

# EMPLOYEE HANDBOOK

2024  
2025

OFFICE OF  
HUMAN RESOURCES



SOUTH TEXAS  
COLLEGE



# **South Texas College Employee Handbook**

## **THE OFFICE OF HUMAN RESOURCES**

REVISED: 10/21/2024

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# Message from the President

Dear STC Family,



As we enter a new academic year at South Texas College, we enter a new phase of innovation, growth and continued success. In our three decades of creating a college-going culture, making college accessible for all and transforming our region, STC has become a state and national leader for many of its initiatives.

Our Dual Credit, Bachelor's, Nursing and Apprenticeship programs are nationally recognized and many in the higher education landscape look to us as the experts in these fields.

Since arriving at STC, nearly three years ago, I have worked diligently to continue what was begun in the 1990s – the expansion of learning and economic development opportunities to the two counties we serve.

The Board of Trustees and I are committed in producing innovative industry partnerships, creating short-term certificates and expanding academic degree offerings. It is not lost on us that each of you play a vital role in the success of our students, our institution and our communities. For that, our heartfelt appreciation.

As we look forward, may we also always remember our past – from the great visionaries who fought to bring STC into existence to the lessons we have learned to create exceptional growth and bold solutions.

It falls upon us to continue the noble work at hand and together build on the great legacy of dreams fulfilled that is South Texas College.

Sincerely,

Dr. Ricardo J. Solis

President of South Texas College

# Welcome to South Texas College

Dear Colleagues,

As a member of the South Texas College community, the Office of Human Resources is excited about the undergoing and future transformation of the College and we are committed to serving our college district employees, customer-departments, and the public with excellence. We consider our campus constituents to be a critical element in helping us successfully accomplish our ambitious plan to rebuild the foundational aspects of our Human Resources operations by pursuing goals in our four strategic focus areas of Strategy and Operations Administration, Talent Development and Training, Culture and People and Continuous Improvement.

We are excited that as a premier organization, South Texas College employs highly qualified, dedicated, and innovative individuals. More and more of you are taking on leadership positions, or actively looking for new opportunities to build a better College. We work collaboratively to help build each other up and collectively strive to meet each of the College's core values of excellence, opportunity, caring, integrity, and student success, while taking an active interest in the well-being of our colleagues, students, and our community.

We invite you to visit the [Human Resources Website](#) where you will find resources that may assist you in our daily activities, as well as, during circumstances that you may have not encountered in the past. We are your resource in everything from discussing career opportunities, to helping you resolve conflicts and situations that arise in your lives and on the job. Supporting a highly trained and motivated faculty and staff who are committed to student success is our goal.

The Office of Human Resources is here to assist you, and we invite you to become involved, contribute to the mission and vision of South Texas College, and above enjoy working collaboratively to serve our community. Should you have any questions or need assistance feel free to contact us.

Office of Human Resources  
Pecan Plaza, Building A.  
2501 W. Pecan Blvd.  
McAllen, TX 78501  
956-872-4448



## Introduction

The College District does not discriminate or tolerate discrimination against any employee, applicant for employment, student, or applicant for admission on the basis of race, color, national origin, ethnicity, religion, age, sex, sexual orientation, gender, gender identity, gender expression, pregnancy, parental status, disabilities, genetic information, veteran status, or any other protected category under applicable local, state, or federal law. Conduct that excludes participation, denies benefits, or subjects others to discrimination is prohibited. The College District complies with all applicable policies and state and federal legislation in order to combat discrimination.

The College will appoint employees in full compliance with existing laws. Qualification guidelines for all positions will be published by the Office of Human Resources and shall be applied consistently and fairly to all applicants. "Qualified" is defined as having the requisite education, training, and/or skills required of the position as defined in the approved job announcement.

The Employee Handbook has been prepared for your information and comprehension of the employment policies and practices of South Texas College in effect at the time of publication. All previously issued policies and any inconsistent policy statements or memoranda are superseded.

The College reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this handbook or in any other document.

Any written changes to this handbook will be distributed to all employees so that employees will be aware of the new policies or procedures. No oral statements or representations can in any way change or alter the provisions of this handbook.

This handbook is available at:

<https://hr.southtexascollege.edu/employee-relations.html>

The Employee Handbook is intended to support policy statements of the Board of Trustees, and in any instance where it is determined that the handbook is not compatible with the Board Policy Manual, Board policy shall prevail. This handbook sets forth the agreement between you and the College for the duration of employment and the circumstances under which employment may be terminated. Nothing in this handbook or in any other personnel document, including the benefit plan description, creates or is intended to create a promise or representation of continued employment for any employee.

## **Vision, Mission, and Core Values**

Administration, faculty, and staff affirm the inherent worth and dignity of all persons and seek to provide an environment where our core values of student success, excellence, opportunity, caring, and integrity are esteemed and allowed to thrive.

In order to fulfill their professional responsibilities to their students, to their fellow employees, and to their communities, the administration, faculty, and staff adopt, and hold each other subject to, the South Texas College Vision, Mission, and Core Values.

### **Vision Statement**

Changing lives and transforming communities through higher education.

### **Mission Statement**

South Texas College is a comprehensive public higher education institution that transforms lives through innovative education, holistic learner support, and community engagement. We empower our region and drive socioeconomic advancement through lifelong learning opportunities.

### **Core Values**

**Student Success**

**Excellence**

**Opportunity**

**Caring**

**Integrity**

# Essential Qualities & Characteristics of South Texas College Faculty

South Texas College has endeavored to advance regional prosperity through the educational advancement of its students. Nevertheless, transforming our students' hopes and dreams into realities would not be possible without a strong foundation - the South Texas College faculty, who embody the College's mission and values. Thus, South Texas College seeks qualified faculty who champion student success

## **FACULTY ESSENTIAL QUALITIES**

### **A COMMITMENT TO EXCELLENCE IN TEACHING AND LEARNING:**

South Texas College faculty members exhibit the highest levels of professionalism, remain current and competent in their fields, and excel in a collaborative environment. Faculty Members are familiar with different teaching methods and use these tools to encourage high levels of student engagement and student understanding.

### **A COMMITMENT TO STUDENT SUCCESS:**

South Texas College faculty members are committed to student success. They guide, advise, motivate, and enhance student learning through passion for their discipline and demonstrate compassion and patience for their students. In addition, they are innovative in their teaching and seek all opportunities to identify strategies they can implement, which will motivate students to succeed.

### **A COMMITMENT TO LEADERSHIP AND COLLEGE SERVICE:**

South Texas College faculty members lead at local, regional, state and national levels. Faculty leaders at South Texas College recommend and develop programs, trainings, and curricula that meet the ever-changing needs of the community. They contribute to student success by participating in committees and serving as student club advisors, mentors to students, and as a vital resource for new faculty.

### **A COMMITMENT TO EXCELLENCE THROUGH PROFESSIONAL DEVELOPMENT:**

South Texas College faculty members are committed to life-long learning. They participate in professional development opportunities to improve their teaching, maintain currency with technological advances, and incorporate different teaching modalities into their courses.

### **A COMMITMENT TO COMMUNITY SERVICE AND CREATING A COLLEGE-GOING CULTURE:**

South Texas College faculty members serve the community by participating in outreach initiatives, public speaking, dual enrollment, or community organizations. They interact with local businesses and schools to promote South Texas College's core values and strategic directions.

# Equal Employment Opportunities

[DAA \(Local\) Policy: Employment Objectives: Equal Employment Opportunity](#)

## Equal Employment Opportunity Statement

The College District does not discriminate or tolerate discrimination against any employee, applicant for employment, student, or applicant for admission on the basis of race, color, national origin, ethnicity, religion, age, sex, sexual orientation, gender, gender identity, gender expression, pregnancy, parental status, disabilities, genetic information, veteran status, or any other protected category under applicable local, state, or federal law. Conduct that excludes participation, denies benefits, or subjects others to discrimination is prohibited. The College District complies with all applicable policies and state and federal legislation in order to combat discrimination.

As an equal opportunity employer, the College District will appoint employees in full compliance with existing laws. Qualification guidelines for all positions will be published by the Office of Human Resources and shall be applied consistently and fairly to all applicants. "Qualified" is defined as having the requisite education, training, and/or skills required of the position as defined in the approved job announcement.

## Title IX Statement

Title IX of the Education Amendments 1972 (20 U.S.C. s1681 et seq.) and its implementing regulations, 34 C.F.R. Part 106 (Title IX),

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

The College strives to maintain a healthy and safe environment where all members of the community, students, faculty and staff feel welcome on College campuses and classrooms. Students, faculty and staff are thus prohibited from conducting themselves in a way that results in any form of sexual harassment, sex-based harassment and/or sexual violence.

## Age Discrimination Employment Act

South Texas College is committed to ensuring compliance with the Federal Age Discrimination in Employment Act Amendments of 1986 and with the Texas Commission on Human Rights Act (Article 5221K, VACS) which prohibits discrimination on the basis of age. Employees are not required to retire at any specific age and employees age 40 and over are protected from Age Discrimination.

## **Section 504 of the Rehabilitation Act of 1973 / American with Disabilities Act**

The College complies with Section 504 of the Rehabilitation Act of 1973 and with the Americans with Disabilities Act, and does not discriminate on the basis of a disability in the areas of admissions, accessibility, treatment, and employment. Individuals with disabilities, as defined under the law, who are otherwise qualified to meet the institution's academic and employment requirements will be provided with services and resources accordingly.

South Texas College shall not exclude from consideration of employment otherwise qualified applicants with a disability or disabilities because such applicants may require reasonable accommodations for known physical and mental impairments.

During any aspect of the employment process, including without limitation, hiring, promotion, transfer, training, evaluation, and compensation increases, the College shall consider the issues of a reasonable accommodation to the known physical or mental disability or disabilities of an otherwise qualified handicapped or disabled person.

South Texas College supports efforts in making the campus more accessible and encourages individuals with disabilities to participate in all activities. In compliance with regulations listed in Section 504, the College will designate an ADA compliance coordinator.

# Federal and State Employment Laws

## Notice of Non-Discrimination

South Texas College does not discriminate or tolerate discrimination against any employee, applicant for employment, student, or applicant for admission on the basis of race, color, national origin, ethnicity, religion, age, sex, sexual orientation, gender, gender identity, gender expression, pregnancy, parental status, disabilities, genetic information, veteran status, or any other protected category under applicable local, state, or federal law. Conduct that excludes participation, denies benefits or subjects others to discrimination is prohibited. The College complies with all applicable policies and state and federal legislation in order to combat discrimination.

***For more information, please review [College Policy #4216 “Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited”](#):***

More information about gender-based sexual harassment, sexual assault or other sexual misconduct, including Title IX, can be found here: <https://www.southtexascollege.edu/about/notices/title-ix.html>

It is the policy of the College to provide reasonable accommodations for persons with disabilities. For accommodations for Faculty and Staff, please contact the college’s Office of Human Resources at 956-872-4448. For accommodations for Students, please contact Counseling and Student Accessibility Services at 956-872-2173.

*The following person has been designated as the Title IX Coordinator to handle inquiries regarding all forms of discrimination, harassment or retaliation, including sexual misconduct, and disability:*

### **Title IX & 504 Coordinator**

**Todd C. Nelson, J.D.**

Contracts and Regulatory Resources Officer-Title IX & 504 Coordinator

2501 W. Pecan Blvd., N 150

McAllen, Texas 78501

956-872-4664

Email: [TitleIX@southtexascollege.edu](mailto:TitleIX@southtexascollege.edu)

**File a report of discrimination here:**

<https://www.southtexascollege.edu/report/index.html>

In compliance with the Clery Act of 1990, the College's annual security report is available at: <https://www.southtexascollege.edu/stcdps/pdf/annual-security-report.pdf>

***Please feel free to visit the links for more information for employees regarding Federal and State Laws:***

[“Know Your Rights”](#)

[The Uniformed Services Employment and Reemployment Rights Act](#)

[Employee Rights Under the Fair Labor Standards Act](#)

[Employee Polygraph Protection Act](#)

[Family and Medical Leave Act](#)

- [Available in Spanish](#)

[Workers with Disabilities](#)

[Environmental, Health, & Safety](#)

[Office of Injured Employee Counsel](#)

- [Available in Spanish](#)

[First Responder Liaison to Assist in Workers’ Compensation Disputes](#)

- [Available in Spanish](#)

[Right to Work](#)

[Fair Labor Standards Act Protections for Employees to Pump Breast](#)

[Milk at Work](#)

[Child Labor Laws](#)

[Equal Employment Opportunity Law in Texas](#)

[Reporting Abuse, Neglect or Exploitation](#)

[Texas Payday Law](#)

[Unemployment & Payday Law](#)

[Workers’ Compensation in Texas](#)

- [Available in Spanish](#)

[Whistleblower Act](#)

[Pregnant Workers Fairness Act](#)

# Organization of the College

## History

The 50th community college in the state of Texas, and the only to have ever been legislatively mandated, South Texas College was established by Senate Bill 251 to service Hidalgo and Starr Counties on September 1, 1993. Formerly South Texas Community College, the law, signed by Governor Ann Richards on June 1, 1993, converted the McAllen Extension Center of Texas State Technical College into a comprehensive community college initially serving the citizens of Hidalgo and Starr Counties.

South Texas College fills the many educational needs of the community, which until now, was the largest geographic region in Texas not served by a community college. More than 70% of the student population are the first in their family to attend college, more than 95% are Hispanic and 60% of our stakeholders believe there is a strong support system for our students.

To that end, the college offers more than 127 degree and certificate program options, including associate degrees in a variety of art, science, technology and allied health fields of study. The college also offers 32 online associate degrees and certificates options through South Texas College Online. Collaborating with over 21 school districts and 70 high school sites throughout Hidalgo and Starr Counties and with the over 60 articulation agreements in place with colleges across the county, opportunities abound

The College has grown from one campus to five campuses, including three in McAllen (Pecan Campus, Technology Campus, and Dr. Ramiro R. Casso Nursing and Allied Health Campus), the Mid-Valley Campus located in Weslaco, and the Starr County Campus located in Rio Grande City. Further enhancing South Texas College's presence, the college offers a state-of-the art online campus established in August 2011. Although the virtual campus doesn't feature beautiful green spaces or ambitious new architecture, what it does offer is something equally exciting and fitting for a new digital age. South Texas College has also established teaching centers such as the Regional Center for Public Safety Excellence, and the Higher Education Centers in Pharr and La Joya making South Texas College the region's largest higher education institution!

Since its inception in 1993, South Texas College has grown from 1,000 to more than 29,774 students in Spring 2022, and to a faculty and staff of 2,663.

## Accreditation

South Texas College is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) to award Baccalaureate and Associate degrees. South Texas College also may offer credentials such as certificates and diplomas at approved degree levels. Questions about the accreditation of South Texas College may be directed in writing to the Southern Association of Colleges and Schools Commission on Colleges at 1866 Southern Lane, Decatur, GA 30033-4097, by calling (404) 679-4500, or by using information available on SACSCOC's website ([www.sacscoc.org](http://www.sacscoc.org)).

South Texas College's offerings are approved by the Texas Higher Education Coordinating Board. It is also approved for veterans' educational training in Certificate and Associate of Applied Science Degree programs by the Texas Education Agency.



## Affiliations

Alliance for Community College Innovation (ACCI)  
American Association of Community and Junior Colleges  
American Association of Community College Trustees  
Asociación Regional de Maquiladoras de Reynosa, S.A.  
Association of Texas Colleges and Universities  
Board of Licensed Vocational Nurses  
Hidalgo County Library System  
Hispanic Association of Colleges and Universities  
McAllen Chamber of Commerce  
National Association of College and University Business  
Officers National Coalition of Advanced Technology Centers  
National Community College Hispanic Council (NCCHC)  
Rio Grande Manufacturing Center  
South Texas Manufacturers' Association  
Southern Association of Colleges and Schools  
Tech Prep of the Rio Grande Valley  
Texas Association of Chicanos in Higher Education (TACHE)  
Texas Association of Community Colleges  
Texas Association of Community Colleges Foundations, Inc.  
Texas Association of Community College Trustees & Administrators (TACCTA)  
Texas Administrators of Continuing Education for Community/Junior Colleges  
Texas Junior College Teachers Association

***South Texas College's offerings are approved by the Texas Higher Education Coordinating Board and the Texas Education Agency.***

# College Leadership

## Board of Trustees

### ----- OFFICERS -----

**Dr. Alejo Salinas Jr., Chair:** Retired Superintendent/Superintendent Emeritus, Hidalgo ISD

**Paul R. Rodriguez, Vice Chair:** CEO of Valley Land Title Co.

**Danny Guzman, Secretary:** Right-of-Way Agent, Hidalgo County Precinct #1

### ----- MEMBERS -----

**Rose Benavidez:** President of Starr County Industrial Foundation

**Victoria Cantú:** CEO of Children’s Education Station, LLC

**David De Los Rios:** CEO of DLR Media

**Dalinda Gonzalez–Alcantar –** CEO, Boys & Girls Club of McAllen

For more information on our Board of Trustees, please visit our website at:

<https://www.southtexascollege.edu/about/board>

## Executive Officers

**Ricardo J. Solis, MBA, PhD -**

President

**Jesus Campos, EdD -**

Interim Vice President for Information Services, Planning,  
Performance and Strategic Initiatives

**Mary Del Paz, MBA, CFE, CGMA, CPA -** Vice President for Finance and Administrative Services

**Anahid Petrosian, PhD -**

Provost and Vice President for Academic Affairs

**Matthew Hebbard, EdD -**

Vice President for Student Affairs and Enrollment Management

**Rodney H. Rodriguez, PhD -**

Vice President for Institutional Advancement and Economic  
Development

## **PRESIDENT**

The President serves as the Chief Executive Officer of the College. The President provides leadership for all aspects of the College through personal vision, strategic management, and student-centered goal development. The President interprets, administers, and enforces policies made by the Board of Trustees. The President sets the standards of performance for the faculty and staff of the College.

## **VICE PRESIDENT FOR FINANCE AND ADMINISTRATIVE SERVICES**

This position is responsible for maintaining sound fiscal management and for developing and maintaining policies in the areas of finance and administrative services. The Vice President provides leadership in the implementation of finance and administrative programs and in facilities planning and management to support the teaching-learning process. The Vice President also provides leadership for effective management and ensures regulatory compliance in business, purchasing, human resources, facilities, and general services. In addition, the Vice President is charged with maintaining a clean and safe working environment for employees and students. Furthermore, this office oversees physical plant operations as well as general planning and construction activities.

## **VICE PRESIDENT FOR INFORMATION SERVICES, PLANNING, PERFORMANCE AND STRATEGIC INITIATIVES**

This position serves as the executive officer overseeing all information services and operations, including information technology, information security, instructional technology, library services, centers for learning excellence, institutional research, strategic planning, institutional effectiveness, and accreditation. The Vice President is responsible for aligning information services, learning support services, institutional and student performance and operations with institutional goals and objectives as they relate to the organizational mission. Supervises the leadership teams responsible for the college's information and instructional technologies, information security, learning resources, learning support services, institutional research, institutional effectiveness and accreditation, improvement, and strategic management services.

## **PROVOST AND VICE PRESIDENT FOR ACADEMIC AFFAIRS**

This position serves as the Chief Instructional Officer of the College. This position initiates the development of the learner-centered philosophy and focuses on faculty and staff commitments toward student learning and success. The Vice President assesses the quality and effectiveness of all instructional programs and formulates plans for continued improvement. The Vice President collaborates with business, industry, and educational partners for the development of quality instructional programs. This office promotes inter-institutional cooperation with four-year institutions and school districts.

## **VICE PRESIDENT FOR STUDENT AFFAIRS AND ENROLLMENT MANAGEMENT**

This position serves as Chief Student Services Officer for the College and oversees all functions associated with admissions and records, outreach, testing, student information centers, financial aid, counseling, advising, student activities, and placement. This position also develops and implements the enrollment management plan for all campuses. The Vice President also maintains student-centered philosophy and focuses student development initiatives on successful student outcomes, including enrollment program selection, retention, graduation, and placement/transfer success.

## **VICE PRESIDENT FOR INSTITUTIONAL ADVANCEMENT AND ECONOMIC DEVELOPMENT**

The Vice President for Institutional Advancement and Economic Development (IAED) serves as the chief strategy officer responsible for approaching and supporting existing divisions and IAED in building strategic alliances, partnerships, and fundraising opportunities that further the mission and vision of the College. This position leads all areas within the Division of IAED including, Resource Development, Management, and Compliance, Industry Training and Economic Development, the Regional Center for Public Safety Excellence, and STC Foundation. The Vice President also serves as the strategic supporter for the pursuit, and acquisition of funding sources, and the cultivation of partnerships and relations with community and business prospects.

Under the direction of the Board of Trustees and Executive Leadership, South Texas College has an Administrative Leadership team that executes the day-to-day operations, while ensuring the college stays true to the Mission, Vision, and Core Values. The Administrative Executive organization chart can be found in the link below.

### **[Administrative – Executive Organizational Chart](#)**

## **Faculty's Role and Participation in Academic and Institutional Affairs**

Faculty at South Texas College are valued as content experts whose primary responsibilities are to work both individually and collaboratively to create and implement learning initiatives to maximize student success. A job description for faculty can be found in the [Faculty Handbook](#). As part of the essential duties and responsibilities, faculty are to contribute to the department, division, and college operations by participating on committees, teams, and task forces to facilitate a climate that continuously promotes learning. To promote the extent of faculty's participation in academic and institutional affairs, South Texas College has created several vehicles and opportunities that welcome and encourage faculty participation through committees, teams, councils and task forces. This process gives the faculty direct input into the decision-making process of the College.

### **Opportunities for Faculty**

#### **FACULTY SENATE**

The South Texas College Faculty Senate is in operation and encourages the participation of all faculty. The purpose of the Faculty Senate shall be to represent faculty interests and to present the views and recommendations of the college faculty to the administration and to the Board of Trustees of STC.

#### **INSTRUCTIONAL/STUDENT SERVICES COUNCIL**

The Instructional/Student Services Council is composed of the Vice President for Academic Affairs, the Vice President for Student Affairs and Enrollment Management, and other key administrators from the Instructional/Student Services divisions. The Council also has members' liaisons from other areas of the College. In addition, the Council's membership includes the Faculty Senate President and a faculty representative from each of the four instructional divisions.

#### **COUNCIL OF CHAIRS**

The Council of Chairs is composed of faculty who serve as chairs of programs/departments. The purpose is to serve as a forum for discussion of concerns to chairs, to serve to facilitate professional development of chairs, to serve as a support system for chairs, and to serve in an advisory role to administrators regarding instructional issues.

#### **FACULTY ADVISORY COUNCIL**

Because of a desire to directly hear and address faculty concerns, the President created the Faculty Advisory Council. This group provides open, candid, and collegial dialogue and advises the President on issues of concern to faculty. The 18-member Faculty Advisory Council is composed of the Faculty Senate President and 17 faculty members representing the five instructional divisions.

#### **TASKFORCES**

A wide variety of special committees, teams, and task forces have been established to provide opportunities for faculty input and participation. Taskforces are created on an as-needed basis to address instructional issues. As taskforces are established, faculty are invited to participate.

## General Policies and Procedures

It is the responsibility of every employee to read and understand South Texas College policies. For the complete list of South Texas College policies, please visit, <http://admin.southtexascollege.edu/president/policies/index.html>.

On March 21, 2020, the Board of Trustees approved a partnership with the Texas Association of School Boards (TASB) for Policy Management Services. Throughout FY2022 and FY2023, the College will be transitioning all Board Policies from the current STC format to the TASB standard format.

The current South Texas College Policy Manual and the new TASB South Texas College Board Policy Manual will coexist throughout the transition process. During the transition process, existing policies maintained in the South Texas College Policy Manual will be retired, included in the new TASB local policy manual, and/or adapted to a procedure. Former College policies that have migrated to a TASB local policy will reside on the TASB portal accessible on the following link: <https://pol.tasb.org/PolicyOnline?key=632>

### Code of Ethics Policy

#### Policy 4000

South Texas College applies the highest ethical standards to all members of the College community including the Board of Trustees, administration, staff and faculty in achieving its mission and in managing its resources efficiently and effectively to reach its goals and objectives. The College shall include a code of ethics for Board members, administration, staff, and faculty in its Policy Manual.

The College seeks to treat each person of the College community as a unique individual and provide a positive, encouraging, and success-oriented environment. College policies and practices that protect the rights and development of each individual in the College community shall be enforced. Protection from unlawful discrimination, including conduct that constitutes sexual harassment, and freedom to develop as a student and/or College employee shall be promoted.

The College accepts its responsibilities to its students, to its employees, and to the members of the community. The College is committed to meet these responsibilities with balance, fairness, accountability, and ethical integrity.

### Code of Professional Ethics for the Administration, Faculty, and Staff

#### Policy 4001

It shall be the professional responsibility of the administration, faculty and staff to strive to help each student realize his or her full potential as a learner and as a human being by creating a learning environment that embodies the core values of student success, opportunity, excellence, innovation, community, professionalism, collaboration, and integrity.

In order to fulfill their professional responsibilities to their students, to their fellow employees, and to their communities, the administration, faculty, and staff adopt and hold each other accountable to the following Code of Professional Ethics:

- a) The administration, faculty, and staff shall strive to create a collegial educational and workplace environment in which all persons are treated with respect, dignity, and justice, and are not discriminated against on any basis such as personal ideology, race, color, national or ethnic origin,

age, religion, disability, sex, sexual orientation, gender identity and expression, veteran status, social station, or any other characteristic protected under applicable federal or state law.

