | LP Printing | 7.40 | 19.20 | 6.30 | 3.70 | 5.00 | 41.60 |
| 7 | Versa Creative | 8.40 | 23.10 | 7.50 | 2.80 | 5.00 | 46.80 |
| 8 | Creative Direct Marketing Group | 4.20 | 15.60 | 7.50 | 3.20 | 5.00 | 35.50 |

FINAL SCORES

| # | Vendors | Qualification Score | Price Score | Final Score |
|---|---------------------------------|------------------------|-------------|--------------|
| | <i>Total Points</i> | <i>70</i> | <i>30</i> | <i>100</i> |
| 1 | Aperture Content Marketing | 63.44 | 20.11 | 83.55 |
| 2 | Tulip Media Group | 59.35 | 16.04 | 75.39 |
| 3 | Roberts Printing, Inc. | 51.40 | 22.56 | 73.96 |
| 4 | Mittera Group Inc | 52.75 | 20.84 | 73.59 |
| 5 | Southwest Precision Printers | 54.45 | 18.79 | 73.24 |
| 6 | LP Printing | 41.60 | 30.00 | 71.60 |
| 7 | Versa Creative | 46.80 | 19.34 | 66.14 |
| 8 | Creative Direct Marketing Group | 35.50 | 7.87 | 43.37 |

Purchase Request #6
Regular Board Meeting March 4, 2024
Consideration of Approval to Purchase Graduation Event License

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends the Board of Trustees approve an event license contract with the Houston Astros as the venue for the December 2024 graduation ceremony.

BACKGROUND

This is a licensing agreement with the Houston Astros to host the College's fall commencement ceremony at Minute Maid Park on Friday, December 13, 2024, at 7:00 PM. The contract also provides additional time for set-up and preparation. This will be the tenth San Jacinto College commencement event held at Minute Maid Park and will serve Summer and Fall 2024 semester graduates. The venue can accommodate guest seating of 10,000. Previous commencement attendance at this venue averaged 8,000 guests, 1,000 graduation participants, and 300 faculty.

Leasing of an event venue is precluded from the competitive bidding requirements mandated by Chapter 44 of the Texas Education Code.

IMPACT OF THIS ACTION

The Fall 2024 commencement ceremony will host an estimated 1,200 student participants and their guests. Approval of this agreement will provide the College with an appropriately sized venue that can accommodate graduates, faculty, and guests for the fall ceremony.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

The estimated expenditure for this request is \$165,000. This expenditure will be funded from the student services department's 2024-2025 operating budget.

MONITORING AND REPORTING TIMELINE

None

ATTACHMENTS

None

RESOURCE PERSONNEL

| | | |
|-------------------|--------------|----------------------------|
| Joanna Zimmermann | 281-476-1873 | joanna.zimmermann@sjcd.edu |
| Jesus Bernal | 281-476-1875 | jesus.bernal@sjcd.edu |
| Damon Harris | 281-998-6103 | damon.harris@sjcd.edu |

Purchase Request #7
Regular Board Meeting March 4, 2024
Consideration of Approval to Contract for Snack Vending Services

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve a contract with Canteen Vending for snack vending services for the College.

BACKGROUND

To ensure all students, faculty, and staff snack vending needs are met, the College has historically provided snack vending machines at various College locations. The machines offer a variety of options including, but not limited to chips, crackers, cookies, candies, pastries, trail mixes, granola bars, protein bars, and chewing gum. There will also be a limited number of specialty machines that provide items such as fresh salads, wraps, and bowls.

Request for proposals #24-08 was issued on November 14, 2023, to procure snack vending services, which complies with the competitive procurement requirements per Texas Education Code §44.031(a). Four responses were received and evaluated by a team comprised of representatives from auxiliary services, administrative services, cafeteria services, and student support services who determined the proposal submitted by Canteen Vending will provide the best value to the College.

IMPACT OF THIS ACTION

Adoption of this recommendation will enable the College to be serviced with snack vending machines teeming with reasonably priced snacks for students, faculty, staff, and visitors to consume. The snack vending services agreement also includes an annual monetary incentive payment, annual snack vending machine guarantee, and tiered commission percentages for net sales.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

This is a revenue agreement; thus, the College will not incur any monetary expenses. The annual projected revenue is estimated at \$85,000, which yields an estimated five-year contractual total of \$425,000.