- b) The administration, faculty, and staff shall observe, practice, and uphold the highest standards of honesty and integrity.
- c) The administration, faculty, and staff shall encourage and defend the free exchange of ideas, respect the inherent worth and dignity of all persons, and express their own ideas with scholarly objectivity and tolerance of other viewpoints.
- d) The administration, faculty, and staff, recognizing the necessity of many roles in the educational enterprise, shall work in such a manner as to enhance cooperation and collegiality among students, faculty, administrators, and staff.
- e) The administration, faculty, and staff shall demonstrate competence through consistent and adequate preparation and performance, and seek to enhance competence by accepting and applying constructive feedback and evaluation.
- f) The administration, faculty, and staff shall exercise the highest professional standards in the use of time and resources.
- g) The administration, faculty, and staff shall participate in the governance of the institution by accepting a fair share of committee and institutional responsibilities.
- h) The administration, faculty, and staff shall abide by all South Texas College policies, support the goals and ideals of the institution, act in public and private affairs in such a manner as to reflect positively on the institution, and uphold the ethical guidelines of one's discipline and profession.
- i) The administration, faculty, and staff shall make reasonable effort to protect individuals from conditions harmful to learning or to health and safety.
- j) The administration, faculty, and staff shall not engage in, condone, or support unethical or professionally incompetent behavior.
- k) The administration, faculty, and staff shall accept the rights and responsibilities of civic engagement, while judiciously avoiding use of the privileges of one's public position for private or partisan advantage.

## **Standards of Conduct**

### Administrative Regulation

Employees of South Texas College are expected to adhere to all federal, state, and municipal laws and ordinances. Employees shall also adhere to all College policies and procedures, as well as other guidelines and rules of all regulating agencies or entities having jurisdiction over college activities. Employees of South Texas College are expected to conduct themselves in a professional, courteous, respectful, and ethical manner in the performance of their duties and responsibilities, and in their interaction with colleagues, students, and the general public.

An employee who engages in conduct prohibited by this policy shall be subject to disciplinary action and/or other adverse personnel action, including termination. The decision to discipline an employee should be made in accordance with [Administrative Regulations: Disciplinary Action Procedures](#).

The prohibited conduct described by this policy is intended as a general guide for employees to follow, it is not intended as an exhaustive description of all the types of conduct that is prohibited and subject to sanction.

South Texas College employees shall be prohibited from engaging in conduct, including, but not limited to:

1. Providing false or altering to falsify information on a time sheet, an employment application, a transcript, a resume, a travel voucher, a purchase order, a student grade record, any report, a payroll record or of any other official record of the College;
2. Violating workplace health or safety rules or accepted safety practices; and creating or contributing to unhealthy or unsanitary conditions in the workplace;
3. Soliciting or accepting any prohibited gift, favor, service, or benefit from any vendor to the College, or soliciting or accepting a bribe;
4. Conducting private business during working hours, regardless of whether it is for profit or not, and regardless of whether or not it interferes with assigned duties and responsibilities;
5. Using or misappropriating work time or College property or resources for personal gain or benefit;
6. Smoking anywhere except in a designated smoking area;
7. Gambling or participating in any games of chance on the College premises at any time;
8. Soliciting, collecting money or circulating petitions on the premises other than within the rules and regulations of the College;
9. Unlawful possession, selling, distributing, or offering and/or consuming alcoholic beverages, illicit drugs, illegal narcotics, hallucinogens, drug paraphernalia, or other illegal intoxicants, drugs, or controlled substances on College premises at any time or while on duty at any location;
10. Unlawful possessing, selling, distributing, or offering illicit drugs, illegal narcotics, hallucinogens, drug paraphernalia, or other illegal intoxicants, drugs, or controlled substances at any time.
11. Failure or refusal to follow work-related directives from supervisors; or to perform designated work that is part of an employee's job duties and responsibilities;
12. Sabotaging, impeding, impairing, and/or disrupting the function of the workplace;
13. Neglect of duty, cyberloafing, loitering or wasting time during working hours; or failure to meet a reasonable and objective measure of efficiency and productivity;
14. Engaging in any conduct within or outside the course and scope of employment with the College which tends to impugn the employee's moral character or professional reputation, or if such conduct tends to tarnish or bring into disrepute the College's image in the community;
15. Intentional, reckless, or negligent conduct that results in personal injury to a student, College employee, or other person while on work duty with the College;



16. Actual or constructive possession on College premise of materials, photographs, video- recordings, drawings or other similar visual illustrations of a pornographic nature that are not a bona-fide part of an approved College course being taught by the employee;
17. Engaging in any conduct with any student, any employee of the College, or any other person if the conduct is offensive, inappropriate, indecent, insulting, physically threatening, and/or humiliating;
18. Making statements or remarks that are derogatory, demeaning, or denigrating of another person on the basis of race, color, national origin, religion, age, sex, sexual orientation, gender, gender identity, disability, or any other protected class;
19. Engaging in dishonest or unethical acts;
20. Inducing, encouraging, soliciting, or compelling any person to engage in any conduct that is criminal in nature, dishonest, insubordinate, offensive, vulgar, or which violates any board policy;
21. Fighting, instigating a fight, threatening or attempting bodily harm or injury to another;
22. Negligent or intentional unauthorized disclosure of information maintained by the College if the information is exempt from disclosure under any law; including, but not limited to, the Texas Public Information Act; Family Educational Rights and Privacy Act; or Freedom of Information Act;
23. Creating a condition or engaging in conduct that creates an unreasonable risk of injury to the individual, students, fellow employees, or members of public;
24. Participating in any purchase or acquisition of goods or services in which the employee has a conflict of interest;
25. Unauthorized or repeated tardiness or absence, or excessive use or abuse of sick or other leave privileges;
26. Unlawful possession or storage of a prohibited firearm or other prohibited weapon on College premises;
27. Failure to comply with the College's policy on prohibition of weapons;
28. Making misrepresentations or providing misleading work-related information to supervisors, co-workers, regulatory bodies, or funding agencies.
29. Engaging in conduct that is prohibited by other College policies;
30. Violating departmental procedures, rules or regulations, or College policies;
31. Failing to comply with purchasing or hiring policies, rules, or regulations of the College;
32. Bringing children on College premises during employee's working hours in lieu of childcare arrangements; or
33. Other acts of misconduct as determined by Administration to be prohibited.

The decision to discipline an employee should be made in accordance with [Administrative Regulations: Disciplinary Action Procedures](#).

This policy is not intended to create any property interest in continued employment.

## Acts of Antisemitism

### Administrative Regulation

#### **Antisemitism**

Means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and Physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish Community institutions and religious facilities. Examples of antisemitism are included with the [International Holocaust Remembrance Alliance’s “Working Definition of Antisemitism”](#) adopted on May 26, 2016.

Employees or groups engaged in acts of Antisemitism shall be disciplined in accordance with Administrative Regulations: Disciplinary Action Procedures, Standards of Conduct, and College Policies.

## Intellectual Property

### CT (Local) Policy

#### **Intellectual Property**

All copyrights, trademarks, and other intellectual property rights shall remain with the College District at all times.

#### *Definitions*

“Incidental use” is defined as minor utilization of resources commonly encountered in the course of an employee’s daily job. This includes, but is not limited to:

1. An individual’s office;
2. An individual’s office computer;
3. An individual’s office telephone;
4. College District library resources; and
5. College District art studios.

“Scholarly works” are defined as works that are created to further scholarly or artistic activity for which no compensation is granted by the College District. These include but are not limited to:

1. Manuscripts;
2. Scholarly articles;
3. Documentaries;
4. Webpages;
5. Monographs;
6. Works of art; and
7. Other research-based productions.

“College time” is defined as time an employee spends conducting work that contributes to the course and scope of employment as defined in the assigned job description.

#### *Students*

A student shall retain all rights to work created as part of instruction or using College District technology resources.

#### *Community Users*

Members of the community who are neither students, employees of the College District, nor independent contractors hired by the College District shall retain all rights to work created using College District technology resources.

## **Employees**

### **College District Ownership**

As an agent of the College District, an employee, including a student employee, shall not have rights to work he or she creates on College District time, using College District technology resources, or using College District intellectual property with the exception of scholarly works produced with incidental use of College District resources. The College District shall own any work or work product created by a College District employee in the course and scope of his or her employment, including the right to obtain copyrights and patents. The College District may designate a taskforce to recommend whether and what type of license to assign to College District-owned intellectual property.

### **Employee Ownership**

If the employee obtains a patent for such work, the employee shall grant a non-exclusive, non-transferable, perpetual, royalty-free, College District-wide license to the College District for use of the patented work. A College District employee shall own any work or work product produced on his or her own time, away from his or her job and with personal equipment and materials, including the right to obtain patents or copyrights.

### *Permission*

A College District employee may apply to the College President or designee to use College District materials and equipment in his or her creative projects, provided the employee agrees either to grant to the College District a non-exclusive, non-transferable, perpetual, royalty-free, College District-wide license to use the work, or permits the College District to be listed as co-author or co-inventor if the College District contribution to the work is substantial. College District materials do not include student work, all rights to which are retained by the student.

### *Works for Hire*

The College District may hire an independent contractor for specially commissioned work(s) under a written works-made-for-hire agreement that provides that the College District shall own the work product created under the agreement, as permitted by copyright law. Independent contractors shall comply with copyright law in all works commissioned.

### *Grant and Contract Agreements*

This policy is superseded by the specific terms relating to intellectual property ownership, assignment, and licensing of state and federal grants and other contracts entered into by the College District with other external funding entities.

### *OER and Creative Commons Licensing*

The College District promotes the development and use of Open Educational Resources (OER) to reduce barriers to student success and encourages open sharing of the creative and innovative work of College District staff. Copyright owners and creators are encouraged to assign Creative Commons licenses to share works and grant copyright permission for not-for-profit purposes.

### *Disclosure of Intellectual Property*

College District personnel intending to create intellectual property of commercial value are advised to disclose planned projects prior to beginning work by completing the Request for Determination of Intellectual Property Rights Form available through Human Resources.

Upon the termination of any person's association with the College District, all permission to possess, receive, or modify the College District's intellectual property shall immediately terminate. All such persons shall return to the College District all intellectual property, including but not limited to any copies, no matter how kept or stored, and whether directly or indirectly possessed by such person.

## **Copyright**

Unless the proposed use of a copyrighted work is an exception under the “fair use” guidelines maintained by the College President or designee, the College District shall require an employee or student to obtain a license or permission from the copyright holder before copying, modifying, displaying, performing, distributing, or otherwise employing the copyright holder’s work for instructional, curricular, or extracurricular purposes. This policy does not apply to any work sufficiently documented to be in the public domain.

### *Technology Use*

All persons are prohibited from using College District technology in violation of any law including copyright law. Only appropriately licensed programs or software may be used with College District technology resources. No person shall use the College District’s technology resources to post, publicize, or duplicate information in violation of copyright law. The Board shall direct the College President or designee to employ all reasonable measures to prevent the use of College District technology resources in violation of the law. All persons using College District technology resources in violation of law shall lose user privileges in addition to other sanctions. [See BBI and CR]

### *Electronic Media*

Unless a license or permission is obtained, electronic media in the classroom, including motion pictures and other audiovisual works, must be used in the course of face-to-face teaching activities as defined by law.

### *Designated Agent*

The College District shall designate an agent to receive notification of alleged online copyright infringement and shall notify the U.S. Copyright Office of the designated agent’s identity. The College District shall include on its website information on how to contact the College District’s designated agent and a copy of the College District’s copyright policy. Upon notification, the College District’s designated agent shall take all actions necessary to remedy any violation. The College District shall provide the designated agent appropriate training and resources necessary to protect the College District.

If a content owner reasonably believes that the College District’s technology resources have been used to infringe upon a copyright, the owner may notify the designated agent.

## **Trademark**

The College District protects all College District and campus trademarks, including names, logos, mascots, and symbols, from unauthorized use.

### *College District-Related Use*

The College District grants permission to students, student organizations, parent organizations, and other College District-affiliated college-support organizations to use, without charge, College District and campus trademarks to promote a group of students, an activity or event, a campus, or the College District, if the use is in furtherance of College District-related business or activity. The College President or designee shall determine what constitutes use in furtherance of College District-related business or activity and is authorized to revoke permission if the use is improper or does not conform to administrative regulations.

### *Public Use*

Members of the general public, outside organizations, vendors, commercial manufacturers, wholesalers, and retailers shall not use College District trademarks without the written permission of the College President or designee. Any production of merchandise with College District trademarks for sale or distribution must be pursuant to a trademark licensing agreement and may be subject to the payment of royalties.

Any individual, organization, or business that uses College District trademarks without appropriate authorization shall be subject to legal action.

## Employee Solicitations

### DHC (Legal)

#### Administrative Regulation

Solicitation of employees on College property for membership in and contributions to any organization or association is prohibited unless otherwise required by law. Solicitation by agents or salespersons or employees acting as agents or salespersons on College premises is prohibited. Any exceptions must have the consent of the President or designee.

## Appropriations and Revenue sources – Grants, Funds, Donations from Private Sources

### CAM (Local)

The Board delegates to the College President the authority to accept unsolicited gifts on behalf of the College District.

## Communication & Creative Services

#### Administrative Regulation

The Office of Communication & Creative Services communicates the value of the college and builds an ongoing relationship with target audiences through paid, earned, owned and shared communications channels. The Office is responsible for the planning, creation and implementation of South Texas College's:

- Marketing initiatives
- External communications
- Brand management strategies and goals

For assistance with your marketing and communication needs, please contact the Office of Communication & Creative Services at 956-872-8302 or visit <http://admin.southtexascollege.edu/pr/>

## Relationship Between Vendors and Employees

#### Administrative Regulation

Employees of South Texas College shall:

1. Work to maintain the good name of the College by developing and maintaining good relations between the College and its vendors;
2. Promote positive vendor relationships through courtesy and impartiality in all phases of the purchasing cycle.

Employees of South Texas College shall ***not***:

1. Accept gifts, either in-kind or of money from a vendor;  
Gifts include any items not obviously of an advertising nature. Items of an advertising nature are all those with the name of the firm affixed which do not have a unit value of more than \$50.
2. Accept meals with a value over \$50, transportation beyond district boundaries, and overnight accommodations.
3. Be involved with any transaction with a vendor in which there exists a conflict of interest;

A conflict of interest may exist when an employee has a relationship with a vendor that may render the employee partial toward the vendor or otherwise inhibits the impartiality of the employee's business judgment.

4. Take any action without authority that binds the College to a contractual obligation;  
Any employee, who individually obligates the credit of the College without adhering to the procedures outlined in the purchasing policies of the College, shall be individually responsible for payment to the vendor or return of the item.
5. Make false statement about his/her authority to conduct business for the College or make any false statement with intent to deceive;
6. Participate in transactions that take personal advantage of opportunities created by the employee's relationship with the College;
7. Disclose confidential information from a vendor's proposal to another vendor so as to give an advantage to one vendor over another in a potential contract with the College.

## **Political Advertising**

### Administrative Regulation

No officer or employee of the College shall expend or authorize the expenditure of College funds for the purpose of political advertising. Funds may be expended for advertising which describes the factual reasons for a measure and which does not advocate the passage or defeat of such measure.

## **Self-Reporting of Criminal Conduct**

### Administrative Regulation

South Texas College requires employees to self-report criminal conduct.

#### **I. Reporting of Criminal Charges or Arrest**

Any employee that is arrested for or charged with a felony or misdemeanor offense in this State, or any other jurisdiction, other than a traffic offense that is punishable by a fine only, is required to report such arrest or charge to South Texas College. This report must be made to the Office of Human Resources within five business days of the employee first being arrested, summoned, or served with a charging instrument such as a citation, an information, or an indictment. An employee is not excused from making this report because the employee is detained or incarcerated pending release on bail. This report may be made by the employee or by any other person acting at the employee's request. An employee's supervisor that receives a report under this policy shall, within three business days, thereafter, forward the report to the Office of Human Resources.

#### **II. Report of Disposition of Criminal Charges**

Additionally, an employee is required to report to the Office of Human Resources of the disposition of the criminal charges, i.e., acquittal, conviction, pre-trial diversion, or deferred adjudication. This report must be made within three business days of the disposition of the criminal charges.

#### **III. Report of Revocation of Probation or Adjudication**

Any employee that is serving a suspended sentence and is placed on community supervision/probation, or whose adjudication of guilt has been deferred pending successful completion of community supervision/probation shall report to the Office of Human Resources within five days of receiving notice that a court proceeding has been scheduled concerning revocation of the employee's community supervision/probation or concerning adjudication of the employee's guilt. The employee shall immediately inform the Office of Human Resources of the outcome of any such revocation or adjudication proceeding.

#### **IV. Report of Revocation of Parole or Supervised Release**

Any employee that is on parole or supervised release shall report to the Office of Human Resources within five days of receiving notice that a court proceeding has been scheduled concerning revocation of the employee's parole or supervised release. The employee shall immediately inform the Office of Human Resources of the outcome of any such revocation proceeding.

#### **V. Form of Report**

Initially, any report required under this policy may be verbal if making a written report is impracticable during the five-business day period due to the employee being detained or incarcerated pending release on bail. The verbal notice shall be reduced to writing and provided to the Office of Human Resources within three days of the employee being released on bail.

#### **VI. Disciplinary Action**

An employee or supervisor who fails to comply with the notice requirements of this policy may be subject to disciplinary action, including dismissal, in accordance with existing policy.

## **Reporting Suspected or Known Fraud, Abuse and Other Improprieties**

### Administrative Regulation

South Texas College is committed to creating an environment where fraud, abuse and other improprieties are not tolerated. The College maintains written guidelines for reporting and investigating suspected or known fraud, abuse and other improprieties. Fraud, abuse and other improprieties shall be defined as a deliberate act or failure to act with the intention of obtaining an unauthorized benefit, destruction of property or otherwise fraudulent behavior or the use of one's occupation for personal enrichment through the deliberate misuse or misapplication of the College's resources or assets.

These guidelines apply to all College employees. The guidelines establish the procedures and responsibilities for reporting and investigating potential incidents, taking remedial actions and reporting evidence to the appropriate authorities. The guidelines require that employees act in good faith when reporting incidents.

Reports of incidents of fraud, abuse and other improprieties and investigations thereto, shall be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

The President or designee has the authority and responsibility, with participation of the appropriate committee, to develop and administer the guidelines.

# Guidelines for Reporting and Investigating Suspected or Known Fraud, Waste, Abuse and Other Improprieties

In addition, to ensure that STC resources are used appropriately, managers and supervisors are responsible for educating employees about proper conduct, creating an environment that deters dishonesty and maintaining internal controls that provide reasonable assurance of achieving management objectives and detecting dishonest acts. Furthermore, managers and supervisors must be cognizant of the risks and exposures inherent in their area of responsibility and be aware of symptoms of fraud, abuse and other improprieties, should they occur. This procedure establishes a uniform method for reporting fraud, abuse and other improprieties against the College.

## 1. Purpose

These guidelines establish the procedures and responsibilities for reporting and investigating potential incidents of fraud, waste, abuse and other improprieties, taking remedial actions, and reporting evidence to the appropriate authorities.

Acts of fraud, waste or abuse impact the resources of the College and may occur through an unintentional act or by a deliberate action. These categories differ from each other and may be defined as follow:

- **Fraud** – Any intentional deception designed to unlawfully deprive the College of something of value or to secure from the College for an individual a benefit privilege, allowance, or consideration to which he or she is not entitled.
- **Waste** – The extravagant, careless or needless expenditure of College funds, incurring of unnecessary expenses, mismanagement of college resources or property or the consumption of College property that results from deficient practices, systems, controls or decisions.
- **Abuse** – Intentional, wrongful, or improper use or destruction of College resources. Abuse can include the excessive or improper use of an employee or official’s position in a manner other than its rightful or legal use.

These guidelines do not address offenses against the person or personal property of faculty, staff, students, or visitors of the College. This procedure does not apply to allegations of academic misconduct or to allegations of discrimination or harassment.

## 2. General

This procedure applies to all STC employees. It also requires employees to report the actions of other parties that may result in financial losses or possible criminal conduct affecting STC resources or information. These other parties include (1) students; (2) contractors and vendors; (3) organizations affiliated with STC, and (4) any other person or organization that uses STC resources or information, with or without authorization.

- a) The College will pursue legal remedies against persons or entities involved in acts of fraud, abuse or other improprieties against the College. Remedies include, but are not limited to, terminating employment, requiring restitution, and/or forwarding of information regarding suspected fraud



to the appropriate authorities for criminal prosecution. All of the general and criminal laws of the State of Texas are in full force and effect at all state institutions of higher education (Texas Education Code, Sec. 51.201). This procedure is designed to inform College employees of their responsibility for detecting and reporting suspected, fraud, abuse and other improprieties.

- b) Employees who, in good faith, report unlawful activity are protected by the Texas Whistleblower Act (Texas Government Code, Chapter 554) against any retaliation by the College for making such a report. The College, per [DG \(Legal\)](#), complies with the Whistleblower Act.
- c) Employees are required to cooperate with any police or audit investigation, and they may be requested to keep their knowledge of the investigation confidential. Employees should immediately contact the Operations and Maintenance Department if they observe an unlawful act in progress, such as theft or destruction of property, or if they are certain an unlawful act has been committed.

### **3. Examples of Acts of Fraud, Waste, Abuse and Other Improprieties**

Incidents of fraud, waste, abuse and other improprieties generally involve a deliberate act or failure to act with the intention of obtaining an unauthorized benefit, destruction of property or otherwise fraudulent behavior. The Association of Certified Fraud Examiners (ACFE) defines “fraud” as: “The use of one’s occupation for personal enrichment through the deliberate misuse or misapplication of the employing organization’s resources or assets” (Report to the Nation on Occupational Fraud and Abuse, 1999). In that document, the ACFE further explains fraud as follows: Occupational fraud and abuse encompasses a wide variety of conduct by employees, managers, and principals or organizations ranging from pilferage to sophisticated investment swindles. Common violations include asset misappropriation, corruption, false statements, false overtime, petty theft and pilferage, use of company property for personal benefits, and payroll and sick time abuses. The key is that the activity:

- Is clandestine
- Violates the employee’s fiduciary duties to the organization
- Is committed to the purpose of direct or indirect financial benefit to the employee
- Costs the employing organizations assets, revenues, or reserves

Acts of fraud, waste, abuse or other improprieties include, but are not limited to the following:

- Theft or misappropriation of funds, long distance telephone services, supplies, property, computer software, intellectual property, or other resources
- Fictitious disbursements
- Check tampering such as forged endorsement, altered payee or concealed checks
- Fictitious write-offs and refunds
- Fictitious vendor or employee or student payments
- False statement

- False overtime
- Petty theft and pilferage
- False request for reimbursement
- Forgery or alteration of documents
- Bribery or attempted bribery
- Invoice kickbacks
- Bid rigging
- Illegal gratuities
- Economic extortion
- Unauthorized use of records or access to information systems, including unauthorized sharing of computer security clearances
- Unauthorized alteration, manipulation, or destruction of computer files and data
- Falsification of reports to management or external agencies
- Conflicts of interest that pursue a personal benefit or advantage while compromising the public interest
- Improper handling or reporting of financial transactions
- Financial asset misappropriation such as asset/revenue overstatements or understatements, fictitious revenues, concealed liabilities and expenses and improper asset valuations
- Inaccurate employment credentials
- Authorizing or receiving compensation for goods not received or services not performed
- Authorizing or receiving compensation for hours not worked
- Incurring obligations in excess of appropriation authority, and willful violations of laws, regulations, or policies, or contractual obligations when conducting STC business
- Use of College property for personal benefit
- Payroll and sick abuses
- Abuse of overtime
- Waste of supplies

#### **4. Employee Responsibilities**

An employee with a reasonable basis for believing an act of fraud, waste, abuse or other improprieties have occurred has a responsibility to report the suspected act in a timely manner as follows:

- a. Employees should first discuss their concern with their immediate supervisor or manager.

The employee should report in writing the following:

- Department where it is occurring
  - What is occurring
  - When it occurred
  - Who is involved
  - How is it occurring
- b. If the employee suspects that the supervisor has participated in or condoned the act, the employee should report the matter to the next highest level of supervisor or management or directly to the Director of Human Resources.
  - c. If the employee notifies his/her supervisor (or higher authority), the supervisor (or higher authority) must immediately direct the report to the Director of Human Resources.
- 
- d. The Director of Human Resources must immediately direct the report to the appropriate Vice President and President.
  - e. If the employee is uncomfortable speaking with his or her supervisor, the employee may also report acts of fraud, waste, abuse and other improprieties by calling the Anonymous Fraud and Ethics Hotline at 1-800-482-5158. This hotline is staged by a third-party company called The Network. This service is available 24 hours a day, 7 days a week, 365 days a year and allows each person to communicate concerns anonymously. An Interview Specialist documents concerns, assigns a personal reference number for follow up purposes and relays concerns to STC. Employees may also call the State Auditor's Office.  
*Fraud, Waste, and/or Abuse Hotline at 1-800-TX-AUDIT.* Employees may choose to remain anonymous.
  - f. The reporting employee will refrain from further examination of the incident, confrontation of the alleged violator, or further discussion of the incident with anyone other than the reporting employee's supervisor, the President (or designee), the Director of Human Resources or the Internal Auditor and/or law enforcement.

## 5. Restitution

In the event of a loss, the Vice President for Finance and Administrative Services (VPFAS), or designee, will notify the insurance carrier to facilitate all insurance and fidelity bond claims. The President, or designee, may ask the District Attorney's office to seek restitution. The insurance company may also interact directly with the District Attorney's office on matters of restitution where the coverage applies. In the event the criminal court does not provide for restitution, the VPFAS may request the Legal Counsel to initiate a civil action to recover the loss.

Appropriate action will be taken to recover assets lost as a result of an act of fraud, abuse or other improprieties. Full recovery will constitute the value of benefits gained by an employee or beneficiary other than STC or the documented loss, whichever is larger, and, if appropriate, the cost of investigation, recovery, or other associated costs. All reasonable means, consistent with state law, will be sought to recover losses, including voluntary repayments, withholding from salary and wages, insurance proceeds when applicable, and legal action when necessary. The STC Legal Counsel shall determine whether the evidence available and the cost of recovery justify legal action to recover losses.

## **6. Internal Control Deficiencies**

The Internal Auditor, VPFAS and/or Comptroller shall consider whether evidence of the possible acts of fraud, waste, abuse or other improprieties reveals areas or practices in college internal controls needing modification. The Internal Auditor may recommend corrective actions to the President and the Board of Trustees Finance and Human Resources Committee. The Internal Auditor shall follow-up on its recommendations.

## **7. Employee Disciplinary Actions**

Employees found to have participated in acts of fraud, waste, abuse or other improprieties, or any employee who hinders a fraud inquiry or investigation by making a false or misleading statement, or any employee who has knowledge of a dishonest act, but fails to report it according to this procedure shall be subject to disciplinary action. The appropriate official shall determine whether employee disciplinary action is warranted.

## **8. Acting on Evidence of Fraud**

It is the responsibility of the College to investigate acts of fraud, waste, abuse and other improprieties and to act on evidence of fraud. The Director of Human Resources should address all reported incidents. The Director of Human Resources will gather facts specific to the case. After facts are gathered the Director of Human Resources and the appropriate officials engaged to review the facts will discuss the facts and ascertain whether or not evidence of fraud exists. If evidence of fraud does not exist, the matter will be considered administrative and the Director of Human Resources will conduct an objective review of the facts relating to the incident and will prepare a written report to the President. The issue will be considered closed.

If evidence of fraud exists, the Director of Human Resources will conduct an examination of the facts relating to the incident.

- a. During an investigation, it may be deemed advisable that an employee be temporarily reassigned, relieved of duties, relieved of authority to expend College funds, and/or removed from the scene of the investigation pending the outcome of the investigation. The purpose of such action would be to safeguard the College's assets or facilitate the investigation. Should the President, or designee, legal counsel and/or law enforcement concur that such action is necessary, the employee's immediate supervisor and appropriate Vice President will work with the Director of Human Resources to determine the appropriate action.
- b. The Director of Human Resources will engage experts, as necessary, to develop accurate and reliable evidence.
- c. The Director of Human Resources will consult with Legal Counsel, President, or designee, VPFAS, Internal Auditor, appropriate law enforcement and others as necessary, to determine whether or not fraud (i.e., criminal violation) has occurred, based on evidence.
- d. If it is determined that fraud has occurred, the Director of Human Resources will do the following:
  - i. Refer all evidence to appropriate law enforcement agency and will assist law enforcement, as requested, as well as prepare a written report containing scope of work, findings, and recommendations.
  - ii. Notify the VPFAS. The VPFAS, or designee, will notify the insurance carrier, if required by the terms and conditions of the insurance policy.

- e. In all cases, regardless of their outcomes, the Director of Human Resources will prepare a report containing scope of work, findings, and recommendations.

## **9. Employee Training and Acknowledgement**

Training related to reporting and investigating suspected or known fraud, waste, abuse, and other improprieties is provided to all College employees on an annual basis. Training is scheduled and conducted by the Business Office and the Office of Human Resources. Employees are required to confirm that they have received a copy of the guidelines and that they understand the guidelines by submitting to the Office of Human Resources a signed acknowledgement form on an annual basis.

## **10. Acting on Good Faith**

Anyone reporting an incident of fraud, waste, abuse or other improprieties, must act in good faith and have reasonable grounds for believing the information disclosed is valid. The act of making allegations that prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, or with the foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense and may result in discipline, up to and including dismissal from the volunteer position or termination of employment.

## **11. Confidentiality**

Reports of incidents of fraud, waste, abuse, or other improprieties and investigation pertaining thereto, shall be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Disclosure of reports to individuals not involved in the investigation will be viewed as a serious disciplinary offense and may result in discipline, up to, and including termination of employment.

# **Child Abuse and Neglect Reporting**

## DHB (Local) Policy

The 83rd Texas Legislature determined that institutions of higher education create a policy governing the reporting of child abuse and neglect and training as required by Chapter 261, Family Code. This policy is necessary to increase awareness of issues regarding sexual abuse and other maltreatment of children. A child means a person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes.

### **DUTY TO REPORT**

The College District's employees must report child abuse and neglect in the manner required by Chapter 261, Family Code.

### **TRAINING**

The College District shall provide training to employees as required by law. Training shall address reporting requirements and techniques to prevent and recognize sexual abuse, trafficking, and all other maltreatment of children.

## **Texas Abuse Hotline Telephone Number: 1-800-252-5400**

The College shall post in clearly visible locations in public areas that are readily accessible to students, a sign in English and in Spanish that contains the toll-free telephone number operated by the Department of Family and Protective Services to receive reports of child abuse or neglect.

### **WHAT MUST I DO IF I SUSPECT ABUSE OR NEGLECT OF A CHILD?**

IF A CHILD IS IN IMMEDIATE DANGER, CALL **911** OR YOUR LOCAL POLICE FIRST. THEN CALL THE TEXAS ABUSE HOTLINE TO MAKE A REPORT.

The Texas Abuse Hotline is Open 24/7/365  
1-800-252-5400

[www.TXABUSEHOTLINE.org](http://www.TXABUSEHOTLINE.org)

(Report via the online reporting system for non-urgent situations only. A non-urgent situation means that intervention is not needed with 24 hours.)

### **Rights of Nursing Mothers to Express Breast Milk in the Workplace**

DG (Legal): Employee Rights and Privileges

Administrative Regulation

The College complies with State and Federal Laws regarding the right of nursing mothers to express breast milk in the workplace. These State and Federal laws include the Texas Health & Safety Code, Chapter 165; the United State Code, as amended by the Patient Protection and Affordable Care Act, Title 29, Chapter 8 (Fair Labor Standards Act of 1938), Section 207(r); and the Texas Government Code, Chapter 619.

The College supports the rights of nursing mothers in the workplace. The College shall provide an employee a reasonable break time and a reasonable space for the employee to express breast milk for up to one year from the child's birth. Requests for extensions to the one-year provision will be considered on a case-by-case basis.

The College shall provide a space reasonably accessible to the employee, except a bathroom, which is shielded from view and free from intrusion by the employee's co-workers or by the public.

The College shall provide a break time to the employee, reasonably sufficient to accommodate the employee's particular need to express breast milk.

The employee shall submit a written request to the Office of Human Resources for the accommodation to express milk. The written request shall be submitted at least two weeks prior to the accommodation being required.

Procedures to implement this policy shall be developed by the Office of Human Resources and approved by the President.

# Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited

## Policy 4216

### I. Purpose

The purpose of this policy is to ensure compliance with the anti-discrimination provisions Title IX of the Education Amendments Act of 1972 and its implementing regulations (hereinafter “Title IX”) and to ensure compliance with Subchapters E-2 and E-3 of Chapter 51 of the Texas Education Code (hereinafter “Chapter 51”). The purpose of this policy is also to adopt and publish a grievance and disciplinary procedures to ensure a prompt, fair, and equitable resolution of complaints arising under this policy for all parties involved.

### II. Definitions

As used herein, the following terms shall have the meaning assigned:

**“Complainant”** means a student or employee means who is alleged to be the victim of conduct that could constitute sexual harassment, sexual assault, dating violence, domestic violence, stalking, or retaliation for engaging in a protected activity.

**“Confidential Employee/Student Advisor”** means an employee or a student designated by the College as being confidential resource to whom reports of sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, or retaliation may be made and who are not obligated to report complaints of such incidents to the Title IX Coordinator or a Deputy Title IX Coordinator, but are required to communicate details of such incidents in a manner that does not reveal the identity of the alleged victim.

**“Formal Complaint”** means a document filed by a Complainant or signed by the Title IX Coordinator or a Deputy Title IX Coordinator alleging sexual harassment, sexual assault, dating violence, domestic violence or stalking against a Respondent and requesting that the College investigate the allegations in the complaint. A document filed by the complainant as a formal complaint includes an electronic submission (such as by electronic mail or through an online portal provided for this purpose by the College that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the College. When the Title IX Coordinator or a Deputy Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator or a Deputy Title IX Coordinator is not a complainant or otherwise a party in the process.

**“Mandatory/Responsible Reporter”** means an employee of the College who is obligated by policy to share knowledge, notice, and/or reports of conduct constituting sex discrimination, sexual harassment, sexual assault, domestic violence, dating violence and/or retaliation with the Title IX Coordinator or the Deputy Title IX Coordinator. All employees of the College are mandatory reporters except employees designated as being Confidential.

**“Protected Activity”** means exercising a right under this policy such as (1) making a report or filing a formal complaint; or (2) cooperating with or participating in an investigation; or (3) participating in a disciplinary process or a judicial proceeding relating to a Report or a Formal Complaint made by a student or employee under this policy; or (4) opposing, in good faith, any conduct that would be in violation of this policy. This does not apply to a student or employee who participates in an investigation, disciplinary process, or judicial proceeding relating to a Report or

Formal Complaint alleging that the student or employee is the Respondent.

**“Report”** means a document (i) filed by a witness to an alleged incident of sexual harassment, sexual assault, dating violence, domestic violence, stalking, alleging sexual harassment, sexual assault, dating violence or stalking; or (ii) filed with a Confidential Employee or a Student Advocate by a complainant who desires to withhold disclosure of his or her identity and only confidentially discuss the alleged sexual harassment, sexual assault, dating violence or stalking in confidence without the complaint being investigated by the College.

**“Respondent”** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment, sexual assault, dating violence, domestic violence, stalking, or retaliation.

**“Supportive measures”** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The recipient must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator or a Deputy Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

**“Title IX Coordinator”** is at least one official designated by the College to ensure compliance with Title IX, the College's Title IX program, and Chapter 51. References to the Title IX Coordinator throughout this policy may also encompass a designee or Deputy Title IX Coordinator of the Coordinator for specific tasks.

### **III. Title IX Prohibits Discrimination on the Basis of Sex**

South Texas College (hereinafter the “College”) does not discriminate or tolerate discrimination against any employee, applicant for employment, student, or applicant for admission on the basis of in the education program or activity that it operates, and it is prohibited by Title IX and its implementing regulations from discriminating in such a manner. This non-discrimination requirement in its education program or activity extends to student recruitment and admission and to employment of personnel. Any inquiries from students (including parents, guardians, or conservators of minor students), employees, or the general public about the application of Title IX and its implementing regulations to the College may be referred to the College's Title IX Coordinator or Deputy Title IX Coordinator, to the Assistant Secretary of the U.S. Department of Education, or to both. A violation of this policy by any person is subject to disciplinary action up to and including expulsion from the College or termination from employment.

### **IV. Title IX Prohibits Sex Discrimination / Sexual Harassment**

**A. Sex Discrimination:** Under Title IX, sex discrimination involves exclusion from or different treatment on the basis of sex in such College activities as recruitment, admission, financial aid, work-study, athletics, counseling, or employment. Sex discrimination may also take the form of sexual harassment which can encompass sexual assault, dating violence, domestic violence, or stalking. South Texas College is committed to eradicating all forms



of sex-based discrimination including sexual harassment and prohibits its employees and students from engaging in such conduct. Sexual Harassment can occur in any sex or gender configuration without regard to gender identity, gender expression or sexual orientation and may include off-campus or online conduct. Any person who violates this policy is subject to disciplinary action up to and including expulsion from the College or termination from employment.

**B. Sexual Harassment:** Under Title IX, sexual harassment is considered a form of sex-based discrimination. The Title IX implementing regulations define sexual harassment as conduct on the basis of sex that satisfies one or more of the following:

1. **Quid Pro Quo harassment.** This occurs when an employee of the College conditions the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct;
2. **Unwelcome conduct.** This is conduct that a reasonable person would find to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity; or
3. **"Sexual assault"** as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

## V. Sexual Harassment and other Prohibited Behavior under Chapter 51

Subchapters E-2 and E-3 of Chapter 51, Texas Education Code (hereinafter "Chapter 51") require that the College adopt a policy prohibiting sexual harassment, sexual assault, dating violence, and stalking that is applicable to each student enrolled at and each employee of the College.

### A. Sexual Harassment:

- 1.) Sexual Harassment - means unwelcome, sex-based verbal or physical conduct that:
  - a) In the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
  - b) In the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities at a postsecondary educational institution

### B. Other Prohibited Behavior under Chapter 51:

- 1.) **Sexual Assault** - means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
- 2.) **Dating Violence** - means physical violence or verbal abuse committed by a person.
  - a) against a victim with whom the person is or has been in a social relationship of a romantic or intimate nature;
  - b) is intended to result in physical harm, bodily injury, assault, mental anguish, mental pain, emotional distress, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault;

and

- c) where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - i. The length of the relationship.
  - ii. The type of relationship.
  - iii. The frequency of interaction between the persons involved in the relationship.

3.) **Stalking** - means engaging in any act or course of conduct that is directed at a specific person that would cause a reasonable person to:

- a) fear for his or her safety or the safety of others; or
- b) suffer substantial emotional distress.

4.) **Retaliation** - means an adverse action in the employment or education context taken against any student, employee, applicant for admission or for employment on the basis that the individual engaged in any Protected Activity.

In the employment context, the most obvious types of retaliation include denial of a promotion or a pay raise, denial of job benefits, demotion, suspension and discharge. Other types of adverse actions include intimidation, threats, reprimands, negative evaluations, and harassment.

In the education context, some obvious types of retaliation include, but not limited to, receiving a failing grade or being denied an opportunity drop a class, enroll in a class, or participate in any extra-curricular activity.

## VI. Sexual Violence and Consent, Coercion, & Incapacitation

Sexual violence is a form of sexual harassment or sexual assault that includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

- **Consent** - Consent is knowing, voluntary, and clear permission, by word or action, to engage in mutually agreed upon sexual activity. It is the responsibility of each party to make certain that the other has consented before engaging in the activity. Consent can be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated and the activity should cease immediately or within a reasonable time. Resistance to engaging in sexual activity is a clear demonstration of non-consent as is knowing that the other person is incapacitated and unable to provide consent.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. In Texas, the age of consent to engage in sexual activity is 17 years of age. Sexual activity with someone without clear consent constitutes a violation of this policy.

- **Incapacitation** - Incapacitation means a mental state where a person lacks the capacity to give knowing/informed consent. Incapacitation may be due to a person's use of drugs or alcohol; due to an intellectual, mental or physical disability; due to a person's lack of consciousness, or due to a person being underage. A person who is under seventeen (17) years of age is legally incapable of

consenting to sexual activity. A person who engages in sexual activity with someone whom the individual knows, or reasonably should know, is incapable of knowingly consenting to the sexual activity violates this policy. Intoxication of the individual alleged to have violated this policy is not a defense.

## **VII. Consensual Romantic or Sexual Relationships Prohibited**

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The College prohibits employees from entering consensual romantic or sexual relationships with each other if one is the direct or indirect supervisor of the other. The College prohibits faculty members and students from entering consensual romantic or sexual relationships with each other if one is the instructor of the other.

Employees in a supervisory subordinate relationship are prohibited from explicitly or implicitly suggesting or recommending or agreeing that either employee transfer or be transferred to another position or leave employment with the intention of circumventing this policy.

Individuals in an instructor-student relationship are prohibited from explicitly or implicitly suggesting or recommending or agreeing that the student enrolled in the faculty member's class drop the class or withdraw from enrollment in the College or that the faculty member withdraw from the class or from employment with the College with the intention of circumventing this policy.

The prohibition on consensual relationships shall apply for the duration of the supervisor-subordinate or instructor-student relationship and for a period of one calendar year after such relationship has ended.

## **VIII. Victim's Rights Statement**

All victims have a right to a prompt and equitable resolution of reports of violations of this policy. South Texas College encourages victims of sexual assault, dating violence, domestic violence or stalking, to go to a hospital for treatment and preservation of evidence as soon as practicable after the incident.

## **IX. False Complaints**

Any person who knowingly files a false complaint alleging a violation of this policy or with the intent to harm or deceive is subject to disciplinary action up to and including dismissal or expulsion from the College. Pursuant to Texas law, an employee who commits such an offense must be terminated from employment with the College.

## **X. Protocol for Reporting Incidents of Sexual Harassment and Prohibited Behavior**

### **a. Formal Complaints**

Formal complaints or reports concerning alleged incidents of sexual harassment, sexual assault, dating violence, or stalking shall be made in accordance the protocols set forth herein. A formal complaint filed with the Title IX Coordinator, or the Deputy Title IX Coordinator, a Mandatory Reporter or with a Responsible Employee, or a report filed with a designated Confidential Employee or with a designated Student Advocate, may be filed in person, by mail, or by electronic mail, by using the contact information listed for each in this policy. A formal complaint filed by a complainant means a written document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the College that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal

complaint.

**b. Designation of Title IX and 504 Coordinator**

The following employee serves as the Title IX Coordinator:

Todd C. Nelson, J.D.  
Contracts and Regulatory Resources Officer-Title IX & 504 Coordinator  
2501 W. Pecan Blvd., N 150  
McAllen, Texas 78501  
956-872-4664  
Email: [TitleIX@southtexascollege.edu](mailto:TitleIX@southtexascollege.edu)

The Title IX Coordinator has the primary responsibility for coordinating College’s efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remedy, and prevent discrimination, harassment, and retaliation prohibited under this policy. The Title IX Coordinator acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees the grievance process and all resolutions of complaints under this policy and these procedures.

**C. Mandatory Reporting of Sexual Harassment or of Prohibited Behavior**

All employees of South Texas College, unless designated a Confidential Employee, are considered Mandatory Reporters under Title IX and Chapter 51. Mandatory Reporters who, in the course and scope of employment, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment, sexual assault, dating 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 shall promptly report the incident to the Title IX Coordinator or Deputy Title IX Coordinator. The report must include all information concerning the incident known to the reporting person that is relevant to the investigation and, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident for all actual or suspected instances of sexual harassment. The Mandatory Reporter must promptly share with a Title IX Coordinator or Deputy Title IX Coordinator all known details of a report made to the Mandatory Reporter in the course of their employment. Mandatory Reporters are required to report an incident regardless of the when or where the incident occurred.

When a mandatory reporter receives a report of an incident, they must:

1. Advise the individual of the employee’s obligation to report any information the individual reveals to the Title IX coordinator or Deputy Title IX Coordinator;
2. Explain to the individual of their option to ask that the institution consider maintaining the confidentiality of that information, but that the institution may not be able to guarantee confidentiality, and
3. Offer the individual the option to instead share this information with counselor, ombuds, clergy, victim’s advocacy groups, medical providers, attorneys, or other resources who may provide higher levels of confidentiality.

#### **D. Failure to Report a False Report; Offenses**

A Mandatory Reporter person who is required to make a report commits an offense if the person knowingly fails to make the report; or with the intent to harm or deceive, knowingly makes a report that is false. An offense is a Class B misdemeanor, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that the actor intended to conceal the incident that the actor was required to report. If it is determined, in accordance with the College's disciplinary procedure, that an employee committed an offense for failing to make a report or for making a false report, the employee's employment with the College shall be terminated.

#### **E. Exceptions to Mandatory Reporting – Designation of Confidential Employees**

In an effort to encourage employees and students to report violations of this policy and to receive confidential assistance and supportive services without having to disclose their identity, the College designates the following employees as "Confidential Employees":

- Counselor
- Ombuds

Any student or employee who is a victim of, or a witness to an alleged incident of sexual harassment, sexual assault, dating violence, or stalking who desires to report the alleged incident but also desires to preserve the confidentiality of his or her identity and of the alleged incident and not have the incident investigated by the Title IX Coordinator or a Deputy Title IX Coordinator should report the alleged incident to a Confidential Employee. A designated Confidential Employee may not disclose any communication made by a student unless the student consents to the disclosure or the employee is required to make the disclosure under state or federal law. Reports made to a Confidential Employee shall be forwarded to the Title IX Coordinator or a Deputy Title IX Coordinator in a manner that does not disclose the reporting student's identity and only discloses information which the College needs to collect on the incident for reporting and statistical purposes.

A "**Confidential Employee**" is required to inform reporting employees and students that:

- The confidentiality privilege belongs to the student and not to the Confidential Employee; therefore, only the student may waive the privilege.
- The confidentiality privilege is not absolute, it applies only with respect to making reports to the Title IX Coordinator or a Deputy Title IX Coordinator;
- In a case involving a minor student, the Confidential Employee may have a legal obligation to break the privilege and report sexual (or other abuse) of the minor to law enforcement authorities and/or to child protective services.
- In a criminal investigation arising from a complaint of sexual assault, domestic violence, dating violence, or stalking, a Confidential Employees may have a legal obligation to break the confidentiality and report a criminal act or testify in a civil or criminal proceeding if compelled to do so by a court or other tribunal of competent jurisdiction.
- Discussing any matter concerning sexual harassment or prohibited behavior with a "confidential employee" may delay an investigation into the matter but will not preclude a student or employee from, subsequently, filing a formal complaint with a mandatory reporting

employee or the Title IX Coordinator or a Deputy Title IX Coordinator.

- The employee or student has a right to file a formal complaint with the Title IX Coordinator or a Deputy Title IX Coordinator;
- The employee or student has a right to file a criminal complaint with campus or local law enforcement authorities,
- The College has available campus resources for counseling, medical, and academic support,
- Confidential employees are available to assist in filing complaints, and
- Anti-retaliation and safety protections are in place.

## **F. Additional Reporting**

All members of the South Texas College community, including students, employees, applicants, vendors, guests and visitors are encouraged to report incidents of prohibited conduct, online, in person, by mail, by telephone, or by electronic mail, or by any other means that results in receipt of the person's verbal or written report. Such a report may be made at any time (24/7) and may be made anonymously. There is no time limit to file reports but the actions the College can take to resolve complaints may be limited if significant time has passed.

Online reports can be made at: <https://www.southtexascollege.edu/report/index.html>

## **G. Actual Knowledge by College Required for Title IX and Chapter 51 Cases**

Actual knowledge to the College means a report made to an "Official with Authority" to institute corrective measures on behalf of the College. The Title IX Coordinator is an official with such authority. Other Officials with Authority to institute corrective measures include: College President, Vice Presidents, Deputy Title IX Coordinator, Director of Human Resources or Dean of Student Affairs.

## **H. Confidentiality**

In addition to expectation of confidentiality as explained in section B above, pursuant to Texas state law, the identity of an alleged victim, a reporting party, or an alleged Respondent, to an incident of sexual harassment, sexual assault, dating violence or stalking, is confidential and is not subject to disclosure unless waived in writing by the person. The identity may be disclosed only as required by law, as permitted by the Family Educational Rights and Privacy Act or to carry out the purposes of Title IX or relevant state laws including: alleged perpetrator(s) if required by law, persons tasked by the College to conduct an investigation, hearing or other proceeding arising under this policy; law enforcement officers who must conduct a criminal investigation of the report; or a health care provider in an emergency situation, as determined by the College.

A disclosure under this section is not a voluntary disclosure for purposes of Section 552.007, Government Code. Information regarding an incident of sexual harassment, sexual assault, dating violence, or stalking disclosed to a health care provider or other medical provider employed by the College is confidential and may be shared by the medical provider only with the victim's consent. However, the medical provider must provide aggregate data or other nonidentifying information regarding those incidents to the Title IX Coordinator.

## **I. Reporting to Law Enforcement**

Nothing in this policy is intended to limit the right of any person to file a criminal complaint with the law

enforcement authorities in conjunction with a complaint under this policy. Complaints may also be filed with other local law enforcement authorities or with *South Texas College's Department of Public Safety* at (956) 872-4444 at or call 911 (for emergency services). Victims of a crime may choose to report the crime to law enforcement and may request that the College assist with such reporting, but they are not required to do so.

Employees and students with existing protective or restraining orders are encouraged to provide a copy to the Department of Public Safety.

## **J. State and Federal Reporting**

Complaints may also be filed with the following federal and state agencies. Nothing in this policy shall be construed as extending the time period provided by law for an employee to file any charge or complaint of discrimination with outside agencies.