MONITORING AND REPORTING TIMELINE

The initial three-year award term will commence on July 12, 2024, through July 11, 2027, with two one-year renewal options.

ATTACHMENTS

Attachment 1 - Tabulation

RESOURCE PERSONNEL

| | | |
|---------------|--------------|------------------------|
| Matt Prasifka | 281-991-2627 | matt.prasifka@sjcd.edu |
| Farrah Khalil | 281-998-6326 | farrah.khalil@sjcd.edu |

RFP #24-08
Snack Vending Services
Attachment 1 – Tabulation

QUALIFICATIONS

| # | Vendors | Section 1: Qualifications and Experience of Firm and Personnel | Section 2: Product Line / Product Mix | Section 3: Maintenance Plan and Delivery Schedule | Section 4: Value Added Services | Section 5: References | Section 6: Financial Return | Section 7: Price of Products | Total Points | Short List |
|---|-------------------------|--|---------------------------------------|---|---------------------------------|-----------------------|-----------------------------|------------------------------|--------------|------------|
| | <i>Total Points</i> | 20 | 15 | 10 | 10 | 10 | 20 | 15 | 100 | |
| 1 | Canteen Vending | 17.80 | 12.66 | 7.10 | 7.20 | 6.70 | 16.06 | 15.00 | 82.52 | Yes |
| 2 | Gilly Vending | 18.36 | 12.30 | 8.30 | 7.10 | 8.00 | 15.51 | 9.45 | 79.02 | Yes |
| 3 | Techbeans LLC | 14.56 | 10.65 | 8.20 | 8.40 | 3.40 | 14.65 | 13.42 | 73.28 | No |
| 4 | Mcliff Coffee + Vending | 14.00 | 10.95 | 6.20 | 6.10 | 3.30 | 14.00 | 10.21 | 64.76 | No |

FINAL SCORES

| # | Shortlist Vendors | Qualification | Presentation | Final Score |
|---|---------------------|---------------|--------------|---------------|
| | <i>Total Points</i> | 100 | 40 | 140 |
| 1 | Canteen Vending | 82.52 | 34.24 | 116.76 |
| 2 | Gilly Vending | 79.02 | 32.60 | 111.62 |

Item "A"
Regular Board Meeting March 4, 2024

Approval of the Minutes for the January 29, 2024, Workshop and Regular Board Meeting

RECOMMENDATION

The Chancellor requests that the Board of Trustees approve the minutes for the January 29, 2024, Workshop and Regular Board Meeting.

San Jacinto College District Board Workshop

January 29, 2024

The Board of Trustees of the San Jacinto Community College District met for a Board Workshop at 5:15 p.m., Monday, January 29, 2024, in Room 201 of the Thomas S. Sewell District Administration Building, 4624 Fairmont Parkway, Pasadena, Texas.

MINUTES

| | | |
|-------------|---|---|
| | Board Workshop Attendees: | Board Members: Dr. Michelle Cantú-Wilson, Erica Davis Rouse (absent), Marie Flickinger, Dan Mims, John Moon, Jr., Keith Sinor (absent), Larry Wilson (absent) Chancellor: Brenda Hellyer Other: Allatia Harris, Sandra Ramirez, Mandi Reiland, Teri Zamora |
| | Agenda Item: | Discussion/Information |
| I. | Call the Meeting to Order | Chair Flickinger called the workshop to order at 5:18 p.m. |
| II. | Roll Call of Board Members | Board Chair Flickinger conducted a roll call of the Board members: Dr. Michelle Cantú-Wilson Erica Davis Rouse, Assistant Secretary (absent) Marie Flickinger, Chair Dan Mims John Moon, Jr., Vice Chair Keith Sinor, Secretary (absent) Larry Wilson (absent) |
| III. | Adjournment to closed or executive session pursuant to Texas Government Code Section 551.071 and 551.074 of the Texas Open Meetings Act, for the following purposes: Legal Matters and Personnel Matters | Chair Flickinger adjourned to closed session at 5:20 p.m. The Board members listed above as attending and Chancellor Brenda Hellyer were present for the closed session. a. Legal Matters - For the purpose of a private consultation with the Board's attorney on any or all subjects or matters authorized by law. It was determined after the time of posting that a consultation with an attorney was not needed. b. Personnel Matters - For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee. |