### **For Students:**

#### **Office of Civil Rights**

*U.S. Department of Education*

1999 Bryan Street, Suite 1620

Dallas, TX 75201-6810

Telephone: 214-661-9600/TDD#: 1-800-521-2172

[OCR.Dallas@ed.gov](mailto:OCR.Dallas@ed.gov)

#### **Office for Civil Rights, National Office**

*U.S. Department of Education*

400 Maryland Avenue, SW

Washington, DC 20202-1100

Telephone: (800) 241-3481

Fax: (202) 453-6012

[OCR@ed.gov](mailto:OCR@ed.gov)

Or online at: <https://ocrcas.ed.gov/welcome-to-the-ocr-complaint-assessment-system>

### **For Employees:**

#### **U.S. Equal Employment Opportunity Commission**

*San Antonio EEOC Field Office*

Legacy Oaks, Building A

5410 Fredericksburg Road, Ste. 200

San Antonio, TX 78229

Telephone: (800) 669-4000

Online information available at:

<https://www.eeoc.gov/how-file-charge-employment-discrimination>

#### **Texas Workforce Commission**

*Civil Rights Division*

101 E. 15th Street, Room 144-T Austin, TX 78778-0001

Telephone: (512) 463-2642

Online information available at:

<https://www.twc.texas.gov/jobseekers/how-submit-employment-discrimination-complaint>

## **XI. College's Response to Sexual Harassment and Prohibited Behavior**

### **a. General Response**

If the College has actual knowledge of Sexual Harassment or of Prohibited Behavior without a Formal Complaint, it will respond promptly in a manner that is not deliberately indifferent. In its response, the College will treat Complainants and Respondents equitably by offering Supportive Measures, as defined herein, to a Complainant, and by following a grievance process that complies with §106.45 of the Title IX implementing regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a Respondent. In instances of actual knowledge of sexual harassment or prohibited behavior, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The Department may not deem a recipient to have satisfied the recipient's duty to not be deliberately indifferent under this part based on the recipient's restriction of rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

### **b. Response to a Formal Complaint**

In response to a Formal Complaint, the College will follow a grievance resolution process that complies with §106.45 of the Title IX implementing regulations.

### **c. Grievance Resolution Process**

#### **1. Initial Assessment of Formal Complaints**

Any person may report Sexual Harassment or Prohibited Behavior (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute Sexual Harassment or Prohibited Behavior).

Formal Complaints alleging Sexual Harassment or Prohibited Behavior shall be submitted to the Title IX Coordinator or Deputy Title IX Coordinator. The Title IX Coordinator or a Deputy Title IX Coordinator shall evaluate each Formal Complaint to determine if the complaint alleges Sexual Harassment or Prohibited Behavior.

Formal Complaints alleging Sexual Harassment or Prohibited Behavior will be coordinated by the Title IX Coordinator or a Deputy Title IX Coordinator. Formal Complaints will be investigated by investigators, resolved through Informal Resolution by persons designated to facilitate an informal resolution process, if agreed to by all parties, in writing, or resolved by decision-makers after a Live Hearing incorporating examination of witnesses and cross-examination of the parties by the parties' respective Advisors. In addition to the Title IX Coordinator or a Deputy Title IX Coordinator, investigators, decision-makers, and persons designated to facilitate an informal resolution process as required by §106.45(iii) of the Title IX implementing regulations to include training on the definition of Sexual Harassment, the scope of the



College's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

## **2. Formal, Complaint Signed by Complainant or Title IX Coordinator Required**

In cases involving allegations of Sexual Harassment or Prohibited Behavior, a Formal Complaint signed by the Complainant is required for an Informal Resolution or to begin an investigation leading to a Live Hearing. A Complainant may withdraw a complaint at any time.

In Title IX cases where the College receives an anonymous report, or where a Complainant withdraws a Formal Complaint, or where a Complainant refuses to further participate in the process, the Title IX Coordinator may sign a formal complaint commencing the grievance resolution process in order to ensure that matters which pose a threat to the educational, employment, or other opportunities provided by the College, are addressed. If a Complainant alleging to be a victim of an incident of sexual harassment, sexual assault, dating violence, family violence, stalking, or retaliation reported to the Title IX Coordinator requests that the alleged incident not be investigated, the Title IX Coordinator may have the alleged incident investigated in a manner that complies with the confidentiality requirements of this policy. In determining whether to have the alleged incident investigated, the Title IX Coordinator or a Deputy Title IX Coordinator shall consider:

- (1) the seriousness of the alleged incident;
- (2) whether the Title IX Coordinator or a Deputy Title IX Coordinator has received other reports of sexual harassment, sexual assault, dating violence, stalking, or retaliation committed by the alleged Respondent(s);
- (3) whether the alleged incident poses a risk of harm to others; and
- (4) any other factors the Title IX Coordinator or a Deputy Title IX Coordinator determines relevant.

If the Title IX Coordinator decides not to have an alleged incident of sexual harassment, sexual assault, dating violence, stalking or retaliation investigated based on the Complainant's request not to investigate, the Title IX Coordinator shall take any steps deemed necessary to protect the health and safety of the College community in relation to the alleged incident. The Title IX Coordinator or a Deputy Title IX Coordinator shall inform an alleged victim of an incident of sexual harassment, sexual assault, dating violence, stalking, or retaliation who requests that the Title IX Coordinator or a Deputy Title IX Coordinator not to investigate the alleged incident of the whether or not the alleged incident will be investigated.

## **3. Optional Risk Assessment/Emergency Removal**

Upon receiving a report of conduct that may violate Title IX or Section 51.281, the Title IX Coordinator or Deputy Title IX Coordinator may refer a party for an individualized risk assessment by the College's Behavioral Intervention Team (BIT). The BIT may act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator or a Deputy Title IX Coordinator

in conjunction with the Behavioral Intervention Team (also known as BIT/BAT/TAT/CARE, etc.) using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student Respondent will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When the student Respondent does not timely request this, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator or a Deputy Title IX Coordinator determines it is equitable to do so. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator or a Deputy Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration of the emergency removal. Violation of an emergency removal under this policy will be grounds for discipline within the student or employee conduct processes, which may include expulsion or termination.

#### **4. Supportive Measures**

Alleged victims of Sexual Harassment or of Prohibited Behavior will be offered Supportive Measures before a Formal Complaint or during the pendency of the grievance resolution process, including, but not limited to: protection from retaliation, interim no-contact orders, academic support (such as dropping courses without academic penalty), alternative work arrangements, campus safety escorts, referrals to counseling, community-based service providers, or any other action deemed appropriate. To the greatest extent practicable, referrals to counseling will be offered by a counselor who does not provide counseling to any other person involved in the incident. The College will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair the College's ability to provide those supportive measures. The College will act to ensure as minimal an academic impact on the parties as possible. The College will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to community-based service providers
- Student financial aid counseling
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties

- Academic support or other course/program- related adjustments
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus

## 5. Provision of Advisors

Complainants and Respondents have the right to an Advisor of their choice to assist them in proceedings involving a Formal Complaint alleging Sexual Harassment or Prohibited Behavior. An Advisor may be an attorney, a faculty member, a staff member, a family member, a friend or any other support person. The College may establish restrictions regarding the extent to which the Advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. A Complainant or Respondent who desires more than one Advisor must make such a request as early as possible within the resolution process and if more than one Advisor is allowed for one party, the other party will be allowed the same number of Advisors. No more than two Advisors per party will be allowed unless justification in writing is provided to the College. Parties may choose not to use an advisor in any stage of the grievance resolution process except that parties **must** have an Advisor who **must** conduct cross-examination of other witnesses if a Live Hearing is conducted. If a party does not have an Advisor present at the Live Hearing, the Title IX Coordinator or a Deputy Title IX Coordinator will appoint an advisor who will conduct the cross-examination on behalf of that party.

Advisors must be willing and available to serve as an advisor. Advisors will be provided information about the grievance resolution process. Advisors who are otherwise Mandatory Reporters will be temporarily exempt from mandatory reporting solely for the matter in which they serve as an Advisor.

## 6. Notice of Allegations and Investigation

Before commencement of the grievance resolution process of a Formal Complaint alleging Sexual Harassment or Prohibited Behavior, notice of the allegations must be provided to an alleged respondent for a Title IX matter. Such notice may not be provided if the Complainant is only seeking supportive measures without the filing of a Formal Complaint or if a Complainant withdraws their complaint prior to commencement of the grievance resolution process with no impact upon the alleged Respondent.

The grievance resolution process for Formal Complaints alleging Sexual Harassment or Prohibited Behavior, will be in accordance with grievance procedure set forth in 34 C.F.R. §106.45.

The grievance resolution process for complaints alleging sex discrimination other than Sexual Harassment or Prohibited Behavior, will be the non-adversarial procedure set forth in [Policy 4904](#).

## 7. Informal Resolution

Upon receipt of a Formal Complaint alleging Sexual Harassment or Prohibited Behavior, or any time after receiving a report of conduct in violation of this policy, the Title IX Coordinator or a Deputy Title IX Coordinator may facilitate an informal resolution amenable to all parties involved as follows:

- 1) By providing supportive measures to the Complainant that remedy the situation;
- 2) When the Respondent agrees to responsibility for a violation and accepts a sanction

amenable to all parties; or

- 3) When the parties agree to a mediation.

The Complainant and the Respondent must voluntarily agree to the informal resolution in writing and no party will be pressured to participate. The parties may choose to stop the Informal Resolution process at any time and request another form of resolution. However, a Live Hearing is required for complaints alleging Sexual Harassment and other Prohibited Behavior if an Informal Resolution cannot be reached.

## **8. Investigations**

Investigations will be conducted in accordance with all applicable laws, regulations and policies. Formal Complaints alleging Sexual Harassment or Prohibited Behavior will be investigated by investigators who have received training in compliance with Title IX regulations. Investigations may involve interviews with parties or witnesses; obtaining available, relevant evidence; or identifying sources of expert information, as necessary.

A 10-day review period will be provided to Complainants and Respondents to review a draft investigation report including relevant evidence and for the opportunity to provide additional feedback, evidence, or witnesses. After this 10-day period, the investigator will update the investigative report, if necessary, and the Title IX Coordinator or Deputy Title IX Coordinator will provide the parties with a final investigative report at least ten (10) days prior to a Live Hearing.

## **9. Live Hearings**

After an investigation is complete and if an Informal Resolution does not resolve the matter, the case will be referred for a Live Hearing.

### **a. Policy applicable to all Hearings**

Hearings conducted under this policy will be heard by a Hearing Officer or a Panel of three (3) decision makers determined at the discretion of the Title IX Coordinator or a Deputy Title IX Coordinator. All Live Hearings are subject to the preponderance of the evidence standard of proof.

### **b. Formal, Live Hearings for Title IX and Chapter 51.281 Complaint**

A formal live hearing will occur no less than ten (10) business days after a final investigative report is issued to the parties, unless all parties, advisors and staff involved agree to an expedited hearing. Hearings must be live and must be recorded. The Hearing Officer or Panel will make a determination on all of the evidence available.

More information about the procedure for all hearings is available by contacting the Title IX Coordinator or Deputy Title IX Coordinator.

## **10. Notice of Outcome and Sanctions**

### **a. For Title IX Hearings**

Once a hearing has been conducted, the Hearing Officer or Panel members will deliberate and issue a finding of responsibility for each alleged violation in a written deliberation statement that will include the determination, rationale, the evidence relied upon in support of the determination, any evidence not relied upon, credibility assessments and recommendations for sanctions.

The written deliberation statement will then be shared with the Title IX Coordinator or a Deputy Title IX Coordinator who will work with the Hearing Office to prepare a Notice of Outcome, including any applicable sanctions, to be provided to the Parties.

**b. For non-Title IX Hearings**

The Hearing Officer or Panel will make a determination on all of the evidence available. The Hearing Officer or Panel will deliberate and issue a finding of responsibility for each alleged violation, rationale for the decision, and recommended sanctions. Either the Hearing Officer finalize the Notice of Outcome to be issued to the Parties.

**c. Disciplinary Actions and Sanctions**

For a list of sanctions that may be imposed upon responsible parties who are students, please refer to the Student Handbook/Code of Conduct or here:

[https://www.southtexascollege.edu/pdf/Student\\_Handbook.pdf](https://www.southtexascollege.edu/pdf/Student_Handbook.pdf)

For a list of disciplinary actions that may be imposed upon responsible parties who are employees, please refer to the Employee Handbook or here:

<https://admin.southtexascollege.edu/president/policies/>

**11. Dismissal of Complaint**

An allegation of Sexual Harassment presented as a Formal Complaint is subject to the mandatory dismissal procedures under Title IX. A Formal Complaint may be dismissed at any time upon the request of the Complainant. However, the Title IX Coordinator must first assess the Complainant's request to dismiss in accordance with Section XI(C)(2) (Formal, Complaint Signed by Complainant or Title IX Coordinator Required). A Formal Complaint may also be dismissed if specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or any of the allegations therein.

**12. Promptness of Resolution**

All allegations of Sexual Harassment or Prohibited Behavior will be acted upon promptly by the Title IX Coordinator or a Deputy Title IX Coordinator after the Title IX Coordinator or a Deputy Title IX Coordinator has actual knowledge of the allegation or a Formal Complaint has been filed with the Title IX Coordinator or a Deputy Title IX Coordinator. Complaints can take 60 to 90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the Title IX Coordinator or a Deputy Title IX Coordinator will respond promptly in a manner that is not deliberately indifferent. Any time the general timeframes for resolution will be delayed, the Title IX Coordinator or a Deputy Title IX Coordinator will provide written notice to the victim/Complainant and Respondent of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

**13. Appeals**

Parties may appeal the Notice of Outcome for any type of hearing within ten (10) business days of receipt of the Notice of Outcome. Appeals are limited to the following bases:

- (1) Procedural irregularity;
- (2) New evidence that was not reasonably available at the time the determination was made; or
- (3) A conflict of interest or bias on the part of any person involved with the administration of the hearing.

#### **14. Prevention and Outreach Program**

The College shall develop and implement a comprehensive prevention and outreach program on sexual harassment, sexual assault, dating violence, and stalking which:

- a) Addresses a range of strategies to prevent sexual harassment, sexual assault, dating violence, and stalking, including a victim empowerment program, a public awareness campaign, primary prevention, bystander intervention, and risk reduction; and
- b) Provides students information regarding the protocol for reporting incidents of sexual harassment, sexual assault, dating violence, and stalking including the name, office location, and contact information of the institution's Title IX coordinator or a Deputy Title IX Coordinator, by:
  - i. e-mailing the information to each student at the beginning of each semester or other academic term; and
  - ii. including the information in the orientation required

As part of the protocol for responding to reports of sexual harassment, sexual assault, dating violence, and stalking the College shall:

- 1) to the greatest extent practicable based on the number of counselors employed by the institution, ensure that each alleged victim or alleged perpetrator of an incident of sexual harassment, sexual assault, dating violence, or stalking and any other person who reports such an incident are offered counseling provided by a counselor who does not provide counseling to any other person involved in the incident; and notwithstanding any other law, allow an alleged victim or alleged perpetrator of an incident of sexual harassment, sexual assault, dating violence, or stalking to drop a course in which both parties are enrolled without any academic penalty.

#### **15. Trauma-Informed Investigation Training**

Each peace officer employed by the College shall within one (1) calendar year of the adoption of this policy by the College or within one (1) calendar year of the peace officer's employment with the College, whichever date is later, shall complete training on trauma-informed investigation into allegations of sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

#### **16. Amnesty for Students Reporting Certain Incidents**

The College may not take any disciplinary action against a student enrolled at the College who in good faith reports to the College being the victim of, or a witness to, an incident of sexual harassment, sexual assault, dating violence, or stalking for a violation by the student of the College's code of conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the institution's disciplinary process regarding the incident, if any.

The College may investigate to determine whether a report of an incident of Sexual harassment, sexual assault, dating violence, or stalking was made in good faith.

A determination that a student is entitled to amnesty under this section is final and may not be revoked.

This subsection does not apply to a student who reports the student's own commission or assistance in the commission of sexual harassment, sexual assault, dating violence, domestic violence, stalking or retaliation.

This section may not be construed to limit the College's ability to provide amnesty from application of the College's institution's policies in circumstances not described by this subsection.

#### **17. Memoranda of Understanding Required**

To facilitate effective communication and coordination regarding allegations of sexual harassment, sexual assault, dating violence, domestic violence, and stalking at the College, the College shall enter into a memorandum of understanding with one or more:

- a) local law enforcement agencies;
- b) sexual harassment, sexual assault, dating violence, or stalking advocacy groups; and
- c) hospitals or other medical resource providers.

#### **18. Orientation for New Students on Sexual Harassment and Prohibited Behavior**

South Texas College shall require each entering freshman or undergraduate transfer student to attend an orientation on the institution's sexual harassment, sexual assault, dating violence, and stalking policy before or during the first semester or term in which the student is enrolled at the institution. The College shall establish the format and content of the orientation. The orientation:

1. may be provided online; and
2. must include the statements regarding:
  - a. the importance of a victim of sexual harassment, sexual assault, dating violence, or stalking doing to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident;
  - b. the right of a victim of sexual harassment, sexual assault, dating violence, or stalking to report the incident to the institution and to receive a prompt and equitable resolution of the report; and
  - c. the right of a victim of a crime to choose whether to report the crime to law enforcement, to be enforcement, or to decline to report the crime to law enforcement;

#### **19. Administrative Reporting Requirements**

Not less than once every three months, the Title IX coordinator or a Deputy Title IX Coordinator shall submit to the College President a written report on the reports received regarding Sexual Harassment or Prohibited Behavior, including information regarding:

- a) the investigation of those reports;
- b) the disposition, if any, of any disciplinary processes arising from those reports; and

- c) the reports for which the College determined not to initiate a disciplinary process, if any.

The College's Title IX Coordinator or Deputy Title IX coordinator shall immediately report to the College President an incident reported to the Title IX Coordinator or a Deputy Title IX Coordinator if the coordinator has cause to believe that the safety of any person is in imminent danger as a result of the incident.

At least once during each fall or spring semester, the College President shall submit to the South Texas College's governing body and post on the College's Internet website a report concerning the reports received from the Title IX Coordinator or a Deputy Title IX Coordinator unless for any semester in which the College has fewer than 1,500 enrolled students, the College President shall submit and post a report required under this Section for that semester only if more than five reports were received during that semester. The report:

- a. may not identify any person; and
- b. must include:
  - the number of reports received under Section III;
  - the number of investigations conducted as a result of those reports;
  - the disposition, if any, of any disciplinary processes arising from those reports;
  - the number of those reports for which the College determined not to initiate a disciplinary process, if any; and
  - any disciplinary actions

## **XII. Periodic Review of Policy**

The College's Board of Trustees will review this policy each biennium and will revise the policy as necessary.

### **Discrimination in Employment Prohibited** [Policy 4206](#)

#### **A. Title VII of the Civil Rights Act of 1964 (Title VII)**

Title VII is a federal law that prohibits employers from discriminating against employees on the basis of sex (including gender identity and sexual orientation), race, color, national origin, and religion. Title VII provides, in pertinent part, that it is an unlawful employment practice for an employer:

1. to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or
2. to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

#### **B. Age Discrimination in Employment Act of 1967, as amended (ADEA)**

The ADEA protects individuals who are 40 years of age and older from discrimination in employment that is based on the individual's age. Under this Act, it is unlawful for an employer to discriminate against an employee or



applicant for employment who is 40 years of age or older because of the person's age with respect to any term, condition, or privilege of employment, such as hiring, promotion, demotion, firing, pay, or fringe benefits. The ADEA provides, in pertinent part, that it is unlawful for an employer:

1. to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age;
2. to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's age; or
3. to reduce the wage rate of any employee in order to comply with the ADEA.

### **C. Harassment**

Harassment is discriminatory conduct which includes verbal, physical and visual conduct that is severe or pervasive enough to create a work environment for an employee that a reasonable person would consider intimidating, hostile, offensive or abusive. Harassment is a form of discrimination made unlawful by Title VI when:

1. the offensive conduct is directed against an employee based on the employee's sex (including gender identity and sexual orientation), race, color, national origin, and religion; and
2. enduring the offensive conduct becomes a condition of continued employment for the employee. This offensive conduct is also a form of discrimination made unlawful by the ADEA when:
  - the offensive conduct is directed against an employee who is 40 years of age or older based on the employee's age; and
  - enduring the offensive conduct becomes a condition of continued employment for the employee.

### **D. Retaliation**

Title VII contains anti-retaliation provisions which provide that it is unlawful for an employer to discriminate against any employee or applicant for employment because such individual has opposed any practice made unlawful by Title VII, or because such individual, has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, hearing or litigation under Title VII.

The ADEA contains anti-retaliation provisions which provide that it is unlawful for an employer to discriminate against any employee or applicant for employment because such individual has opposed any practice made unlawful by the ADEA, or because such individual, has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, hearing or litigation under the ADEA

### **E. Discrimination in Employment Prohibited**

The South Texas College is committed to complying with Title VII and the ADEA, and prohibits its employees from engaging in any discriminatory conduct made unlawful by Title VII or by the ADEA.

The College disapproves of and will not tolerate discrimination against any employee or applicant for employment. It is the policy of the College that any practice or behavior that constitutes discrimination in violation of Title VII or of the ADEA will be subject to disciplinary action, including dismissal from employment.

## F. Discrimination Complaint Procedure

Any employee who believes that she or he has been discriminated against with respect to any term, condition, or privilege of employment in violation of this policy, Title VII, and/or the ADEA should promptly report the matter, in writing, to the attention of the Director of Human Resources for South Texas College.

Each complaint filed shall be taken seriously and promptly investigation. The investigation shall be conducted by the Director of Human Resources or her/his designee. Employees are expected to fully cooperate with any internal investigation of complaints filed under this policy. Written findings of the results of any investigation of a discrimination complaint and of the remedial actions proposed and/or taken, if any, shall be provided to the complainant and the respondent, and shall be placed in their respective personnel files.

Regardless of the outcome of the investigation, no employee who participated or assisted in any manner in the investigation of a complaint under this policy shall be subject to harassment or retaliation from the College for participating or assisting in the investigation.

## G. Remedies Cumulative

An employee shall not be required to file a complaint under this policy or to exhaust the complaint procedure under this policy prior to filing a complaint with the U.S. Equal Employment Commission. An employee who files a complaint under this policy and obtains the desired relief shall not be precluded from filing a timely complaint regarding the same or other matter with the U.S. Equal Employment Commission.

Nothing in this policy shall be construed as extending the time period provided by law for an employee to file any charge or complaint of discrimination with the U.S. Equal Employment Commission.

## The “Whistle Blower” Act

### [DG \(Legal\): Employee Rights and Privileges](#)

#### Administrative Regulation

South Texas College complies with the provisions of the “Whistle Blower Act.” Texas Government Code, Chapter 554 protects employees who report in good faith to an appropriate law enforcement authority a violation of the law from retaliation, such as being fired, put on leave or otherwise discriminated against, by a government employer.

*Texas Government Code, Chapter 554, Protection for Reporting Violation of Law, is commonly referred to as the “Whistle Blower Act.”*

## Release of Student Information

Student records are considered to be the property of STC to be used exclusively for the purpose of advisement, guidance, and to officially document credit earned with the College. It is the policy of STC to regard student scholastic records as confidential information. Information contained in these records will be released to persons or agencies outside South Texas College only upon receipt of proper legal authorization or with the written consent of the student concerned. The Office of Admissions and Records is the only office authorized to release copies of student scholastic records.

Faculty and staff members who have legitimate need for information in a student’s file, for purposes of advising, counseling, or conducting authorized institutional studies, may have access to student scholastic records as required for these purposes.

# Information Resources Security Electronic Communications

## Policy 4712

Information resources at South Texas College are strategic and vital assets that must be available and protected commensurate with their value and administered in conformance with federal and state law.

Measures shall be taken to protect these assets against unauthorized access, disclosure, modification or destruction, whether accidental or deliberate, as well as to assure the availability, integrity, utility, authenticity, and confidentiality of information.

Information Security Standards for institutions of higher education are specified in Texas Administrative Code. The College maintains and makes available guidelines that define and implement an Information Security Program in accordance with these state standards and other regulatory requirements pertaining to Information Resources Security.

Any person violating this policy or related guidelines is subject to immediate disciplinary action, which may include termination, expulsion or termination of a contract. In addition, there may be cases in which a person may be subject to civil or criminal liability.

## Acceptable Use of Information Resources

### CR (Local): Technology Resources

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

#### **I. Availability of Access**

Access to the College District’s technology resources, including the Internet, shall be made available to students and employees primarily for instructional and administrative purposes and in accordance with administrative regulations.

#### **Limited Personal Use**

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

1. Imposes no tangible cost on the College District;
2. Does not unduly burden the College District’s technology resources; and
3. Has no adverse effect on an employee’s job performance or on a student’s academic performance

#### **Use by Members of the Public**

Access to the College District’s technology resources, including the Internet, shall be made available to members of the public, in accordance with administrative regulations. Such use shall be permitted so long as the use:

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

#### **II. Acceptable Use**

The College President, or designee, shall develop and implement administrative regulations, guidelines, and user agreements consistent with the purposes and mission of the College District and with law and policy. Access to the College District’s technology resources is a privilege, not a right. All users shall be required to acknowledge receipt and understanding of all administrative regulations governing use of the College District’s technology resources and

shall agree in writing to allow monitoring of their use and to comply with such regulations and guidelines. Noncompliance may result in suspension of access or termination of privileges and other disciplinary action consistent with College District policies. [See DH, FL series, and FM series] Violations of law may result in criminal prosecution as well as disciplinary action by the College District.

The unauthorized or unlicensed use, duplication, or copying of computer software or documentation is contrary to College District policy and is a violation of the law. [See CT]

### **Monitored Use**

College District's technology resources by students, employees, and members of the public shall not be considered private. Designated College District staff shall be authorized to monitor the College District's technology resources at any time to ensure appropriate use.

### **Disclaimer of Liability**

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

### **Records Retention**

A College District employee shall retain electronic records, whether created or maintained using the College District's technology resources, in accordance with the College District's record management program. [See CIA]

### **Access by Individuals with Disabilities**

The College President, or designee, shall develop procedures to ensure that individuals with disabilities have access to the College District's electronic and information resources similar to individuals without disabilities.

### **Drones**

The flying of drones over or from sites on College District property or as part of the College District's academic or research program is permitted only in accordance with law and College District regulations.

### **Electronic Mail and Messaging System**

The College District recognizes electronic mail ("email") and messaging applications as an official means of communication and information delivery.

College District employees, including student employees, must use their official College District email and messaging account when conducting College District business. No College District employee may transmit any College District business communication, or otherwise conduct College District business, through the use of a private email and messaging accounts.

## **Use of Administrative Computer System**

All users of the STC Administrative Computer System should be aware that unauthorized access to information is a serious

violation of STC policy and Chapter 33 of the Computer Crimes Act, passed by 69th Texas Legislature in 1985, making it a crime to:

- Use the computer system without proper authorization.
- Gain access to data stored in the system without proper authorization.
- Knowingly give out passwords or other confidential information concerning the computer security system without proper authorization.
- Knowingly interfere with the proper operation of the system or alter or destroy data without proper authorization.

## **Key Control**

Keys to building locks may not be issued, made, or duplicated without approval of the Director of Facilities Operations and Maintenance. All requests for keys must be directed through your supervisor and division dean or director.

## **Telephone Use**

### Administrative Regulation

South Texas College is part of the state of Texas Tex-An Network. This network is designed to provide economical intrastate telephone service. The use of the Tex-An telephone services must be limited to official state or STC business only.

Employees of South Texas College, or any other persons, shall not use or access the long-distance telephone system for personal purposes and charge such use or access to the College.

## **Use of College District Owned Property**

### Administrative Regulation

To avoid misuse or misapplication of property, equipment, or personnel of South Texas College, unless specifically authorized by the Board of Trustees, administration, faculty, staff, and students shall be restricted from:

- Making personal use of any college-owned or leased vehicles, equipment, materials, or services.
- Rendering services for any other person, firm, or corporation during duty hours.
- Using College facilities for any work or business that may directly or indirectly lead to personal gain.

The use of STC property, equipment, and supplies for personal work or projects is forbidden. STC vehicles may not be used for personal business.

## **Authorization to Drive College District Vehicles**

### Policy 6426

It is the policy of STC to comply with the provisions of the Texas Drivers License Law (Section 37, Article 6687B, TCS) as it pertains to hiring employees specifically required to drive STC vehicles in the performance of their routine duties. Any position that requires the operation of a STC vehicle will be advertised as requiring a valid Texas driver's license and the applicant/employee being insurable under the STC Liability Insurance Program.

The Office of Human Resources will obtain a motor vehicle report from the Department of Public Safety prior to any

employee driving a College vehicle.

For employees required to drive in the performance of their routine duties, failure to maintain a valid Texas license and insurability under the STC Liability Insurance Program may be grounds for termination of employment with STC.

In order to be authorized to drive a South Texas College vehicle or drive any vehicle, whether owned by the College or on behalf of the College, the employee must receive prior authorization and must agree to a Motor Vehicle Department license check. All new employees may be subject to a driver license check as a condition of hiring. Authorization will be evaluated per the following guidelines:

The Motor Vehicle Record (MVR) will be evaluated according to the following criteria:

1. The maximum of moving violations and/or accidents allowed in a 3-year period will be 3. (Example: 1 speeding, 2 accidents; (b) 3 speeding; (c) 1 accident, 1 run red light, and 1 speeding; etc.)
2. No major moving violations will be allowed, such as driving while intoxicated, hit and run, or any felony or manslaughter involving the use of a motor vehicle. Any one of these would result in revocation of authorization and make the employee ineligible to drive a College vehicle.
3. The Administration may review violations and, where appropriate, based on the seriousness and circumstances of the violations, may revoke or suspend authorization.

The MVR will be obtained on an annual basis and be re-evaluated according to the same standards.

All employees who are on the authorized driving list shall notify the Administration of any moving violation within one business day of the conviction or within one business day of any failure to appear notice relating to any citation for a moving violation. Failure to report a violation shall be grounds for disciplinary action.

Because a combination of 3 moving violations and/or accidents in a 3-year period is the maximum allowed by the College, any employee who reaches 2 such violations or accidents will result in removal of driving privileges. (Non-preventable accidents do not count. National Safety Council Rule on determining preventable accidents will apply.)

An employee under suspension will remain under suspension until the MVR is again within the College standards. This will occur when violations drop off the MVR at the end of a year. An employee on probation or suspension will have the MVR checked every 6 months. In those cases where driving is an integral duty of the employee, a violation of this policy may result in disciplinary action, including dismissal.

## **Purchasing Authority**

### [Policy 5200](#)

#### **Authorization to Conduct Purchasing**

The Director of Purchasing is delegated the authority to act as an agent for the College in carrying out the purchasing activities of the College. The Director of Purchasing and other Purchasing Department employees are the only employees authorized to conduct purchasing duties under established guidelines.

#### **Unauthorized Purchases**

Purchases made in violation of College policies and procedures shall be considered unauthorized. Any employee of the College may be held personally responsible for payment of any unauthorized purchases made in the name of the College.

The College will not enter into any contract with an employee to purchase supplies, materials, equipment or vendor services from the employee, nor will the College enter into any vendor contract with a former employee within a one-year period from the date of employment termination. The College will not knowingly do business with a firm in which an employee of the College is acting as partner, sole proprietor, officer, agent, employee or director of any firm.

## Official Travel of Employees

### DEE (Legal)

It is the policy of South Texas College to establish employee travel procedures which are in compliance with the state of Texas Travel Allowance Guide, the travel regulations published in the State Appropriations Travel Section, and the State Management Program administered by the Travel and Transportation Division of General Services Commission.

All official travel on STC business shall have prior approval of an appropriate supervisor. Travel expenses shall be paid for STC employee(s) in accordance with the official State of Texas Travel Allowance Guide.

Mileage is reimbursed for College business travel in a personal vehicle with distance calculated each year in the official State Mileage Guide. The rate of reimbursement is established by the state comptroller.

An employee staying overnight in Texas on business travel will be reimbursed for lodging and meals up to the established maximums. Coordination of travel must occur when two or more STC employees are traveling to the same place within the same time period. College employees traveling on state business within Texas are exempt from the state occupancy tax charged by commercial lodging establishments.

All requests to travel at STC's expense must be submitted through the head of the individual's department. Such requests should be submitted in sufficient time to receive approval prior to the commencement of travel.

The Employee Travel Guideline can be found through clicking on the View Forms link on the Business Office Webpage at: <https://finance.southtexascollege.edu/businessoffice/travel.html>

Participation in Professional Conferences and Workshops are authorized for the primary purpose of increasing the value of the recipient's sustained contribution to the college by providing the individual a significant opportunity for professional growth and will be of benefit to South Texas College in fulfilling its mission and purpose. Employees eligible for this benefit are benefit eligible full-time College faculty or staff members.

Each participant must initiate the process with his/her dean, director or immediate supervisor. For faculty, decisions must be based on faculty loads and curriculum needs. A budget will be developed to fund such activities. A promissory note must be sustained by the employee if the cost of the conferences or workshops exceeds \$1500.00. Please contact your dean, director or immediate supervisor for more information. You can also contact a Benefits Specialist in the [Office of Human Resources](#).

As set forth in section 1.08 within this Policy Guideline it is the responsibility of STC employees to "ensure that the employee's travel complies with this guide. Failure to comply will result in rejection of the employee's travel request or delayed reimbursement."

## Emergency and Security

All employees are responsible for adhering to the following safety and security precepts at South Texas College:

1. Each employee is expected to wear a college ID badge.
2. Follow approved policies and procedures.
3. Inspect tools and equipment before each use.
4. Report unsafe conditions.
5. Report injuries and accidents.
6. Alcohol, controlled substances, and weapons are not allowed on campus, except individuals who possess a Texas issued License to Carry a concealed handgun may carry a concealed handgun on college campus areas not designed as gun free zones.
7. Smoke in designated areas only (not indoors).
8. Request training if unsure of new tasks.

### **All Hazards Emergency Plan**

The All Hazards Emergency Plan details the coordinated prevention/mitigation, preparedness, response and recovery to a range of natural and man-made occurrences with the potential to disrupt normal operations of the College and threaten the safety of students, employees, and members of the greater community. This plan contains strategies that are grounded in the all hazards management approach to safety and security throughout South Texas College.

<https://www.southtexascollege.edu/emergency/pdf/All-Hazards-Emergency-Plan.pdf>

### **Emergency Procedures**

- A. For emergencies, contact the South Texas College Department of Public Safety (956-872-4444) or dial 911. Describe the nature of the emergency and the exact location where the first responders should arrive.
- B. If it is necessary to evacuate a building, follow the procedures below:
  - a) Pull the fire alarm call box lever to sound the fire alarm.
  - b) All personnel should evacuate the building immediately and move to a safe location at least as far from the building as one and a half times the height of the building, avoiding overhead wires or other apparent dangers.
  - c) Building responders, supervisors, instructors and custodians must ensure that all personnel have evacuated the building.
  - d) Determine that all personnel are accounted for and be prepared to answer any questions from first responders and help maintain order among those present.
  - e) When the first responders arrive, follow their instructions to help ensure your safety, and that of others around you. Answer their questions in order to help them evaluate and respond to the situation.



### **Faculty Employee Responsibilities include:**

1. If no emergency exists and the person involved is a student, contact the Student Support Services Office and advise them of the situation.
2. If no emergency exists and the person involved is an employee of the College, contact the Office of Human Resources and advise them of the situation.
3. Request additional help and assistance as needed.
4. Act as a central point of contact for all information involving the situation.
5. Complete an Occurrence Report Form to include all pertinent details.
6. Instructors are responsible for coordinating the evacuation of all students from the building.

Building responders and supervisors are responsible for coordinating the evacuation of employees from the building. South Texas College's Department of Public Safety campus police will also go through the building to make sure that everyone has evacuated.

## **Security**

From time to time, situations arise which may threaten the security and safety of students or employees. STC Police Officers and Security Officers are authorized to request identification of any person on campus. Therefore, faculty and staff are expected to wear identification badges for identification while on campus for security and customer service purposes. If an incident occurs or seems imminent or if a condition exists which may be harmful, please contact the STC Department of Public Safety (956-872-4444) immediately, then your departmental chairperson. The security and safety of your students should be included in the day-to-day operations of the College.

South Texas College fully complies with the published mandates of the Student Right to Know and Campus Security Act (Public Law 101-542), the Higher Education Technical Amendment of 1991 (Public Law 102-26), the Higher Education Amendments of 1992 (Public Law 102-325) and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. It is also the practice of South Texas College that:

1. Anyone observing a crime committed on campus or at any College function shall report such crime to the ***College Department of Public Safety (956-872-4444)***.
2. Traffic and suspicious activities on campus shall be monitored by STC Police Officers and Security Guards to ensure the safety and security of our students, staff, faculty, and visitors.
3. Campus security procedures shall be defined and communicated clearly to students and employees, including encouraging students to be responsible for their own security. Criminal activity occurring at off-campus College functions shall be monitored and recorded through communications with the STC Department of Public Safety (956-872-4444).

## **Emergency Contact Numbers:**

**STC Police:** (956) 872-4444

**Fire / EMS:** 911

## **Campus Parking and Traffic Controls**

### Administrative Regulation

#### **Texas Education Code 51.207**

Enforcement of all College traffic and parking matters shall be the responsibility of the Department of Public Safety.

#### **Texas Education Code 51.206**

Individuals are responsible for the payment of each citation issued to them. The payment may be made at the Cashiers Department. Pay in-person or by mail (Mail statement & payment to: South Texas College Attn: Cashiers Department, P.O. Box 9701, McAllen, TX 78502-9701). Do not send cash. If a student or employee fails to pay for a citation, a hold will be placed on their record.

If an employee fails to adhere to the rules and regulations the employee is subject to adverse personnel actions as referenced in [Administrative Regulation: Standards of Conduct](#).

Individuals are permitted to submit a written appeal for a citation. An independent College committee will review the appeal and respond in writing. The decision of the Committee will be final and the individual shall abide by the Committee's decision.

## **Smoke/Tobacco Free Environment**

### [GDA \(Local\) Policy](#)

With the exceptions of designated areas and parking lots, the College District prohibits the use of tobacco products and e-cigarettes on College District property, in College District vehicles, and at College District-related activities, unless authorized by the College President or designee. [See FLBD] Persons violating this policy shall be subject to appropriate disciplinary action.

## **Drug-Free Workplace and Campuses**

### [Policy 4213](#)

#### **I. Purpose**

South Texas College (College) is committed to maintaining a drug-free and alcohol-free workplace and campus for employees. The following policy is established for employees at South Texas College, with this goal in mind.

#### **II. Policy**

All College employees shall be provided a copy of this policy. As a condition of employment, all College employees

must comply with this policy.

It is the policy of South Texas College to prohibit the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol in the workplace or campus, by any College employee.

South Texas College prohibits any employee from being under the influence of alcohol or any non-prescribed controlled substance while in the workplace or campus.

South Texas College prohibits any employee from being under the influence of any legally prescribed drug while on duty with the College at any workplace or campus if it impairs the employee's ability to perform the essential functions of the position or if such impairment jeopardizes the safety of the employee or any other person.

The use of alcohol is permitted as part of the Culinary Arts Program, Enology or Wine Technology Program, Brewing, or Beer Technology Program, where the alcohol is used solely for instructional purposes. A student who is 18 years of age or older may taste the alcohol for educational purposes as part of the curriculum for the Culinary Arts Program, Enology or Wine Technology, Brewing or Beer Technology Program, provided that the service and tasting of the alcohol is supervised by a faculty or staff member who is at least 21 years of age in accordance with Sec. 106.16 of the Alcoholic Beverage Code. For this purpose, "taste" means to draw the alcohol into the mouth without swallowing or otherwise consuming the alcohol. The Culinary Arts Program, Enology or Wine Technology Program, and the Brewing and Beer Technology Program shall maintain written procedures regarding the use and safeguarding of alcohol.

### **Sanctions**

1. An employee who engages in conduct prohibited by this policy shall be subject to disciplinary action, suspension, or other adverse action, including termination or expulsion under this policy and/or under Administrative Regulation: Standards of Conduct. The decision to discipline an employee should be made in accordance with [Administrative Regulation: Disciplinary Action Procedures](#).
2. An employee who engages in conduct prohibited by this policy may be subject to referral for prosecution.
3. Any College employee who has been convicted under any criminal drug statute for a violation occurring in the workplace, as defined by this policy, must report that conviction to the Office of Human Resources no later than 5 days after the conviction in accordance with [Administrative Regulation: Self-Reporting of Criminal Conduct](#). If the convicted employee was performing work pursuant to a federal grant or to a federal contract for the procurement of goods or services valued at \$25,000 or more, the administration shall notify the federal contracting or granting agency of the conviction from the employee. Within 30 days after receiving notice of the conviction described in this paragraph, the College shall impose discipline on the employee, or require the employee to enroll in a College-approved drug abuse assistance or rehabilitation program. A convicted employee shall be required to satisfactorily complete the College-approved drug abuse assistance or rehabilitation program, as a condition of continued employment.

### **Drug and Alcohol Testing**

The College shall conduct testing to bus drivers in accordance with federal regulations, 49 CFR Part 655 (Federal Transit Administration funding received through agreement with the Lower Rio Grande Valley Development

Council), and 49 C.F.R. Part 40, and in accordance with South Texas College Department of Public Safety's Student Transportation Services Drug and Alcohol-Free Workplace Procedures.

All applicants recommended for employment into safety-sensitive positions or individuals being transferred into safety-sensitive positions from non-safety sensitive positions are required to be given a pre-employment drug and alcohol test before making an offer of employment or transfer. Random, reasonable suspicion, and post-accident drug testing shall be conducted on all safety-sensitive employees. The South Texas College Department of Public Safety maintains written procedures regarding drug and alcohol testing.

### III. Definitions:

For purposes of this policy:

1. **Alcohol** – shall mean alcoholic beverages, distilled spirits, liquor, wine or vinous liquor, ale, malt liquor, wine cooler, mixed beverage, or beer, as these terms are defined in Chapter 1 of the Texas Alcoholic Beverages Code, as amended.
2. **Controlled substances** – as defined by Title 21 U.S.C. Controlled Substances Act, Chapter 13, Part A, Section 802, shall mean a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V, as amended; the Texas Controlled Substances Act, the Texas Dangerous Drugs Act, and the Texas Simulated Control Substances Act.
3. **Safety Sensitive Positions** – shall mean a duty position or job category that requires the performance of a safety-sensitive function of Police Officers and Police Dispatchers.
4. **Workplace or campus** – shall mean any property or premises owned or otherwise under the possession and control of the College, any College-sponsored activity, or any other site used for the performance of work for the College or for teaching College students.

## Drug-Free Workplace and Campus Abuse Prevention Program Information

### [Policy 4213](#)

South Texas College prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, illicit drug, and alcohol, as those terms are defined in state and federal law, in the workplace, on College premises, or as part of any of the College's activities.

The Drug Free Schools and Communities Act Amendment of 1989 requires institutions of higher education to adopt and implement programs to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol. STC has adopted and implemented [Policy 4213: Drug-Free Workplace and Campus](#) and the following:

### STANDARDS OF CONDUCT

The STC Policy Manual, Code of Student Conduct, and also the Drug-Free Workplace and Campus Policy reference disciplinary action including termination against any student or employee who engages in conduct that is prohibited by state, federal, or local law. This includes those laws prohibiting the use, possession, or distributing of drugs and alcohol.

As per [Administrative Regulation: Standards of Conduct](#), South Texas College employees shall be prohibited from engaging in conduct, including, but not limited to: Unlawful possession, selling, distributing, or offering and/or consuming

alcoholic beverages, illicit drugs, illegal narcotics, hallucinogens, drug paraphernalia, or other illegal intoxicants, drugs, or controlled substances on College premises at any time or while on duty at any location; Unlawful possessing, selling, distributing, or offering illicit drugs, illegal narcotics, hallucinogens, drug paraphernalia, or other illegal intoxicants, drugs, or controlled substances at any time.

## CODE OF STUDENT CONDUCT

As per the [Code of Student Conduct](#), drug and alcohol violations include the use or possession of drugs, prescription medications, alcohol, or other intoxicating substances or being intoxicated on South Texas College property, property controlled by South Texas College or at an event sponsored by South Texas College. Illegal possession, use, sale, manufacture or distribution of any quantity, whether usable or not, of any illegal drug, narcotic, controlled substance or drug paraphernalia except as expressly permitted by law or being under the influence of said drug, narcotic, or controlled substance may be subject to disciplinary action.

## Substance Abuse and Treatment Programs and Resources

<a href="#">BlueCross Blue Shield Behavioral Health:</a>	(800) 252-8039	
<a href="#">Behavioral Hospital at Renaissance:</a>	(956) 362-4357	5510 Raphael Dr. Edinburg, TX 78539
<a href="#">Tropical Texas Behavioral Health:</a>	(956) 289-7061	4901 S. McColl Edinburg, TX 78538
	(956) 520-8800	2215 W. Bus. 83 Weslaco, TX 78596
<a href="#">Pura Vida Counseling Services:</a>	(956) 502-5526	918 W. Nolana Loop Pharr, TX 78577
<a href="#">South Texas Behavioral Health Center</a>	(956) 388-1300	2102 W. Trenton Rd. Edinburg, TX 78539
	(888) 977-1400	24/7 Admission Call Line
<a href="#">New Beginnings Behavioral Health Services:</a>	(956) 381-1189	1107 Upas Ave. McAllen, TX 78501
	(956) 381-1189	3120 Center Pointe Dr. Edinburg, TX
<a href="#">Treatment Associates McAllen:</a>	(956) 686-7290	4401 N 22nd St, McAllen, TX 78504
<a href="#">Serving Children and Adults in Need (SCAN):</a>	(956) 263-1771	301 Canales Brothers St. East, Rio Grande City, Tx 78582
<a href="#">Alcoholics Anonymous</a>	(800) 930-3215	24/7 Hotline

***\*Contact [hr\\_benefits@southtexascollege.edu](mailto:hr_benefits@southtexascollege.edu) for information regarding your benefits, as some listed may not be in-network providers of HEALTHSELECT group benefits insurance.***

## Concealed Carry and Weapons on Campus

### [Policy 6326](#)

This policy applies to all students, employees, college affiliates, and visitors of the college while on land or in buildings owned or leased by South Texas College. This policy does not apply to those individuals exempted by law. License holders carrying a handgun on campus must carry it on or about their person at all times or secure their handgun in a locked, privately-owned or leased motor vehicle. No handgun storage shall be provided for license holders.

At all times, the responsibility of maintaining ownership and control of a concealed handgun rests with the holder. A license holder is responsible for complying with the applicable state and federal laws.

State law strictly prohibits open carry of a handgun or other prohibited weapons on the campuses of an institution of higher education. Open carry of a handgun or unlicensed individuals carrying a handgun are not permitted on South Texas College campuses.

### **Policy Exclusion Zones**

A license holder is prohibited from carrying a concealed handgun on the following premises.

#### **Temporary Exclusion:**

- **Polling Locations** - State law prohibits license holders of handguns from carrying a handgun on premises of a polling place on the day of an election or while early voting is in process. A sign shall be posted at any polling place located on campus from early voting through Election Day that reads either “Polling Place” or “Vote Here”.

#### **Permanent Exclusions:**

- a) **Board Room** - State law excludes license holders of handguns from carrying a handgun in room or rooms where a meeting of a governmental entity is held if the meeting is an open meeting subject to Chapter 551, Government Code, and the entity provided notice as required by that chapter.
- b) **Mid-Valley Child Development Center** - The concealed carry of handguns is prohibited on the premises of the day care facilities to ensure safety to minors.
- c) **Testing Center Pecan Plaza** - The concealed carry of handguns is prohibited on the premises where by state or federal law or contract, at the sole discretion of the state or federal government or organization with whom the contract is entered, requires exclusion of a handgun in a specific location.
- d) Other areas where contractual obligations prohibit concealed carry of handguns.
- e) Other areas prohibited by state or federal law.

*Effective notice under Section 30.06, Penal Code shall be provided for each of these premises.*

## **Campus and Workplace Violence Prevention**

### Administrative Regulation

South Texas College does not tolerate acts of violence or hostility committed by or against employees, students, contractual workers, temporary employment agency workers, volunteers, visitors, or other third parties on/in College

facilities or on College grounds or during any College related or sponsored activity. College employees and students are responsible for reporting either to the Office of Human Resources, the Title IX Coordinator, Deputy Title IX Coordinator, or to the South Texas College Department of Public Safety instances of violent behavior. A person reporting such behavior shall be protected from any acts of retaliation for reporting such behavior.

**“Prohibited Conduct,”** for purposes of this policy, is any Violent Act committed by a student or employee whether on College grounds or at a College-related, sponsored or sanctioned event.

A **“Violent Act,”** includes, regardless of the medium used which could be telephonic or through any form of transmission, any physical assault, including any unwanted touching, or threatening or intimidating physical or abusive verbal behavior, engaging in unwanted pursuit or attention, or intentional damage to or destruction of property.

**“Prohibited Conduct”** shall subject the student or employee to disciplinary action, including, termination from employment for an employee and suspension, for a student. Any disciplinary action shall be separate and apart from any criminal penalty.

**“Prohibited Conduct”** also includes the use of any method of communication such as email, comments posted on websites, or other paper or electronic media. Use of any College automated systems for these purposes may violate other policies, laws, and regulations regarding the use of computers and the internet.

A violation of this policy shall be considered unacceptable conduct and subject to disciplinary actions under the appropriate faculty, staff, and student policies, up to and including dismissal or expulsion.

Individuals who violate this policy may also be subject to arrest for trespassing and violation of the appropriate state criminal statute and be barred from the campus.

[The College Behavioral Intervention Team](#) shall evaluate threats of violence and assess a threat level for those individuals who display behaviors of concern.

## Campus Access

STC campuses are open approximately one-hour prior to the first class. All facilities close within one hour of the last class and remain closed during breaks and holidays.

Whenever classes are in session, a custodian is on duty.

Monday – Friday:	6:30 a.m. - 12:00 a.m.
Saturday:	8:00 a.m. - 8:00 p.m.
Sunday:	1:00 p.m. - 6:00 p.m.

## Office Safety

In order to prevent accidents, avoid overloading circuits or using extension cords. Never disconnect electrical appliances by the cord rather than the plug. Report any bad electrical connections to the Maintenance Department by using the [Job Request Form](#). Use all equipment as directed by the manufacturer. Take care in lifting heavy objects. Call the custodial staff at (956) 872-6464 or (956) 872-2553 if you need help, or submit a custodial job request to the Custodial Department.

## Campus Coordinators

Campus Coordinators provide leadership and coordination of all activities conducted at the site. The Campus Coordinators oversee and safeguard facilities, equipment and parking areas. They supervise and evaluate personnel assigned directly to them and other personnel as requested by respective dean/ administrators. The Campus Coordinators represent the College in the community and with other education institutions. The Campus Coordinators provide orientation to faculty, full time and adjunct, and to students on the services and operational procedures of the particular sites. They make recommendations for facility improvement and/or expansions to accommodate future growth. The Campus Coordinators promote cultural and intellectually stimulating activities at the sites.

## Bad Weather Days

It is the policy of South Texas College to cancel classes in the event that inclement weather poses a threat to travel for students, faculty, and staff. Notification of class cancellations is made through local radio and television announcements. In compliance with the Texas Higher Education Coordinating Board Rules and Regulations, regularly scheduled class days missed due to bad weather are to be rescheduled during the semester in progress by the President.