| | | |
|-----|--|---|
| IV. | Reconvene in Open Meeting | Chair Flickinger reconvened to open meeting at 5:52 p.m. |
| V. | Review Action for Designation of Unrestricted Cash Reserves for Future Capital Projects | <p>Teri Zamora provided an overview of the designation of unrestricted cash reserves for future Capital Projects. This will be an action item during tonight’s Board meeting. She explained a policy was passed in 2018 that requires the College to have four to six months cash of unrestricted dollars on hand. At the end of August 2022, the College had 5.5 months of cash on hand. In previous years, the overage would be used to pay down debt, but there was no callable debt last year, so the Board approved moving \$5 million of those funds to the capital projects to use in the future for deferred maintenance once Bond funds are depleted. After moving these funds, the College had 5.2 months of cash on hand. Last year, November 2022 was our lowest month, and the College still had four months of cash on hand. This year, December 2023 was our lowest month, and the College had \$84.4 million or 4.6 months of cash on hand.</p> <p>Teri explained the timeline of when the funds are received from the state throughout the year. Under the new formula, the state will give the College half of the funds in October, a fourth in February, and the last fourth in June The new method of designating this extra cash into the “Capital Projects Fund” to be used for deferred maintenance seems to be the most prudent way forward. The College currently has \$6 million plus interest in this fund and will have \$11 million plus interest if tonight’s request to transfer \$5 million is approved.</p> <p>Dr. Michelle Cantú-Wilson asked if a fund like this existed prior to the Capital Projects Fund. Teri responded there was not one in this manner where the funds are waiting for use. It will likely be a couple of years before we need it. It depends how fast we are able to complete the current projects being funded through bond dollars or if we need any other emergency repairs. We had roofs on buildings across the campuses assessed and there will be a presentation later this evening to request additional funds from the Bond fund and from interest earnings on bond funds to start addressing these issues and parking lot renovations.</p> <p>Teri explained these funds are being put in a designated account so it will be clear they are not readily available for the College’s normal expenditures. An update on this Future Capital Projects Fund will be included in the monthly construction reports moving forward.</p> |

| | | |
|-------------|--|---|
| | | <p>Marie Flickinger asked about the timeline of a next Bond being issued.</p> <p>Brenda explained the master planning process will be discussed during the Board Retreat. We need to get our hands around facility needs based on the changes we are seeing in delivery and student and community needs. She is hopeful that we will not need to issue another Bond for several years.</p> <p>Dr. Allatia Harris joined the workshop.</p> |
| VI. | Update on Enrollment | <p>Teri provided an update on spring enrollment. As of this morning, the College’s headcount was 28,281, which is an increase of 3.7 percent compared to spring 2023. This is the highest headcount we have had since spring 2020. We are 2.8 percent down compared to spring 2020, when the pandemic began, but are up 1 percent in contact hours. The Promise program is contributing to the increase in contact hours.</p> <p>Brenda added that the College is currently about 48 percent face-to-face enrollment on the academic side, which is lower than last semester. Prior to covid, we were approximately 70 percent face-to-face in academic courses.</p> |
| VII. | <p>Review Request for Funding Allocations for Parking Lot Preservation and Reroofing Projects</p> <p>A. Allocation from 2015 Bond contingency for College-wide parking lot preservation</p> <p>B. Allocation from available bond interest funds for College-wide reroofing and upgrade projects</p> | <p>Teri presented on the request for funding allocations for parking lot preservation and reroofing projects. She explained several of the parking lots across campuses are experiencing cracked pavement. In general, the parking lots with the worst conditions are being addressed first, but there are several other lots that can be preserved to save money and keep them from having to be fully replaced. She explained that the Board had previously supported \$800,000 for pavement preservation at the North Campus. The new request is for an additional \$1.5 million, with the total available funding to be used to address pavement preservation across all campuses. The total balance currently available in the bond contingency is \$21.19 million. The new contingency balance after support of this request will be \$19.69 million.</p> <p>Teri provided an overview of the request for interest earnings from the Bond funds to be allocated toward new roofing repairs. She provided a chart with needed roofing repairs and costs. The total estimated cost for these repairs is \$4.32 million. The available amount of bond interest earnings is \$5.57 million. If this request is supported, the remaining bond interest earnings will be \$1.25 million. This is also going to be included in Capital</p> |