## School Cancellations/Delays

Only the President has the authority to call for school to be closed or delayed. The communication of any closure will be sent through the college's RAVE Alert Emergency Notification system. For more information you may visit:

<https://www.southtexascollege.edu/stcdps/stcrave.html>

## Student Affairs Hours of Operation

A campus telephone operator is on duty Monday through Friday from 8:00 a.m. to 5:00 p.m. For calls after hours, the option to leave a voicemail is available, after which a member of the college will review and respond accordingly.

**Please refer to the Student Services webpage for Hours of Operation:**

<https://studentservices.southtexascollege.edu/hours.html>

STC Web Address: <http://www.southtexascollege.edu/>

STC Mailing Address: P.O. Box 9701, McAllen, TX 78502-9701

STC Operator: (956) 872-4922



## Safety Notice on Covering of Classroom and Office Door Windows

All windows on classroom and office doors must remain uncovered for the following reasons:

**Enhanced visibility:** Keeping the windows on doors uncovered allows for increased visibility both inside and outside of offices. This is particularly important in emergency situations, as it enables employees to quickly assess potential risks and respond accordingly.

**Improved communication:** Uncovered windows facilitate visual communication between employees, promoting a collaborative work environment. It helps team members easily identify if someone is available, occupied, or in need of assistance.

**Deterrence of unauthorized activities:** Visible, uncovered windows act as a deterrent to unauthorized activities, as they provide a level of transparency and accountability. This can contribute to maintaining a safer and more secure workplace for employees and students.

**Emergency response readiness:** In the event of an emergency, uncovered windows on doors allow first responders to quickly assess the situation and respond accordingly. It enables them to identify the presence of individuals inside the room and take appropriate action without delay.

An **Active Shooter** response is the exception to the covering of classroom and office windows. Once a lockdown has been initiated all classroom and office windows should be covered or obstructed completely to block natural surveillance into the room. This is to prevent bad actors from determining room occupancy or targeting individuals inside a room. Here is a link to the College Active Shooter Preparation Checklist.

To ensure the safety and security of our workplace, **Supervisors** must **ensure adherence** to these procedures. Failure to comply may result in the necessary corrective actions being taken, as the safety and well-being of our employee is our utmost priority.

If you have any questions or need further clarification regarding these guidelines, please feel free to contact the Office of Human Resources at [HR\\_Administrators@southtexascollege.edu](mailto:HR_Administrators@southtexascollege.edu).

## Animals in the Workplace Administrative Regulation

**Summary/Purpose:** South Texas College is committed to assuring the health and safety of all employees. In keeping with this objective, employees are not permitted to bring their pets or other animals to work.

South Texas College does not permit employees to bring their pets or other animals to work. Any employee with a disability who seeks a workplace accommodation to utilize a service animal in the workplace should contact the Office of Human Resources at 956-872-4448 or at [hr\\_benefits@southtexascollege.edu](mailto:hr_benefits@southtexascollege.edu) to seek an accommodation. In accordance with College's operations and procedures, employees are not allowed to bring animals onto College property or to College-sponsored events, unless the animals are necessary for authorized instructional purposes or are "service animals" approved through the ADA accommodation process. A service animal is defined as "any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability." An "emotional support" or "comfort" animal does not meet the definition as a service animal.

An employee who violates this administrative regulation may be subject to disciplinary action and may be liable for any injuries or any damage to personal property caused by an unapproved animal. Any repair or cleaning/maintenance costs incurred by an unapproved animal will be charged in full to the owner.

### **Related Resources/College Policies:**

[Americans with Disabilities Act](#)

[ADA Requirements: Service Animals](#)

[FAB \(Legal\) – Equal Educational Opportunity: Service Animals](#)

## **Personnel and Payroll**

Every employee who joins the ranks of South Texas College should be made to feel welcome and a part of the team from the very first day on the job. Doing everything in our power to make the new employee's adjustment to the job and the work environment as rapid and pleasant as possible can reduce turnover and help develop realistic job expectations and positive attitudes. Toward this end, the STC orientation program is being designed to:

- Let each person who is selected for employment know that we are glad to have him/her as an employee and colleague.
- Provide every new employee with all the information he/she needs to be acquainted with his/her associates.
- Establish channels of communication through which new employees can obtain information, get answers to their questions, and discuss their problems openly with supervisors and others responsible for orientation.
- In addition to the other training issues addressed at new employee orientations, each employee will be instructed on the emergency and security plan of South Texas College.

## **Payroll Procedures**

[CDDA \(Local\) Policy](#)

The College District shall make deductions from an employee's salary or wages or shall reduce an employee's wages in accordance with law or salary reduction agreements executed between the College District and its employees.

### **State Employee Charitable Contribution Program**

By April 1 of each year, the Board shall decide whether to participate in the state employee charitable contribution (SECC) program for the following fiscal year.

### **Additional Amounts**

In addition to legally required deductions, the Board has determined it to serve a public purpose and benefit employees to permit voluntary deductions for:

1. Approved insurance programs;
2. Annuities/deferred compensation programs;
3. College District cafeteria plan options authorized by the Internal Revenue Service;
4. Area credit unions as specified in administrative procedures;
5. Miscellaneous reimbursements to the College District, authorized by the employee; and

6. Charitable organizations as approved by the Board. If the Board participates in the SECC program, an employee may choose not to participate in the program and may authorize a deduction(s) for charitable organizations approved by the Board.

To qualify for a deduction listed above, the employee must submit a request in writing, specifying the category of the deduction, the amount to be deducted, and the entity to which the deducted amount is to be transferred, in accordance with administrative procedures. The procedures must address:

1. Enrollment periods, if any; and
2. Any administrative fee to cover the cost of making a deduction.

### **Social Security**

All employees shall be covered by social security.

### **Optional Tax-Sheltered Annuity**

An optional tax-sheltered annuity shall be available to all employees regardless of the retirement system they have chosen.

### **Excess Leave**

Deductions shall be made for unauthorized leave or leave taken in excess of earned leave. [See DEC]

## **Compensation Plan – Wage and Hour Laws**

[DEAB \(Local\) Policy](#) and [DJ \(Local\) Policy](#)

### **Classification of Positions**

The College President or designee shall determine the classification of positions or employees as “exempt” or “nonexempt” for purposes of payment of overtime in compliance with the Fair Labor Standards Act (FLSA).

### **Exempt**

The College District shall pay employees who are exempt from the overtime pay requirements of the FLSA on a salary basis. The salaries of these employees are intended to cover all hours worked, and the College District shall not make deductions that are prohibited under the FLSA. An employee who believes deductions have been made from the employee’s salary in violation of this policy should bring the matter to the College District’s attention, through the College District’s complaint policy. [See DGBA] If improper deductions are confirmed, the College District shall reimburse the employee and take steps to ensure future compliance with the FLSA.

### **Nonexempt**

Nonexempt employees may be compensated on an hourly basis. Employees who are paid on an hourly basis shall be compensated at one and one-half their regular hourly rate for all hours worked over 40 hours in a workweek.

### **Workweek Defined**

For purposes of FLSA compliance, the workweek for College District employees shall be 12:00 a.m. Monday until 11:59 p.m. Sunday.

### **Compensation for Overtime**

At the College District’s sole discretion, employees subject to FLSA are entitled to compensation for any hours worked in excess of 40 hours in one week in one of the following ways:

- Compensation at the rate of one and one-half times the employees' regular hourly rate of pay for all hours worked in excess of 40 hours in a workweek, or
- Compensatory time off from work equal to one and one-half times the number of hours worked in excess of 40 hours in any workweek.

Accumulated compensatory time off must be taken no later than the following workweek.

Nonexempt employees are not permitted to work more than 40 hours per week or beyond their scheduled work hours unless authorized, in advance, by the appropriate supervisor. Nonexempt employees may be subject to disciplinary action for working overtime or beyond the approved schedule without advanced approval.

## **Personnel Appointments**

### Policy 4115

The President of the College or the President's designee(s) is (are) authorized to employ, set the terms of employment, terminate, suspend, and otherwise make personnel decisions concerning personnel for Board approved Staffing Plan and temporary positions. No employee of the College other than the President has any authority to make oral or written representations or agreements with any employee for employment for any specified length of time or for employee benefits.

Employees whose positions fall within the Executive, Administrative, or full-time regular Faculty job classifications, with the exception of the College President, are employed on a one (1) year or less employment contract basis with no expectation of continued employment or property rights beyond the length of appointment. The letter of appointment must be electronically or manually signed by the President and by the respective employee and returned to the Office of Human Resources by stated deadline.

Adjunct, lecturer, and dual credit faculty are employed on an as needed, non-contractual, at will, basis with no expectation of continued employment or property rights beyond the assignment.

Grant funded employees, not employed under a letter of appointment, are employed on an as needed, non-contractual, at-will basis with no expectation of continued employment or property rights beyond the assignment, or timeline of the grant.

All non-faculty employees whose positions fall within the Full Time Temporary category, including Professional/Technical Support, Classified, Direct Wage, or Work-study job classifications are employed on a non-contractual, at-will basis with no expectation of continued employment or property rights beyond the assignment term.

All full-time regular faculty and non-faculty employees are employees whose positions are included in the Staffing Plan adopted by the Board of Trustees in conjunction with the College's fiscal year budget.

All new hires are considered to be officially employed after they have completed the required hiring documents. Each individual shall report to the Office of Human Resources, provide the necessary documents required by the Immigration Naturalization Service, present his/her social security document for the College payroll system and complete all other new hire paperwork. When the orientation process is concluded, an Authorization to Work form will be given to the new employee authorizing him/her to report to their respective Department and Supervisor.

Personnel appointments are graded and compensated per the Board approved Employee Pay Plan and Staffing Plan.

Employees may not earn additional compensation for work/projects for the college which requires the same skills or consists of the same responsibilities inherent in their position with the college and included in the position's job description.

## **College Staffing Plan**

### **Administrative Regulation**

The Staffing Plan is the official document listing position titles, employees, and salaries for each fiscal year. It is prepared annually by the staff of the Office of Human Resources during the budget process and is presented for approval to the Board of Trustees with the budget. The Staffing Plan is compatible with Board-approved Wage and Salary Administration policies.

The Staffing Plan is not a contract between the College and any person listed on it, and neither the Staffing Plan nor any action taken by the Board of Trustees concerning it should be considered creating contract rights, expectations of continued employment, or a property interest for any person listed in the Staffing Plan.

## **Reduction in Force**

### [Policy 4912](#)

If and when circumstances require or make advisable a reduction in the employee work force, an equitable system for selection of employees to be separated or dismissed will be utilized. In making reductions, the College will consider skills, competence, formal education, job performance, academic credentials and seniority. The primary goal of any reduction in force is to retain those employees whose retention will best suit the continued accomplishment of the mission of the College and have the least adverse impact on such mission.

## **Notice and Information on Job Opportunities**

The Office of Human Resources is responsible for ensuring that the procedures for recruitment, interview, selection, and hiring are consistent with established STC policy and Equal Employment Opportunity laws and regulations. All STC positions will be posted internally and advertised externally as specified in the Faculty/Staff Position and Hiring Request Form.

STC employees will be considered for any vacant positions after successful completion of application requirements.

It is the sole responsibility of each employee to request his/her official transcripts be sent directly from the issuing institution to the College's Office of Human Resources to document compliance with Southern Association for Colleges and Schools (SACS) requirements and for placement on the College's faculty salary scale. This requirement applies to all faculty, full and part-time, and must be met BEFORE the faculty member, whether full or part-time (i.e., adjunct, trainers, etc.), is considered officially employed by the College.

Administration, professional support staff, and classified staff must comply with the same requirements to document all education listed on the employee's application and to satisfy requirements of the job.

## **Filling of Vacancies**

South Texas College seeks to fill each vacant position with the best qualified person available without regard to race, color, national origin, religion, age, sex, sexual orientation, gender, gender identity, disability, genetic information or

veteran status and to comply with all statutory requirements relating to filling such vacant positions.

The hiring department will be responsible for initiating and preparing a Personnel Requisition Form for any vacant position. The Office of Human Resources will review the requisition for compliance with provisions of the College Compensation Program.

Once a position is approved by the appropriate management personnel, the Office of Human Resources will coordinate the placement of all advertising of such position(s).

Search committees are selected to follow the procedures in accordance to the Faculty and Staff Hiring Manuals of Procedures and Board Policies to ensure fair and consistent hiring practices. (Hiring Manuals can be viewed on the [Office of Human Resources website](#).)

## **LANGUAGE PROFICIENCY**

To ensure that all faculty members are proficient in oral and written communications in the language in which assigned courses will be taught, the hiring procedures have been designed to have all candidates complete a written and oral presentation during the interview process.

Questions during this process are asked in the language in which the assigned courses will be taught. The search committee chair will make arrangements to have the final candidates complete a written sample on a subject related to their field of study. This written sample will be shared with the search committee. The Primary Spoken Language Form includes the written component.

## **GRANT POSITIONS**

The same procedures for hiring grant employees are followed as for hiring regular employees, plus the following additional steps:

- Ensure adequate funding is available for a position.
- Inform hired employee that all grant positions are for the term provided by the applicable grants.
- Inform hired employee that upon completion of project, when the grant funding closes or other extenuating circumstance occurs, the position may no longer exist and therefore, employee will no longer be employed.
- If another grant is awarded, implement the hiring process for all applicants applying for the position funded by the new grant.
- Extension of employment from one grant to another is unacceptable, unless the president has given special approval (under special circumstances).
- 

Grant salaries will be determined by the responsibilities outlined on job descriptions, which correlate to regular full-time positions in our approved salary plan. Each individual grant salary will be determined by:

1. Salary range for position.
2. Education and experience of qualified candidate.

## **Employment in Security Sensitive Positions**

### **Administrative Regulation**

It is the policy of South Texas College to do criminal history records check on all applicants/ employees being considered for employment/transfer to a “security sensitive” position. Security sensitive positions shall be restricted to employees who handle currency, have access to a computer terminal, have access to a master key, or who work in an area of the College which has been designated as a security sensitive area.

## **Employment of Non-Exempt Employees as**

### **Adjunct Faculty**

#### **Administrative Regulation**

Non-exempt employees of South Texas College may not be hired by South Texas College as adjunct faculty. This policy applies to all non-exempt employees which includes: full time, part time, regular, temporary and part-time temporary employees. Adjunct faculty may not be hired as non-exempt employees of the College with a start date prior to the end of their adjunct contract.

## **Authorization to Conduct Background Checks**

### **Administrative Regulation**

All applicants shall be required to sign an authorization form authorizing the College to conduct a background check including all credit, employment, and other relevant information pertaining to the applicant. STC complies with state law, Texas Education Code Section 51.215, which requires the College to obtain criminal history information.

## **Credentials and Records**

### **DBA (Local)**

It is the policy of South Texas College to maintain an official personnel file on each employee and to ensure that all files are maintained in conformance with the provisions of the Texas Open Records Act of 1973, established South Texas College Guidelines, and standards established by the Southern Association of Colleges and Schools and the Texas Higher Education Coordinating Board.

It is each employee’s responsibility to assist the Office of Human Resources by providing pertinent information and/or required documents.

South Texas College employees have access to their own personnel file and may request an appointment with the Director of Human Resources to review his/her personnel file in the Office of Human Resources during normal working hours.

STC's Supervisory Personnel also have access to employee personnel files on a need-to-know basis. The Office of Human Resources shall have the responsibility to ensure the following required data/documents are maintained in each individual employee's personnel file:

1. Name
2. Social Security Number (confidential file)
3. Position/Classification Title
4. Job Description
5. Skill and Education Record (up-to-date information provided by the employee)
6. Data Necessary to Verify Payrolls
7. Employee Emergency Information
8. Medical Records (confidential file)
9. All personnel actions to include:
  - a) Appointments
  - b) Transfers
  - c) Reassignments
  - d) Removals/Terminations
  - e) Suspensions
  - f) Demotions
  - g) Salary Changes
  - h) Notice of Employment
10. Certifications of Enrollment in Teacher's Retirement System or in Optional Retirement Plan (confidential file)
11. Current withholding documents to include:
  1. W-2
  2. Voluntary Deductions Forms
12. Performance Evaluations
13. Leave Records (medical in confidential file)
14. Training Records
15. Background Material and Justification for Disciplinary Actions
16. Written Reprimands
17. Commendations
18. Employee Affidavit
19. Prior State Service Verification



20. License, registration, certifications, and educational attainment beyond high school as required of the position held.
21. Worker’s Compensation Injury Reports (confidential file)
22. New Employee Orientation Checklist
23. Employment Application
24. Documentation Requirements of Texas House Bill 638-71
25. Legislature Assistance to Faculty whose Primary Language is not English
26. Direct Deposit Authorization Form
27. I-9 Form (maintained in separate file)
28. Authorization to Conduct Background Check

Any personal status changes affecting record-keeping, mailing address, emergency contact phone numbers, or employee benefits must be reported to the Office of Human Resources. The College is not liable if the employee does not report changes in a timely fashion

South Texas College maintains the confidentiality of its records and matters relating to the conduct of its business as permitted by the Texas Public Information Acts and Student Confidentiality Statutes. No employee of the College is permitted to reveal information of a confidential nature that concerns any students or former, active or prospective personnel, financial records, management information, and other records of a privileged and non-public nature.

Employees with access to such information will be asked to sign a Statement of Confidentiality and to comply with the provisions of that statement.

College employees will have access to their own personnel record and may review the record in the Office of Human Resources during business working hours in the presence of a Human Resources representative.

***EMPLOYEES SHALL PROVIDE REQUIRED DOCUMENTS AS REQUESTED BY THE OFFICE OF HUMAN RESOURCES***

**Documentation of Official Transcripts**

Administrative Regulation

The Office of Human Resources will ensure (in addition to personnel file requirements noted previously) that the originals of the following information are maintained in each employee’s file:

- Official college transcript.
- Copies of licenses, special certifications, or training certificates that apply to the teaching field.
- Verification of professional experience or specialized training.

Official transcripts must be sent directly from the issuing institution to the College’s Office of Human Resources to document compliance with Southern Association for Colleges and Schools Commission on Colleges (SACSCOC) requirements, or for placement of the employee on the appropriate salary schedule, or to document that the employee meets the necessary educational requirements for the position. This policy applies to full and part-time employees. This requirement must be met before beginning employment with the College.

If the official transcript has not be received before beginning employment, an extension for submitting the official transcripts will be granted provided copies of the unofficial transcripts are on file in the Office of Human Resources. This extension cannot exceed beyond the first seven weeks of employment with the College. The Office of Human Resources will monitor compliance and maintain procedures.

Employment is contingent upon receiving the official transcripts, and may be grounds for termination of the job assignment if not received by the deadline.

## **Employee Identification**

The employee identification card issued to you serves to identify you to campus security officers, other personnel, and to students. After completing the new hire paperwork in the Office of Human Resources, this ID badge may be obtained by presenting the Authorization to Work Form as directed. For security purposes, this procedure must be followed. Employees are expected to wear ID badges at all times while on College property.

## **Employment Requirements and Restrictions:**

### **Nepotism**

### [DBE \(Legal\)](#)

#### **Administrative Regulation**

This policy is to provide provisions regarding prohibition of certain employment relationships between close relatives.

#### **Employment of Close Relatives**

Close relatives are persons related to each other within the third degree of consanguinity (blood relatives) or second degree of affinity (relatives by marriage), as computed under the civil law method. Close relatives shall not be employed by the College in the following employment relationships.

1. When one relative would be responsible for directly or indirectly supervising, evaluating, or auditing the work of another relative.
2. When one relative would be directly or indirectly responsible for the institutional decisions that could result in a direct employment benefit to the close relative. A direct employment benefit includes, but is not limited to, initial employment or assignment, employee evaluation, salary, course or work assignments, leave of absence, or approval of employee actions.
3. When one relative would have direct or indirect authority over the terms or conditions of employment of another close relative.

## Disclosure of Close Relatives

### 1. Initial Hiring:

Individuals applying for employment with the College, shall be required to disclose in the application for employment, all of the individual's close relatives employed by the College.

### 2. Employee Reassignment, Transfers:

An employee who is being assigned, reassigned, transferred, or promoted to any position shall be required, prior to being assigned, reassigned, transferred, or promoted to disclose in writing, all of the individual's close relatives employed by the College to the Director of Human Resources.

### 3. Existing Employment Relationships:

Employees who are in an existing employment relationship that is not in violation of this policy but who, subsequently, become close relatives shall notify the Director of Human Resources within three (3) business days of having become close relatives to determine whether or not the employment relationship is in violation of this policy.

## Administration and Enforcement of Regulation

The Director of Human Resources shall be primarily responsible for administration and enforcement of this policy. No person may be employed, and no employee transferred, assigned, reassigned, or promoted to a position which would result in an employment relationship that violates this policy. Any employment relationship which is in violation of this policy shall be terminated. If the violation results from an applicant's or an employee's failure to disclose a close relative relationship, the applicant or employee shall be disqualified from employment or assignment to the position and shall be subject to termination of employment with the College. Employees who are in an existing employment relationship that is not in violation of this policy, but who subsequently, become close relatives resulting in an employment relationship being in violation of this policy shall be disqualified from continued employment with the College. These employees have the option of correcting the violation by one of the employees resigning his or her position within days stipulated in [Policy 4922: Separation of Employment and Re-Employment](#).

Any employee who exercises authority to recommend or approve the hiring of an individual or the assignment, reassignment, transfer, or promotion or an employee shall exercise due diligence to ensure that such hiring, assignment, reassignment, transfer or promotion does not result in an employment relationship that violates this policy. Failure to exercise due diligence shall subject the employee to sanctions, including, termination of employment. The provisions of this Policy shall be cumulative to the provisions of [Policy 4216: Harassment, Discrimination, and Sexual Misconduct](#) which prohibits certain employee consensual relationships.

## Definitions

**Relatives** – shall mean persons related to each other within the first, second, or third degree of consanguinity (blood relatives) or within the first or second degree of affinity (relatives by marriage), as computed under the civil law method.

**Directly or Indirectly** – One relative serves as an immediate supervisor for another relative or as a supervisor in a higher level in the chain of command of another relative.

## Method of Computing Degree of Consanguinity and Affinity Relationship

The method of computing degrees of consanguinity and affinity relationship of individuals is the civil law method, as follows:

### **Consanguinity (blood relatives)**

- 1st degree of consanguinity: parents or children (includes adopted children)
- 2nd degree of consanguinity: brother, sister, grandparents, or grandchildren
- 3rd degree of consanguinity: great grandparents, great-grandchild, aunt who is a sister of a parent of the individual, uncle who is a brother of a parent of the individual, nephew who is a child of a brother or sister of the individual, or niece who is a child of a brother or sister of the individual.

There is no distinction between half-blood and full-blood relations. Half-blood relations fall within the same degree as those of the full blood.

### **Affinity (relatives by marriage)**

- 1st degree of affinity: spouse, mother-in-law, father-in-law, daughter-in-law, son-in-law, step-son, step-daughter
- 2nd degree of affinity: brother-in-law or sister-in-law (spouse's brother or sister; or brother or sister's spouse), spouse's grandparents, spouse's grandchildren.

## **Employment Requirements and Restrictions: Outside Employment DBF (Local)**

An employee of the College District shall not engage in employment with another employer or as self-employment when such employment interferes with the employee's performance of his or her job duties and obligations with the College District or creates a conflict between the employee's personal interests and the interests of the College District.

An employee shall expeditiously notify, in writing, his or her immediate supervisor of any employment that he or she has with another employer or as self-employment. At a minimum, the employee shall disclose to his or her supervisor the name, address, and telephone number of the other employer or of the self-employment activity, the working days and hours, and the job duties and responsibilities in the other employment. The supervisor may request such additional information from the employee that will reasonably assist the supervisor in determining whether the employee's other employment interferes with the employee's job duties and responsibilities at the College District or creates a conflict between the employee's personal interests and the interests of the College District.

A violation of this policy may result in disciplinary action and/or termination of employment.

## Conflict of Interest

In 1973, the Legislature passed a bill entitled “Standards of Conduct of State Officers and Employees.” This legislation, in its amended, current form, spells out standards of conduct and disclosure requirements which must be observed by all “persons owing responsibility to the people of Texas and the government of the state of Texas in the performance of their official duties.”

Generally, STC employees may not have any interest in or engage in any business or professional activity or incur any obligation which is in substantial conflict with the proper discharge of duties in the public interest. Specifically, STC employees are prohibited from:

- Accepting or soliciting any gift, favor, or service that might reasonably tend to influence the employee’s discharge of official duties or is offered with the intent to influence official conduct.
- Accepting employment or engaging in any business or professional activity in which the employee might reasonably expect, would require, or would induce the employee to disclose confidential information acquired by reason of an official position.
- Accepting employment or compensation which would reasonably tend to impair independent judgment in the performance of official duties.
- Making personal investments which would reasonably be expected to create a substantial conflict between the employee’s private interest and the public interest.
- Intentionally or knowingly soliciting, accepting, or agreeing to accept any benefit for having exercised official powers or performed official duties in favor of another.

### LIMITATIONS ON CONSULTANT CONTRACTS WITH PREVIOUS EMPLOYEES

None of the funds appropriated to the College may be used to enter into a consultant contract with any individual who has been previously employed by the College within the past twelve months unless the contract has been approved by the Board.

## Discrimination

Article I, Section 3 of the Texas Constitution provides:

*“All free men, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive separate public emoluments, or privileges, but in consideration of public services.”*

With respect to state human resource practices, the statute most important to the prevention of discriminatory practices, Article 5221k (Texas Commission on Human Rights Act), deems it an unlawful employment practice for an employer:

- To fail or refuse to hire or discharge an individual or otherwise to discriminate against an individual with respect to compensation or the terms, conditions, or privileges of employment because of race, color, disability, sex, national origin, or age.

- To limit, segregate, or classify an employee or applicant for employment in a way that would deprive an individual of employment opportunities or otherwise adversely affect the status of an employee because of race, color, disability, religion, sex, national origin, or age.

## **Americans with Disabilities Act**

On July 26, 1990, the Americans with Disabilities Act (ADA) was signed into law. This federal law seeks “... to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities.”

The ADA prohibits a wide array of discriminatory practices, but one particular standard is noteworthy because it extends to individuals with disabilities an important new tool to enhance their employment opportunities. The federal law makes it illegal to deny employment opportunities to a job applicant or employee who is an otherwise qualified individual with a disability if such denial is based on the need of the employer to make reasonable accommodation to the physical or mental impairments of the employee or applicant.

The term “qualified individual with a disability” means an individual with a disability who, with or without reasonable accommodation, has the qualifications and ability to perform the essential functions of the employment position. Within this definition, the term “reasonable accommodation” means altering existing facilities, perhaps through the acquisition or modification of equipment or devices, to make the workplace readily accessible to and usable by individuals with disabilities. However, this requirement of reasonable accommodation may involve less tangible and obvious means of accommodation, such as job restructuring, part-time or modified work schedules, reassignment to a vacant position, the appropriate adjustment or modification of examinations, training materials, or policies; or the provision of qualified readers or interpreters.

Thus, under the terms of the ADA, the employer cannot deny an otherwise qualified candidate employment because that employer does not want to adjust the workplace to accommodate the person with a disability. The employer is responsible for making reasonable accommodation for the person with a disability and cannot deny that person employment because of an unwillingness to provide reasonable accommodation, unless the employer can prove that the law is an undue hardship which imposes on the employer significant difficulty or expense.

All employee requests for a reasonable ADA accommodation shall be submitted to the Office of Human Resources for consideration and/or approval.

## **ADA – Responsibilities of Employee and Supervisors**

Should accommodations be put in place, they are to support the employee in the performance of the job duties and responsibilities. Please be advised that a supervisor should evaluate the job performance of an employee with a disability the same way it evaluates any other employee’s performance, should not lower or change efficiency and production standards, or exempt or excuse repeated tardiness or absences.

For more information please visit:

<https://www.eeoc.gov/facts/performance-conduct.html>

- or -

HR Benefits at [HR\\_Benefits@southtexascollege.edu](mailto:HR_Benefits@southtexascollege.edu)

# Medical Examinations and Communicable Diseases

## DBB (Local)

### **I. Purpose**

The President is authorized to establish workplace and confidentiality procedures relating to communicable diseases, including exposure to communicable diseases. Strict confidentiality procedures will be followed at all times. The medical history or records of any employee are considered confidential information and may, therefore, not be released without the individual's written consent except as otherwise provided by law. Colle

### **II. Policy**

The College President or designee may require an employee to undergo a medical examination if information received from the employee, the employee's supervisor, or other sources indicates the employee has a communicable or infectious disease that poses a direct threat to the health or safety of the employee or others.

The College District may designate the physician to perform the examination. If the College District designates the physician, the College District shall pay the cost of the examination. The College District may place the employee on paid administrative leave while awaiting results of the examination and evaluating the results.

Based on the results of the examination, the College President or designee shall determine whether the employee poses a direct threat to the health or safety of the employee or others.

#### **Confidentiality of Information**

Medical information relating to the communicable diseases of an employee will be disclosed to responsible College District officials only on a "need-to-know" basis. College District officials will protect the privacy of all parties involved and the confidentiality of the information received.

#### **Restricted Access**

The College District, after consulting with the local health department, has the authority to restrict an employee under these provisions from campus facilities for the purpose of ensuring the wellbeing of all of its faculty, staff, and students. Any restrictions applied to the use of campus facilities or personal contact will be on a case-by-case basis and implemented for a time and manner in accordance with recommendations from the local health department.

#### **Reporting Responsibility**

Faculty or staff who have been informed by a student, an employee, or another person of exposure to a communicable disease, including COVID-19, or who present symptoms will notify the Office of Human Resources immediately as permitted by local, state, and federal laws. The Office of Human Resources will then notify the appropriate departments as deemed necessary. The director of human resources or designee shall report to the local health department an employee who has or is suspected of having the communicable diseases per the Texas Health and Safety Code, Chapter 81, Communicable Diseases. Written procedures for employees that include provisions relating to reporting to the Office of Human Resources, returning to work, and other protocols are maintained by the Office of Human Resources. The student procedures are maintained by Office of Counseling and Student Disability Services.

#### **Disciplinary Action**

Employees who have been prohibited to access College District facilities, programs, functions, and campus activities under the provisions of this policy and who continue to access prohibited College District facilities, programs, functions and campus activities, will be subject to disciplinary action up to and including termination.



## **Leave of Absences**

Employees who are excluded from work may use any accrued paid leave to which they are entitled or may request unpaid leave, as appropriate. [\[See DEC\]](#)

## **Termination of Employment**

In accordance with appropriate policies and guidelines, employees who are excluded from the workplace in accordance with this policy may have their employment terminated when they have exhausted all earned leave.

## **Other Requirements**

Employees with communicable diseases shall follow recommendations of public health officials regarding contact with students and other employees. Food service workers shall comply with health requirements established by city, county, and state health authorities. [\[See DBA\]](#)

## **HIV/AIDS Workplace Guidelines**

### **Administrative Regulations**

The 71st Texas Legislature determined that the creation of workplace guidelines is necessary to assure that the rights and privileges of individuals infected with HIV are protected.

Current scientific and medical technology has determined that there is no risk of HIV/AIDS transmission in the normal work setting. Routine daily encounters with co-workers or students pose no risk of transmitting the fragile, blood-borne virus.

Because modes of transmitting HIV do not involve environmental factors, but rather particular behaviors, HIV/AIDS infected individuals should not only be allowed, but encouraged to remain contributing members of the workforce. STC employees, as long as they are reasonably able to function in the job duties assigned, have the right under the law to continue working.

Based on the Federal Privacy Act, the Texas Commission on Human Rights Act, and the Texas Communicable Disease Prevention and Control Act, any medical documentation or information provided by an HIV infected employee to medical or management personnel must be considered confidential and private information. As such, STC officials are forbidden by law to disclose this information without the employee's knowledge and consent, except as provided by law.

## **Immigration Reform and Control Act of 1986**

### **Administrative Regulation**

It is the policy of the College to fully comply with the Immigration Reform and Control Act of 1986. As such, the College is committed to employ only U.S. citizens and aliens authorized to work in the United States. College administrators or supervisors shall not discharge present employees or refuse to hire new employees based on foreign appearance or language. All applicants will be advised that if they are selected for employment, they will be required to present documents that will verify identity and eligibility to work in the United States in order to complete the required form I-9.

The original documents must be presented to the Office of Human Resources within three working days of employment. The requirements are the same for U.S. citizens and nationals as well as aliens authorized to work in the U.S.

The Office of Human Resources shall be responsible to review and verify the authenticity of the required documents in order to comply with the Immigration Act. The department shall retain these documents as required by law. The College



shall not be a petitioner for any applicant or employee in obtaining a work permit unless otherwise bound by law to do so. If an alien applicant has been petitioned to work for another educational institution or a private company only, the College will comply with the Immigration Act, thus disallowing the applicant to work at the College, unless they obtain their own documents from the Immigration and Naturalization Service. The ability to provide the required documents remains solely within the responsibility of the applicant.

## **Age Limitations**

The Commission on Human Rights Act (Article 5221k, VACS) prohibits discrimination on the basis of age. The Federal Age Discrimination in Employment Act Amendments of 1986 lifted the mandatory retirement age. The net effect is that employees are not required to retire at any specific age and employees age 40 and over are protected from age discrimination. The College does not employ persons under the age of 18.

## **Non-Faculty Performance Appraisal**

### [DLA \(Local\) Employee Performance: Evaluation](#)

#### Administrative Regulation

#### **I. Purpose**

Performance appraisals are an integral part of the College District's ongoing commitment to annually measure the extent to which the employee's performance meets the requirements of their employment and to establish goals for the future; strengthen the relationship between the supervisor and the employee; facilitate clear channels of communication; appraise and recognize performance; identify areas that might require improvement; and assess communication and supervisory skills.

#### **II. Administrative Regulation**

It is the policy of South Texas College to provide a process for performance appraisal of full-time non-faculty personnel. Full-time non-faculty personnel include Classified, Professional Support, Administrative, and Executive positions. Each non-faculty full time employee shall be evaluated annually in accordance with the established guidelines and procedures as maintained by the Office of Human Resources and approved by the President. Performance appraisals will be retained at the Office of Human Resources upon completion.

Performance appraisals are expected to be a fair, accurate, and complete reflection of the employee's performance. If an employee disagrees with the performance appraisal, the employee may submit a statement within three (3) business days of the performance appraisal meeting and the statement will be attached to the performance appraisal to be included in the employee's personnel file. The employee may also elect to submit a grievance as per [Policy #4904: Employee Complaint Procedure](#).

The President's appraisal will follow [Policy #2140: Evaluation of the President](#).

The Internal Auditor's appraisal will follow [Policy #2250: Evaluation of the Internal Auditor](#).

## **Disciplinary Action**

### Administrative Procedures

[DLB \(Local\) Policy](#); [DM \(Local\) Policy](#); [DMAA \(Local\) Policy](#)

#### **Purpose**

This administrative procedure guides supervisors and employees through the disciplinary action to address employees who engage in conduct that fails to conform to the College's employee standards of conduct.

#### **Disciplinary Action Concerning Employees:**

Disciplinary action against an employee shall be initiated by the immediate supervisor or other supervisor within the chain of command. The severity of the disciplinary action should match the corresponding conduct of the employee taking into consideration the following:

1. Severity of the offense;
2. Frequency of the offense, if appropriate;
3. Duration of employment;
4. Conduct of the employee;
5. Effect of the action of the employee on the general public, fellow workers, and the College; and
6. All other extenuating circumstances relating to the particular facts of the situation.

The decision to discipline an employee should be made within a reasonable time after the occurrence of conduct or incident warranting disciplinary action. Supervisory personnel shall consult with the Executive Director, Director of Human Resources – Employee Relations, or Employee Relations Officer for assistance and guidance in disciplinary actions other than verbal warning.

#### **Disciplinary Action: Verbal Warning**

A verbal warning is a basic disciplinary action where an employee is verbally informed by an immediate supervisor, or other supervisor within the chain of command, that the employee has engaged in conduct which fails to conform to the standards of conduct for College employees, and is warned about the possible adverse consequences of engaging in the non-conforming conduct. In addition to a verbal warning, an employee may be counseled by a supervisor, or other supervisor within the chain of command, about how the employee may improve his/her conduct. A verbal warning or counseling session should be documented by the immediate supervisor, or other supervisor within the chain of command, maintained internally by the immediate supervisor.

#### **Disciplinary Action: Written Warning**

An immediate supervisor and/or department head may issue a written warning to an employee whose conduct, including but not limited to performance, fails to conform to the College's standard of conduct for employees. A verbal warning does not need to precede a written warning; however, issuing a verbal warning is recommended.

A written warning shall be issued if the employee fails to correct his or her conduct. A written warning shall identify the employee's non-conforming conduct and warns the employee about the possible adverse consequences for engaging in the same or other non-conforming conduct. The written warning shall be discussed with the employee and be placed in the employee's personnel file at the Office of Human Resources. An employee may file a written response to the disciplinary action within 3 business days after receipt. Response will be filed with the Office of Human Resources to be placed in the employee's file. Guidance or clarification on this administrative procedure for the written warning may be obtained from the Office of Human Resources.

### **Conduct and Performance Improvement Plan (CPIP):**

A Conduct and Performance Improvement Plan may be used to address an employee's performance and/or conduct that fails to conform to the College's standards of conduct. A CPIP may be given to an employee after having received a verbal warning and/or a written warning, or in conjunction with a verbal or written warning. The immediate supervisor and/or department head may, in lieu of recommending termination, place the employee on a written Conduct and Performance Improvement Plan. This plan should be developed with the Director of Human Resources or the Employee Relations Officer. The Conduct and Performance Improvement Plan may be for no more than three (3) months and should follow the procedures established and maintained at the Office of Human Resources. A Conduct and Performance Improvement Plan may be modified, as needed, to assist the employee in conduct improvement. A Conduct and Performance Improvement Plan is to be placed in the employee's personnel file. An employee who fails to satisfactorily complete a Conduct and Performance Improvement Plan is subject to further disciplinary action, up to and including termination from employment for such failure and for the conduct precipitating the improvement plan.

### **Disciplinary Action: Suspension Without Pay**

An at-will employee may be suspended without pay to discipline the employee for engaging in conduct that fails to conform to the College's standards of conduct for employees. This disciplinary action may be taken to impress upon an employee the serious nature of the employee's non-conforming conduct. An employee should consider this disciplinary action as a notice that the employee is facing possible termination if his/her conduct does not immediately improve. The supervisor will consult the department head and the Director of Human Resources before administering this disciplinary action. A suspension without pay shall not exceed 10 business days. Suspension without pay of an employee employed under a letter of appointment shall conform to the notice and hearing provisions of Policy 4118: Provision of Letter of Appointment: Faculty, Administrative, or Executive Employees. In addition to this disciplinary action, an employee may be issued a Written Warning and the employee placed on an Improvement Plan.

### **Disciplinary Action: Termination**

An employee may be recommended for termination for disciplinary reasons, based on documented acts or omissions. In most cases, prior to recommending termination of an employee for disciplinary reasons, the employee's immediate supervisor and any other appropriate administrator will meet with the employee to inform the employee of the reason(s) the employee is being recommended for termination. The employee may attend the meeting and respond to the reasons, or the employee may submit a written response in lieu of attending the pre-termination meeting. This is not a due process hearing. The employee will be placed on an unpaid, or paid, suspension while the final action is decided upon. The President shall receive the recommendation for termination and shall review the disciplinary action to determine whether additional information needs to be presented and if the disciplinary action is an appropriate management response to the employee conduct. The President may modify, approve or disapprove such action. The decision of the President shall be final on all such action. A copy of the decision shall be delivered by the Office of the President to the employee. The final action shall be placed in the employee's personnel file.

## **Administrative/ Executive and Faculty Employed under a Letter of Appointment**

Termination of an employee employed under a letter of appointment shall conform to Policy 4118: *Provision of Letter of Appointment: Faculty, Administrative, or Executive Employees*.

This policy is only a guide and is not intended to require progressive discipline procedure prior to recommending termination of an employee for disciplinary or other legitimate reasons. Nothing in this policy is intended to prohibit administrative suspension with pay of an employee.

### **Administrative Leave with Pay**

An employee may be placed on administrative leave with pay pending investigation of allegations of the employee engaging in conduct that fails to conform to the College's standards of conduct for employees. Administrative Leave pending investigation is considered when:

- a) an employee's continued attendance in the workplace may hinder the investigation;
- b) the employee's continued attendance presents a risk to the employee or others;
- c) the alleged actions interfere with the mandate of the College, either by damage to reputation or otherwise;
- d) the period of administrative leave is in the best interest of the College in maintaining an efficient and orderly workplace.

The supervisor will consult the department head and the Director of Human Resources to recommend this action. The department head may suspend the employee with pay for up to 30 calendar days. The department head may extend the period of administrative leave for an additional 30 calendar days if further investigation is necessary. The total period of administrative leave with pay pending investigation may not exceed 60 calendar days.

An employee on administrative leave pending investigation must be available for in-person interviews throughout the entire suspension period. The employee is responsible for providing current contact information to the Office of Human Resources.

### **Employee Right to Respond or Utilize Grievance Procedures**

This policy does not preclude an employee from filing a grievance, under Policy 4904: *Employee Complaint Procedure*, after a disciplinary action, other than termination, becomes final, or from placing a written response in his/ her personnel file to any disciplinary action.

This policy is not intended to create any property interest in continued employment.

## **Employee Complaint Procedures** Policy 4904

College employees have the right to present grievances concerning their wages, hours of employment, or conditions of work, either individually or through a representative that does not claim the right to strike. An employee having a grievance regarding his/her wages, hours of employment, or conditions of work may seek redress of such grievance by

filing a complaint in accordance with this policy. An employee may file a complaint after a disciplinary action (other than termination) becomes final or from placing a written response in his/her personnel file to any disciplinary action.

In this policy, the terms “complaint” and “grievance” shall have the same meaning. A complaint or grievance is defined as an unresolved issue concerning an employee’s wages, hours of employment, or conditions of work. No employee shall be penalized, disciplined, or prejudiced for exercising the right to file and pursue a complaint under this policy.

No employee shall be penalized, disciplined or prejudiced for exercising the right to file and pursue a complaint under this policy.

### **INFORMAL COMPLAINT PROCESS**

Employees are encouraged to seek resolution of their employment-related grievances within five (5) working days of the action which is the subject of the complaint, at the lowest administrative level, by discussing their concerns or complaints through informal conferences as follows:

1. Speak with the individual whom the complaint is against: or
2. Speak with the immediate supervisor or next higher-level supervisor; or
3. Mediation between employees. The Office of Human Resources may facilitate the mediation.

The supervisor will provide written notice to the employee, within five (5) working days after the meeting, whether the remedy being requested by the employee is being granted or denied, or offer an alternative resolution. If an employee’s complaint is not resolved through an informal conference or, when the informal complaint process was bypassed, the employee may initiate the formal complaint process, as provided by this policy.

### **FORMAL COMPLAINT PROCESS**

If an employee’s complaint is not resolved through an informal conference, the employee and/or the employee’s representative shall complete and Employee Complaint Procedure Form, and submit to the employee’s own immediate supervisor within 20 working days from the date of the informal conference, or if the informal conference was bypassed, from the date the employee becomes aware or should have been aware of the actions which is the subject of the complaint.

The Employee Complaint Procedure Form requires the following information:

1. A clear explanation of the employee’s specific concern;
2. A description of how the employee’s employment has been affected.
3. A description of the relief the employee is seeking.

The employee may submit the Employee Complaint Procedure Form via email, inter-office mail, or hand-deliver the form. If the complaint is against the employee’s own immediate supervisor, the employee will submit the complaint to the respective next higher-level supervisor. If the employee’s next higher-level supervisor is a Vice President or President, Level One shall be bypassed and the employee shall proceed to Level Two, accordingly.

### **LEVEL ONE (Immediate Supervisor)**

1. The employee’s immediate supervisor shall review the complaint. The immediate supervisor will meet \_\_\_\_\_ with the next higher-level supervisor and other supervisor in the employee’s chain-of-command, \_\_\_\_\_

including the Dean/Director, and may include the respective division Vice President, to review the complaint. The immediate supervisor, Dean/Director, and any other administrator may consult with the Director of Human Resources or designee.

2. The employee's immediate supervisor will meet with the employee to discuss the complaint and the remedy requested, not later than 20 working days from the date the complaint is filed. Any other supervisor in the employee's chain-of-command, but not including the respective Vice-President, may attend this meeting with the employee.
3. The employee's immediate supervisor, or other supervisor in the employee's chain-of-command, up to, but not including the Vice President, will provide written notice to the employee, within 20 working days after the meeting, whether the remedy being requested by the employee is being granted or denied, or offer and alternative resolution.

If the complaint is not resolved to the employee's satisfaction at Level One, the employee may proceed to present the complaint at Level Two.

## **LEVEL TWO (Vice President or President)**

### **Vice-President**

1. An employee may submit a written complaint to the respective division Vice-President, if the employee is not satisfied with the outcome in Level One or if Level One is bypassed as addressed by this policy. The written complaint must be submitted to the Vice President not later than 10 working days from the date of the decision at Level One. The employee shall provide a clear and concise statement detailing the reason(s) why the Level One decision was not acceptable to the employee.
2. The Vice-President may consult with the Director of Human Resources or designee and shall not later than 20 working days following the receipt of the complaint, issue a written decision, which shall be mailed and/or emailed to the employee. The decision of the Vice-President may grant or deny the remedy being requested by the employee, or offer an alternative resolution. The employee complaint decision of the Vice-President is final and not appealable under this policy.

### **President**

In instances where the respective department does not have a Vice-President, the employee may present the written complaint to the President. A complaint concerning the proposed termination of an at-will employee may be presented to the President, if the employee has alleged unlawful retaliation, harassment, or discrimination in the complaint.

1. If the complaint is not resolved to the employee's satisfaction at Level One and if the employee's supervisor is a Vice President or the employee's respective department does not have a Vice-President, the employee may present the complaint to the President. The complaint shall be submitted to the President not later than 10 working days from the date of the decision at Level One. The employee shall provide a clear and concise statement detailing the reason(s) why the Level One decision was not acceptable to the employee.
2. The President may consult with the Director of Human Resources or designee and shall not later than 20 working days following receipt of the complaint, issue a written decision, which shall be mailed and/or emailed to the employee. The decision of the President may grant or deny the remedy being requested by

the employee, or offer an alternative resolution. The employee complaint decision of the President is final and not appealable under this policy.

### **Proposed Termination of an At-Will Employee**

An at-will employee who is proposed for termination may file a complaint concerning the proposed termination directly with the President, by-passing Level One and Level Two (Vice-President), if the employee's complaint alleges that the proposed termination constitutes unlawful retaliation, harassment, or discrimination. A complaint concerning the proposed termination of an at-will employee may be presented to the President within 3 working days from the date the employee was informed of the proposed termination. The decision of the President is final and not appealable under this policy.

### **Other Complaint Provisions**

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor is it intended to create constitutional due process rights or to require a full evidentiary hearing or "mini-trial" at any level.

Complaints arising out of an event or a series of related events that occurred prior to the filing of the complaint shall be addressed in one complaint. Employees shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

### **Retaliation**

The College prohibits retaliation against an employee who files a complaint or grievance under this policy, serves as a witness, or otherwise participates in an investigation.

The provisions of this policy do not extend into a due process procedure. The policy is an internal procedure designed to provide employees with the opportunity to address complaints.

## **Promotion and Demotion**

### DLC (Local) Policy

It is the intent of the College District to achieve optimum utilization of an employee's skills and talents by filling positions with the best-suited candidate by promoting, reassigning, or demoting a qualified employee to that position.

The promotion, reassignment, or demotion of an employee shall be done on the basis of qualifications and suitability of the candidate, without regard to race, color, national origin, ethnicity, religion, age, sex, sexual orientation, gender, gender identity, gender expression, pregnancy, parental status, disabilities, genetic information, or veteran status and shall be in keeping with federal and state employment laws and regulations and the regulations of the College District.

### **Definitions**

#### **Promotion**

"Promotion" is the movement of an employee into a position of increased responsibility or complexity of duties and in a higher salary range.

#### **Reassignment**

"Reassignment" is the movement of an employee from one position to another position of the same or substantially similar responsibility or complexity of duties in the same salary range.

#### **Demotion**

"Demotion" is the movement of an employee into a position of decreased responsibility or complexity of duties

and in a lower salary range.

### **Promotion and Reassignments**

The appropriate vice president shall recommend the promotion or reassignment of a qualified employee under his or her authority to the College President for approval.

### **Demotions**

The appropriate vice president shall recommend to the College President the demotion of an employee to a position where he or she shall be able to meet performance requirements, to apply disciplinary action for misconduct, or for other reasons. Employees under a term contract shall be afforded notice and a hearing regarding their demotion. An employee may request a demotion to start training in another occupation, to continue employment when a layoff is imminent, or for other reasons.

### **Salary Rate Adjustment**

#### **Promotion**

An employee who is promoted shall receive a salary adjustment within the salary range of the new position that does not exceed the maximum salary rate established for the new position and as determined by the College President. If no salary range has been predetermined, the appropriate vice president shall make a salary recommendation to the College President for approval.

#### **Reassignment**

An employee who is reassigned from one position to another position of the same or substantially similar responsibility or complexity of duties in the same salary range is not eligible for a salary increase.

#### **Demotion**

Upon demotion, an employee's salary shall be adjusted to an appropriate level within the new salary range as determined by the College President. The new pay rate shall be determined by consideration of the circumstances related to the demotion, the employee's employment record, and job performance.

### **Authority and Approval**

All promotions, reassignments, or demotions must be requested and approved on a form provided by the College District.

### **Temporary Assignments**

Assuming other duties for a temporary period does not constitute a promotion, a reassignment, or a demotion and, generally, would not entitle the employee to additional or less compensation. However, individuals placed in an acting status or who are required to assume significant additional responsibilities for an extended period may be entitled to a temporary salary increase upon approval by the College President.

## **Student Complaints**

### [Policy 3313](#)

In accordance with Board [Policy 3313](#), Students at South Texas College have the right to file a complaint when they believe that they were unjustly or improperly treated by the College, College employees, or other students.

The College will not retaliate against any student for filing a complaint in “good faith.” The college does not require students to follow the chain of command prior to filing a complaint with the Office of Human Resources.