| | | |
|--------------|--|---|
| | | <p>Improvement Program (CIP) reports and each contract will go to the Board for approval through the purchasing action items.</p> <p>The Board was supportive of this plan.</p> |
| VIII. | Review Proposal to Offer an Associate of Applied Science in Magnetic Resonance Imaging (MRI) Degree | <p>Dr. Allatia Harris provided an overview of the proposal to offer an Associate of Applied Science in Magnetic Resonance Imaging (MRI) Degree. She explained the College currently offers an enhanced certificate in MRI which means a student must have earned a degree in Sonography or Radiography to enter the MRI enhanced certificate program. This certificate program then takes another year to complete. The advisory committee was looking for a way to expedite this and decided to reconfigure this program to offer a degree instead of a certificate. She explained the equipment and staffing needs for this program. The plan is to have 20 students in the first year, 25 in the second year, and 30 in the third year.</p> <p>Brenda explained that this proposal is being brought to the Board at this evening's Board meeting for approval. The intention is to have this degree program in place by fall 2024.</p> <p>Michelle commented about a student she knows of from another college who went through the Sonography program then had to go through another year to complete the MRI certification and was frustrated about this process.</p> <p>The Board members were supportive of this proposal.</p> |
| IX. | Review of Calendar | <p>Brenda reviewed upcoming events on the calendar and asked the Board members to let Mandi Reiland know if they would like to attend any events.</p> |
| X. | General Discussion of Meeting Items a. Additional Purchasing Support Documents | <p>Brenda provided an overview of updates made to policies and procedures and informed the Board that they will have a few to review and approve during the Board meeting. She also informed the Board that two delegations they approved have been completed.</p> <p>The Board members had no other questions and no additional purchasing support documents were provided.</p> |
| XI. | Adjournment | <p>Chair Flickinger adjourned the meeting at 6:25 p.m.</p> |

San Jacinto Community College District
Regular Board Meeting Minutes
January 29, 2024

The Board of Trustees of the San Jacinto Community College District met at 7:00 p.m. for a regularly scheduled Board meeting on Monday, January 29, 2024, in Room 104 of the Thomas S. Sewell District Administration Building, 4624 Fairmont Parkway, Pasadena, Texas.

Attendance

Present:

Members: Dr. Michelle Cantú-Wilson, Marie Flickinger, John Moon, Jr., Dan Mims
Chancellor: Dr. Brenda Hellyer

Absent:

Members: Erica Davis Rouse, Keith Sinor, Larry Wilson

Others Present: Rhonda Bell, Jana Blackburn, Robert Cage, Cynthia Carter, Jacquelynn Conger, Janet Cowey, Teri Crawford, Matt Crow, Destry Dokes, Chris Duke, Teddy Farias, Sheina Faroqui, Scott Hairston, Allatia Harris, Damon Harris, Lawana Haynes, Carin Hutchins, Sallie Kay Janes, Matt Keim, Kara Kennebrew, Lauren Lowe, DeRhonda McWaine, Lamar McWaine, Courtney Morris, Kevin Morris, Cheryl Mott, Alexander Okwonna, Tyler Olivier, Joe Pena, Diana Perez, Joe Perez, Maritza Perez, Phillip Perez, JoEllen Price, Markel Price, JR Ragaisis, Angele Ramirez, David Ramirez, Sandra Ramirez (Employee), Sandra Ramirez (Visitor), Cathy Rau, Kevin Rau, Mandi Reiland, Sherilyn Reynolds, Heather Rhodes, Shelley Rinehart, Imelda Rodriguez, Chuck Smith, Danny Snooks, Rob Stanicic, Earle Thomas, Ken Tidwell, Seth Tobey, Sonia Townsend, Van Wigginton, Chris Wild, Laurel Williamson, Teri Zamora, Joanna Zimmermann

I. Call the Meeting to Order

Chair Flickinger called the regular meeting of the Board of Trustees to order at 7:00 p.m.

II. Roll Call of Board Members

Chair Flickinger conducted a roll call of the Board members.

Dr. Michelle Cantú-Wilson
Erica Davis Rouse, Assistant Secretary (absent)
Marie Flickinger, Chair
Dan Mims
John Moon, Jr., Vice Chair
Keith Sinor, Secretary (absent)
Larry Wilson (absent)

III. Moment of Silence, Invocation, and Pledge to the Flags

The moment of silence and invocation was given by Sandra Ramirez. The pledges to the American and Texas flags were led by Dr. Michelle Cantú-Wilson.

IV. Special Announcements, Recognitions, Introductions, and Presentations

1. Robert Cage introduced the representatives from Chesmar Foundation for a check presentation.
2. Teri Crawford recognized the external relations team.
3. Joanna Zimmermann recognized JoEllen Price for being appointed to the U.S. Department of Education 2024 Negotiated Rulemaking Program Integrity and Institutional Quality Committee.
4. Dr. Laurel Williamson recognized the 2023-2024 Excellence Award Recipients and Minnie Piper Nominee.

V. Student Success Presentations

Teri Crawford and Allatia Harris provided an update on the Promise@San Jac Scholarship.

VI. Communications to the Board of Trustees

1. January Opportunity News
2. A thank you was sent to the Board from Rosie Helms for the plant sent in memory of her brother-in-law.
3. A thank you was sent to the Board from Joseph Pena for the plant sent in memory of his grandmother.
4. U.S. Department of Education 2024 Hispanic-Serving Institution Eligibility
5. 2023 Report to the Community
6. Annual Comprehensive Financial report August 31, 2023 and 2022

VII. Public Comment

There were no citizens desiring to speak before the Board.

VIII. Informative Reports to the Board

A. San Jacinto College Financial Statements

1. San Jacinto College Monthly Financial Statements December 2023
2. San Jacinto College Monthly Investment Report December 2023
3. San Jacinto College Monthly Financial Statements November 2023
4. San Jacinto College Monthly Investment Report November 2023
5. San Jacinto College Quarterly Investment Report September 2023 - November 2023

B. San Jacinto College Foundation Financial Statements

1. December 2023
2. November 2023

C. Capital Improvement Program

1. December 2023
2. November 2023

D. San Jacinto College Building Committee Minutes

- IX. Consideration of Approval of Amendment to the 2023-2024 Budget for Restricted Revenue and Expenses Relating to Federal, State, and Local Grants/Contracts

Motion 10329:

Motion moved by John Moon, Jr. and motion seconded by Dan Mims. Motion carried.

Yeas: Cantú-Wilson, Flickinger, Mims, Moon, Jr.

Nays: None

- X. Consideration of Adoption of Authorized Broker/Dealer List

Motion 10330:

Motion moved by Dr. Michelle Cantú-Wilson and motion seconded by John Moon, Jr. Motion carried.

Yeas: Cantú-Wilson, Flickinger, Mims, Moon, Jr.

Nays: None

- XI. Consideration and Approval of Designation of Unrestricted Cash Reserves to Fund Future Capital Projects

Motion 10331:

Motion moved by Dan Mims and motion seconded by Dr. Michelle Cantú-Wilson. Motion carried.

Yeas: Cantú-Wilson, Flickinger, Mims, Moon, Jr.

Nays: None

- XII. Consideration of Approval of Naming of Facility Space at the San Jacinto College Maritime Campus

Motion 10332:

Motion moved by John Moon, Jr. and motion seconded by Dan Mims. Motion carried.

Yeas: Cantú-Wilson, Flickinger, Mims, Moon, Jr.

Nays: None

- XIII. Consideration of Approval of an Associate of Applied Science in Magnetic Resonance Imaging Degree

Motion 10333:

Motion moved by Dr. Michelle Cantú-Wilson and motion seconded by Dan Mims.
Motion carried.

Yeas: Cantú-Wilson, Flickinger, Mims, Moon, Jr.

Nays: None

- XIV. Consideration of Approval of Policy VI.6004.D, Pregnancy and Parenting - Second Reading

Motion 10334:

Motion moved by Dr. Michelle Cantú-Wilson and motion seconded by Dan Mims.
Motion carried.

Yeas: Cantú-Wilson, Flickinger, Mims, Moon, Jr.

Nays: None

- XV. Consideration of Approval of Revisions to Policy III.3000.B, Mental Health Leave for Peace Officers and Telecommunicators

Motion 10335:

Motion moved by John Moon, Jr. and motion seconded by Dan Mims. Motion carried.

Yeas: Cantú-Wilson, Flickinger, Mims, Moon, Jr.

Nays: None

- XVI. Consideration of Rescission of Policy IV-C-14, Policy for College Officials Serving on Committees, Commissions, Boards or Agencies, and Approval of Policy #, Institutional Representation - First Reading (Informational Item)

No voted required.

- XVII. Consideration of Purchasing Requests

Motion 10336:

Motion moved by Dr. Michelle Cantú-Wilson and motion seconded by John Moon, Jr.
Motion carried.

Yeas: Cantú-Wilson, Flickinger, Mims, Moon, Jr.

Nays: None

- XVIII. Consent Agenda

(Any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of the Board, otherwise all items will be voted on with one (1) motion.)

- A. Approval of the Minutes for the December 4, 2023, Workshop and Regular Board Meeting
- B. Approval of the Budget Transfers
- C. Approval of Personnel Recommendations and Extra Service Agreements
- D. Approval of the Affiliation Agreements
- E. Approval of the Next Regularly Scheduled Meeting on March 4, 2024

Motion 10337:

Motion moved by Dan Mims and motion seconded by Dr. Michelle Cantú-Wilson.
Motion carried.

Yeas: Cantú-Wilson, Flickinger, Mims, Moon, Jr.

Nays: None

XIX. Items for Discussion/Possible Action

There were no additional items discussed.

XX. Adjournment

Chair Flickinger adjourned the meeting at 8:01 p.m.

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve budget transfers for January 2024 which have been made in accordance with appropriate accounting procedures.

BACKGROUND

Adoption of the budget by the Board of Trustees prior to September 1 of each year serves as the authorization to expend funds for the next fiscal year. The budget is adopted by functional classification (or cost elements: Instruction, Public Service, Academic Support, Student Services, Institutional Support, and Operation and Maintenance of Plant) as defined by the National Association of College and University Business Officers (NACUBO). Realizing that the budget is a living document that reflects the evolving needs of the College in terms of meeting goals and objectives, occasional movement of budgeted funds between cost elements is desirable and warranted. The budget transfers under consideration represent previously authorized expenditures that are requested to be reclassified from one cost element to another cost element.

IMPACT OF THIS ACTION

Approval of the budget transfers allows the College to more effectively utilize existing resources in fulfilling its instructional objectives.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

This request is a reclassification of existing authorizations.

MONITORING AND REPORTING TIMELINE

None

ATTACHMENTS

Attachment 1 –January Budget Transfers

RESOURCE PERSONNEL

| | | |
|----------------|--------------|-------------------------|
| Teri Zamora | 281-998-6306 | teri.zamora@sjcd.edu |
| Carin Hutchins | 281-998-6109 | carin.hutchins@sjcd.edu |
| Dianne Duron | 281-998-6347 | dianne.duron@sjcd.edu |

SAN JACINTO COLLEGE DISTRICT
 Budget Transfers Related to Fiscal Year 2023-24
 for January 2024

| ELEMENT OF COST | DEBIT | CREDIT |
|-----------------------|------------------|------------------|
| INSTRUCTION | \$ 5,686 | \$ 3,351 |
| PUBLIC SERVICE | \$ - | \$ - |
| ACADEMIC SUPPORT | \$ 3,102 | \$ 54,888 |
| STUDENT SERVICES | \$ 2,722 | \$ - |
| INSTITUTIONAL SUPPORT | \$ 11,653 | \$ 9,559 |
| PHYSICAL PLANT | \$ 49,228 | \$ 4,593 |
| AUXILIARY ENTERPRISES | \$ - | \$ - |
| | \$ 72,392 | \$ 72,392 |

RECOMMENDATION

The administration recommends that the Board of Trustees approve the following Affiliation Agreements:

South Campus

Department

Physical Therapy Assistant

Affiliation Entity

Ollin Athletics & Sports Medicine

Central Campus

Department

Medical Laboratory

Affiliation Entity

Kindred Hospitals Limited Partnership dba
Kindred Hospital Houston Medical Center

North Campus

Department

Nursing

Affiliation Entity

Supreme Hospice dba Loving Hope Hospice

Nursing

Fall Creek Rehabilitation & Healthcare

Nursing

Cascades at Jacinto

Mental Health

Houston Area Community Services dba
Avenue 360

District-wide

Department

Health Sciences

Affiliation Entity

Grand Canyon University

RATIONALE

The Affiliation Agreements were reviewed by the College’s external legal counsel.

FISCAL IMPLICATIONS TO THE COLLEGE

N/A

CONTACT PERSONNEL

Daniel J. Snooks, Attorney

Laurel Williamson

281-998-6184

laurel.williamson@sjcd.edu

Item “E”
Regular Board Meeting March 4, 2024
Approval of the Next Regularly Scheduled Meeting

RECOMMENDATION

The next regularly scheduled meeting of the Board of Trustees will be Monday, April 1, 2024.