A student wishing to file a complaint may complete the Complaint Form on the File A Report page located at <https://www.southtexascollege.edu/report/index.html>

Complaints pertaining to employees (Faculty and Staff), vendors, and visitors will be forwarded directly to the Office of



Human Resources for review and investigation. All questions or concerns pertaining to complaints against employees (Faculty and Staff), vendors, and visitors, should be referred to the Employee Relations Office at 872-3646 or 872-3805, including questions about the steps in the complaint process.

A student wishing to file a complaint against a student may complete the form by clicking on the following link: <https://www.southtexascollege.edu/report/index.html>. The procedures for filing a complaint against a student are outlined under the Complaint Procedures section in the Student Handbook. All questions or concerns pertaining to complaints against students please call the Office of Student Rights and Responsibilities and request to speak to a student conduct representative at 956-872- 2180.

For more information about complaints about discrimination, please refer to the College’s Non-Discrimination Policy:

<https://www.southtexascollege.edu/about/notices/notice-of-non-discrimination.html>

A separate procedure is in place for students who wish to appeal a course grade or other academic issue. These procedures were developed in accordance with Board [Policy 3312](#) and may also be found in the Student Handbook.

For more information about complaints involving sexual harassment, please refer to the College’s Title IX page:

<https://www.southtexascollege.edu/about/notices/title-ix.html>

## **TITLE IX Complaint and Grievance Procedures**

### **[Policy 4216](#)**

#### **Purpose**

South Texas College is committed to providing an environment that respects the dignity and worth of every member of its community. Members of the campus community are entitled to an educational, learning, and working environment free of harassment, discrimination, sexual misconduct, and retaliation. To ensure compliance with federal and state civil rights laws and College policies, the College has developed internal policies that will provide a supportive process for individuals who report harassment, discrimination, sexual misconduct, and retaliation.

#### **Informal and Formal Complaint Intake**

OFFICE OF STUDENT RIGHTS AND RESPONSIBILITIES AND/OR TITLE IX COORDINATOR

1. Complaints Against Student(s)
2. Non-Complaints Incidents Against Student(s)

OFFICE OF HUMAN RESOURCES and/or TITLE IX COORDINATOR

3. Complaints Against Employee(s), Visitor(s), or Vendor
4. Non-Complaint Incidents Against Employee(s), Visitor(s), or Vendor

SOUTH TEXAS COLLEGE DEPARTMENT OF PUBLIC SAFETY and/or TITLE IX COORDINATOR

5. Complaints Against Student(s), Employee(s) or Community Member(s) Non-Complaints Against Student(s),

## **Procedures**

This process involves a prompt preliminary inquiry to determine if the case falls under Title IX. If so, the College will initiate an investigation that is thorough, reliable, impartial, prompt and fair. This investigation determines whether the College nondiscrimination policy has been violated. If so, the College will promptly implement an effective remedy designed to end the discrimination, prevent its recurrence and address its effects. The College aims to bring all allegations to a resolution as promptly as possible.

The Title IX Coordinator or Title IX Deputy Coordinator engages in a preliminary inquiry, with notice to the parties. Immediate interim actions may be considered and be granted as deemed necessary. The investigation may lead to informal and formal resolution options. In some cases, the allegation can lead to a formal investigation. Investigations are conducted in a reasonable timeframe, depending on the nature and complexity of the allegations. The parties are regularly apprised of the status as the investigation unfolds.

## **Procedures for Students**

### **A. Informal Resolution Procedures for Students**

Informal resolution is an alternative to the formal complaint resolution process. The Title IX Coordinator or Title IX Deputy Coordinator will determine if informal resolution is appropriate, based on the willingness of all parties and the nature of the alleged conduct.

If a decision on the allegation is made and the finding is that the responding party is not responsible for violating the Code of Student Conduct, the Administrative Student Conduct Process will end. The reporting party may request that the Dean of Students, Office of Student Conduct and/or the Title IX Coordinator reopen the investigation and/or grant a hearing. This decision will be at the discretion of the Dean of Students, Office of Student Conduct and/or the Title IX Coordinator and will only be granted for extraordinary cause. If the College's finding is that the responding party is in violation, and the responding party accepts this finding, the College considers this an "uncontested allegation." The administrator conducting the Initial Inquiry and Informal Resolution Conference will then determine the sanction(s) for the misconduct, which the responding party may accept or reject. If accepted, the process ends. For Conduct Sanction Review Appeal Panel, refer to Appeal/ Sanctions Review Process.

If the administrator conducting the Initial Inquiry and Formal Resolution Conference determines that it is more likely than not that the alleged student is in violation, and the alleged student rejects that finding in whole or in part, then it is considered a contested allegation and the process moves to the next phase of the Administrative Student Conduct Process.

### **B. Informal Resolution Procedures for Students**

#### **a) Complaint Intake**

Following receipt of notice or a complaint, the Title IX Coordinator or Deputy Coordinator will make an initial determination as to whether the information has merit to reasonably indicate there may have been a violation of College policy.

The following are recommended elements of a report:

1. Detailed explanation of the alleged incident(s) (e.g.: who, what, when, where, and how it occurred);
2. Any supporting documentation and evidence;
3. Name and all contact information for the reporting party;
4. Clear demonstration of all informal efforts, if any, to resolve the issue(s) with the person involved and the person's supervisor;
5. This includes names, dates and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort;
6. If the investigator cannot contact the person involved and/or the supervisor, the reporting party should state the reasons why.

The Office of Student Rights and Responsibilities has primary authority and responsibility for the administration of student discipline.

Title IX complaints refer to [Policy 4216: Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited](#). Non-Title IX complaints will follow [Policy 3313: Student Grievance and Complaint](#).

#### **b) Notice of Allegations**

Once an investigator has been assigned, written notice of the allegations will be provided to the parties involved.

#### **c) Interim Action**

The College may implement interim actions upon notice of alleged harassment, discrimination, sexual misconduct, and/or retaliation and will take additional prompt remedial action with respect to any member of the South Texas College Community (employee, student, guest, vendor, or visitor) who has violated this policy. Interim actions include but are not limited to: no contact directives, no trespass notices, providing counseling and/or medical services, academic support, providing a campus escort, academic or work schedule and assignment accommodations, safety planning, and referral to campus and community resources.

The College may suspend, on an interim basis, a student or student organization by imposing restrictions (Code of Student Conduct) pending the completion of the investigation and procedures. In cases in which an interim suspension is imposed, student or student organization, will be given the opportunity to meet with an appropriate administrator prior to such action being imposed, or as soon thereafter as reasonably possible, to show cause why the action should not be implemented. Violation of interim provisions will be grounds for disciplinary action.

#### **d) Investigation Process**

Investigations will be thorough, reliable, and impartial. The Student Rights and Responsibilities Investigator/Title IX Investigator will take the following steps, as applicable:

1. Initiate any necessary remedial actions, when appropriate, on behalf of the parties, in consultation with the Director of Student Rights and Responsibilities;

2. Determine the identity and contact information of the parties;
3. Conduct an immediate preliminary inquiry to identify an initial list of all policies that may have been violated, to review the history of the parties, the context of the incident(s), any potential patterns and the nature of the allegations;
  - If the reporting party is reluctant to pursue the allegations, determine whether the allegations should still be pursued and whether sufficient independent evidence could support the allegations without the participation of the reporting party in the investigation;
  - Notify the reporting party of whether the College intends to pursue the allegations regardless of their involvement, and inform the reporting party of their rights in the process and option to become involved if they so choose;
  - The preliminary inquiry shall be completed in reasonable amount of time.
4. If indicated by the preliminary inquiry and authorized by the Title IX Deputy Coordinator or Director of Student Rights and Responsibilities, conduct a comprehensive investigation to determine if there is reasonable cause to believe that the responding party violated the South Texas College Code of Student Conduct or other College policy, and to determine what specific policy violations should be addressed;
  - If there is insufficient evidence through the investigation to support reasonable cause, the investigation will be closed with no further action;
  - If reasonable cause is found, the process will continue.
    - Meet with the reporting party to take or finalize a statement, which will be drawn up by the investigator as a result of this meeting, or submitted electronically by the reporting party if they do not wish to be interviewed;
    - Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party. The responding party will usually be given at least 48 hours advance notice of an investigation interview, unless an exigency requires less notice or no notice, as in the case of potential destruction of evidence.
  - Prepare the notice of alleged policy violation(s) and a summary of the allegations, on the basis of the reasonable cause determination. This notice may be delivered prior to, during, or after the responding party is interviewed, at the discretion of the investigator(s), but with a preference for delivery prior to the interview, where possible.
  - Interview all relevant witnesses, summarize the information they are able to share, and have each witness sign the summary to verify its accuracy or submit their statement electronically;
  - Obtain all documentary evidence and information that is available;

- Obtain all physical evidence that is available;
- Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline;
- Make a recommended finding, based on the Preponderance of the Evidence whether a policy violation is More Likely Than Not;
- Draft a comprehensive report of the investigation;
- Share the report with the parties, typically giving them 48 hours to respond in person or in writing to the information in the report;
- The investigator may include all information pertaining to the investigation and allow all parties to respond, incorporating all responses into the final report;
- Once finalized, present the investigation report and recommended findings to the responding party, who may:
  - accept the recommended findings,
  - accept the recommended findings in part and reject them in part, or
  - reject all recommended findings;
- If the recommended findings are accepted, they become final. If the findings are fully or partially rejected, the procedures for a hearing, below, will commence;
- A reporting party may make a request that the Director of Student Rights and Responsibilities or Title IX Coordinator require a hearing if a finding of no violation has been recommended, but that request will only be granted under extraordinary circumstances at the sole discretion of the appropriate administrator. Otherwise, the determination of the investigation that there is no violation is final;
- Share the recommended findings and update the reporting party on the status of the investigation and the outcome;
- If findings are accepted, and a policy violation(s) has been found, the investigator will recommend sanction(s). If the sanctions are accepted, they become final, subject to any appeal of sanctions that may be requested;
- If the recommended sanctions are rejected fully or in part, a sanction hearing will be held in accordance with the procedures outlined, below;
- The investigator will provide the investigative summary report to the Title IX Coordinator for review and evaluation. The Dean of Student Affairs, Student Conduct Panel or designee will determine policy violations based on a preponderance of the evidence standard (whether a policy violation is more likely than not) and sanctions.

**e) Investigation Party Withdrawal**

Should a responding student(s) decide to withdraw from the College and/or not participate in the investigation and/or hearing, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student(s) will not be permitted to return to the College unless any and all sanctions have been completed. The Title IX Coordinator or Title IX Deputy Coordinator will continue to monitor and evaluate the effects of the remedied conduct upon the victim and the community.

**f) Investigation Findings**

Upon the completion of the investigative report, Director of Students Rights and Responsibilities will forward it to the Dean of Student Affairs or designee for an appropriate hearing per Code of Student Conduct procedures. Following the hearing, the decision of whether a policy violation has occurred will be determined by using a preponderance of the evidence standard. A finding of a policy violation by a preponderance of the evidence means that it is more likely than not that the policy violation occurred. If, following the hearing, the decision is that no policy violation has occurred the process will end.

Regardless of the outcome, the complainant, the respondent, and the Title IX Coordinator or Title IX Deputy Coordinator will be notified of the finding in writing. If, following a hearing, the student(s) is found to have violated College policy, appropriate disciplinary sanctions will be determined after consultation with the Title IX Coordinator. The Dean of Student Affairs (or designee) will notify the respondent, the complainant, and the Title IX Coordinator in writing of the Dean of Student Affairs' decision. Appropriate administration officials along the proper chain-of-command will also be notified.

**g) Notification of Investigative Findings**

If it is found there is a violation of College policy, the Office of Student Rights and Responsibilities will impose appropriate sanctions for the violation, after consultation with the Title IX Coordinator and or Title IX Deputy Coordinator. The College will act to end the sexual misconduct, gender discrimination or retaliation, prevent its recurrence, and remedy its effects on the victim and the College community. In the event that the accused individual rejects the findings in part or entirely, the Office of Student Rights and Responsibilities will convene a hearing under its respective procedures to determine whether the accused individual is in violation of the contested aspects of the complaint. At the hearing, the findings of the investigation will be admitted, but are not binding on the decider(s) of fact.

The investigative officer(s) may give evidence. The hearing will determine whether it is more likely than not that the accused individual violated the policies forming the basis of the charge. The goal of the hearing is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants. The Office of Student Rights and Responsibilities has final decision-making authority with regard to formal complaints, subject to appeal. Where an accused individual is found in violation, preferably in the form of a recommendation of finding and sanction to the Dean of Students Affairs, the Office of Student Rights and Responsibilities will impose appropriate sanctions for the violation, after consultation with the Title IX Coordinator and Title IX Deputy Coordinators. The College will act to end the sexual misconduct, gender discrimination, retaliation or harassment, prevent its recurrence, and remedy its effects on the victim and the College community. Appeal proceedings will apply to all parties to the complaint.

#### **h) Sanctions**

Sanctions will be reviewed by the Title IX Committee after meeting with the appropriate administration officials along the chain-of-command.

Sanctions for student(s) who has violated this policy may include: verbal or written warning, restitution, probation, community service, loss of privileges, confiscation of prohibited property, behavioral requirement, educational program, campus or academic reassignment, suspension, expulsion, eligibility restriction, delayed conferral of degree, strike or ban, mental health assessment and/or mandatory treatment, withholding of official transcript, degree, or certificate, withdrawal from a course, and supervision plan or Case Management

Plan in accordance with the following student code:

- Code of Student Conduct (refer to Code of Conduct for definition of sanctions)
- [Policy 3650: Student Conduct and Discipline](#)

#### **i) Failure to Complete Sanctions**

All respondents are expected to comply with sanctions within the timeframe specified in their written notice. Failure to follow through on sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and/or suspension, expulsion, and/or termination from the College. Failure to comply may result in a hold being placed on their records to prevent registration and graduation.

#### **j) Additional Remedial Actions**

In addition to the interim actions outlined above, the Title IX Coordinator or Title IX Deputy Coordinator may provide remedial actions intended to address the short or long-term effects of sexual misconduct, gender discrimination, and/or retaliation. That is, remedial actions may be taken at the conclusion of the process in addition to any actions that may have been taken on an interim basis, in order to redress harm to the complainant and the community and to prevent further harassment or violations. Remedial actions may also be used when, in the judgment of the Title IX Coordinator or Title IX Deputy Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on campus of the respondent or the ongoing activity of a student organization whose behavior is in question. These remedies may include, but are not limited to, referral to counseling and health services, education to the community, altering work arrangements, providing campus escorts, implementing contact limitations between the parties, or offering adjustments to academic deadlines and/or course schedules.

#### **k) Participation of Advisors**

All parties may select to have an advisor(s) of their choice to guide and accompany them throughout the campus resolution process. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is both eligible and available. People who will be called as witnesses may not serve as advisors.

The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews, hearings and appeals. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The College cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide one.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not present on behalf of their advisee in a meeting, interview or hearing and should request or wait for a break in the proceeding if they wish to interact with campus officials. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given a timely opportunity to meet in advance of any interview or hearing with the administrative officials conducting that interview or meeting. This pre-meeting will allow advocates to clarify any questions they may have, and allows the College an opportunity to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with the College investigation and resolution. Any advisor who steps out of their role in any meeting under the campus resolution process will be warned. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator or a Title IX Deputy Coordinator will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The College provides the documentation related to the allegations and a consent form that authorizes such sharing. The parties must complete this form before the College is able to share records with an advisor.

The parties are not otherwise restricted from discussing and sharing information relating to allegations with others who may support them or assist them in preparing and presenting. Advisors are expected to maintain the privacy of the records shared with them by the College. These records may not be shared with 3rd parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

The College expects an advisor to adjust their schedule to allow them to attend College meetings when scheduled. The College does not change scheduled meetings to accommodate an advisor's inability to attend. The College will, however make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process, and is not locked into using the same advisor throughout.

#### **l) Appeals**

All sanctions originally imposed will be in effect during the appeal.

Requests for appeal considerations must be submitted in writing to the Vice President for Student Affairs and Enrollment Management or designee as stipulated under the Code of Student Conduct.

#### **m) False Complaints, Testimony, and/or Evidence**

Any person who knowingly and intentionally files a false complaint, testimony and/or evidence is subject to disciplinary action up to and including dismissal or expulsion from the College, in accordance with existing policies.



## **Procedures for Employees (Faculty and Staff)**

### **A. Informal Resolution Procedures for Employees**

Informal resolution is an alternative to the formal complaint resolution process. The Title IX Coordinator or Title IX Deputy Coordinator will determine if informal resolution is appropriate, based on the willingness of all parties and the nature of the alleged conduct.

If an allegation includes actions that involve criminal activity and/or sexual assault, reports will be coordinated by the Title IX Coordinator or Title IX Deputy Coordinator; these types of allegations would not be mediated. Individuals are strongly encouraged to also file a report with South Texas College Department of Public Safety. An employee who is aware of a possible criminal violation, including sexual assault, must submit the information to South Texas College Department of Public Safety.

Informal resolution is provided only at the election and agreement of both parties. It is not necessary to pursue informal resolution first in order to make a formal complaint, and anyone participating in informal resolution can stop that process at any time and request to continue through the formal process.

Examples of informal resolutions could be:

- Informal Meetings
  - Informal unstructured discussion between parties (complainant/ respondent) with an HR representative, or other third-party representation, if requested.
- Mediation
  - Formal structured discussion between parties (complainant/respondent) conducted by a Mediator.

### **B. Formal Resolution Procedures for Employees**

#### **a) Complaint Intake**

Following receipt of notice or a complaint, the Title IX Coordinator or Deputy Coordinator will make an initial determination as to whether the information has merit to reasonably indicate there may have been a violation of College policy.

The following are recommended elements of a report:

1. Detailed explanation of the alleged incident(s) (e.g.: who, what, when, where, and how it occurred);
2. Any supporting documentation and evidence;
3. The desired remedy (interim sanction) sought;
4. Name and all contact information for the reporting party;
5. Clear demonstration of all informal efforts, if any, to resolve the issue(s) with the person involved and the person's supervisor;
6. This includes names, dates and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort;

7. If the investigator cannot contact the person involved and/or the supervisor, the reporting party should state the reasons why.

Upon receipt of a complaint, the Office of Human Resources will open a formal case file and assign a Title IX Investigator or Title IX Deputy Coordinator who will direct the investigation. The Title IX Coordinator or Title IX Deputy Coordinator may impose interim actions, provide resources for the parties involved, or other necessary remedies.

Title IX complaints refer to [Policy 4216: Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited](#). Non-Title IX complaints will follow [Policy 4904: Employee Complaint Procedure](#).

#### **b) Notice of Allegations**

Once an investigator has been assigned, written notice of the allegations will be provided to the parties involved. If the respondent is an employee, the written notice will be copied to the employee's Supervisor, Director, or Dean.

#### **c) Interim Action**

The College may implement interim actions upon notice of alleged harassment, discrimination, sexual misconduct, and/or retaliation and will take additional prompt remedial action with respect to any member of the South Texas College Community (employee, student, guest, vendor, or visitor) who has violated this policy. Interim actions include but are not limited to: no contact directives, no trespass notices, providing counseling and/or medical services, academic support, providing a campus escort, academic or work schedule and assignment accommodations, safety planning, and referral to campus and community resources.

The College may suspend, or place an employee on administrative leave as per [Administrative Regulations: Disciplinary Action Procedures](#) pending the completion of the investigation. Violation of interim provisions will be grounds for disciplinary action.

#### **d) Investigation Process**

Investigations will be thorough, reliable, and impartial. The investigator takes the following steps as applicable:

1. Determine the identity and contact information of the relevant parties;
2. Conduct an immediate preliminary inquiry to determine if there is reasonable cause to support a potential policy violation;
3. Upon preliminary inquiry, case is staffed with Title IX Committee for review;
4. Commence a thorough, reliable and impartial investigation if indicated by the preliminary inquiry and as authorized by the Title IX Coordinator and/or the Title IX Deputy Coordinator;
5. Prepare the notice of allegations on the basis of the initial investigation;
6. Interview the complainant(s) and respondent(s);
7. Interview the witness(es) if available and as necessary;
8. Request written statements from complainant(s), respondent(s), and witness(es);

9. Obtain any documentary or physical evidence and information that is available;
10. Make a recommended finding, based on the Preponderance of the Evidence;
11. The investigator will provide the investigative summary report to the Title IX Coordinator or Title IX Deputy Coordinator who will then meet with the appropriate administration officials along the chain-of-command to determine policy violations based on a preponderance of the evidence standard (whether a policy violation is more likely than not) and sanctions;
12. Provide the findings and outcome to the complainant and the respondent.

If employee (staff/faculty) is found in violation of [Policy 4216: Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited](#), refer to [Administrative Regulation: Disciplinary Action Procedures](#). If there is insufficient evidence to support reasonable cause, the complaint will be closed. If the respondent is found not responsible for the alleged violation(s), the investigation will be closed.

**e) Resignation During Investigation Process**

Should a responding employee resign while investigation is pending, the investigation report will reflect that status. Should an employee elect not to participate in the investigation and/or hearing, the process will nonetheless proceed in the employee’s absence to a reasonable resolution based on the Preponderance of the Evidence.

**f) Investigation Findings**

Upon receipt of the investigative report, the Title IX Coordinator or Title IX Deputy Coordinator will determine if policy has been violated by using a preponderance of the evidence standard. Regardless of the outcome, the complainant and the respondent will be notified of the finding in writing. Appropriate administration officials along the proper chain-of-command will also be notified.

**g) Notification of Investigative Findings**

If it is found there is a violation of College policy, the Office of Human Resources and the appropriate chain of command, including Title IX Coordinator, will impose appropriate sanctions for the violation. The College will act to end the sexual misconduct, gender discrimination, harassment, or retaliation, prevent its recurrence, and remedy its effects on the victim and the College community.

**h) Sanctions**

Sanctions will be reviewed by the Title IX Committee after meeting with the appropriate administration officials along the chain-of-command. Sanctions for an employee who has violated this policy may include, but are not limited to: counseling, verbal warning, required training, written reprimand, conduct and performance improvement plan, reassignment, suspension with or without pay, and termination in accordance with the following policies:

1. [Policy 4118](#): Provision of Letter of Appointment: Faculty, Administrative, or Executive Employee
2. [Administrative Regulation: Standards of Conduct](#)
3. [Administrative Regulations: Disciplinary Action Procedures](#)

## **Failure to Complete Sanctions**

All respondents are expected to comply with sanctions within the timeframe specified in their written notice. Failure to follow through on sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and/or suspension, expulsion, and/or termination from the College.

### **i) Additional Remedial Actions**

In addition to the interim actions outlined above, the Title IX Coordinator or Title IX Deputy Coordinator may provide remedial actions intended to address the short or long-term effects of sexual misconduct, gender discrimination, and/or retaliation. That is, remedial actions may be taken at the conclusion of the process in addition to any actions that may have been taken on an interim basis, in order to redress harm to the complainant and the community and to prevent further harassment or violations. Remedial actions may also be used when, in the judgment of the Title IX Coordinator or Title IX Deputy Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on campus of the respondent or the ongoing activity of a student organization whose behavior is in question. These remedies may include, but are not limited to, referral to counseling and health services, education to the community, altering work arrangements, providing campus escorts, implementing contact limitations between the parties, or offering adjustments to academic deadlines and/or course schedules.

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#### **k) Appeals**

All sanctions originally imposed will be in effect during the appeal.

Requests for appeal considerations must be submitted in writing as stipulated under [Policy 4904](#) Employee Complaint Procedures, [Policy 4118](#) Provisions of Letter of Appointment: Faculty, Administrative, or Executive Employees, [Administrative Regulations: Disciplinary Action Procedures](#) and as below.

The following are grounds for appeal:

- 1) A substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
- 2) To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
- 3) The sanctions imposed fall outside the range of sanctions designated for this offense and the cumulative conduct history of the responding party.

#### **l) False Complaints, Testimony, and/or Evidence**

Any person who knowingly and intentionally files a false complaint, testimony and/or evidence is subject to disciplinary action up to and including dismissal or expulsion from the College, in accordance with existing policies.

##### **Criminal Complaints:**

For criminal complaints, the complainant may elect to press charges against the perpetrator.

## **CONTACT INFORMATION**

***Title IX & 504 Coordinator Todd C. Nelson, J.D.***

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## **Separation of Employment and Re-Employment**

### **Policy 4922**

#### **Separation of Employment**

Employees voluntarily separating from employment with the College are expected to give advance written notice to their supervisor and the Office of Human Resources to allow for an orderly transition of work activities and to be eligible for consideration of re-employment with the College.

**Executive and Administrative** staff are required to continue employment for the duration specified in their letter of appointment.

To remain in good standing at the end of the appointment period, an Executive or Administrative staff member employed under a Letter of Appointment, shall be required to submit a written notice of separation of employment with the Office of Human Resources and the appropriate supervisor not later than the 45th day before the last effective date of appointment, not including vacation days and scheduled non-working days as listed on the Academic Calendar approved by the Board of Trustees.

Executive and Administrative staff may submit advance written notice requesting to be released from their appointment. Approval of release of appointment must be obtained from the appropriate supervisor (s), the Director of Human Resources, and the President.

#### **Faculty**

To resign in good standing, a Faculty Member employed under a Letter of Appointment shall be required to file a written resignation with the Office of Human Resources or the President's designee not later than the 45th day before the first day of instruction of the following academic year. A written resignation mailed by prepaid certified or registered mail to the Office of Human Resources, the President or the President's designee at the post office address of the College is considered filed at the time of mailing.

A Faculty Member employed under a Letter of Appointment may request a release from the Letter of Appointment in good standing at any other time with the consent of the President or the President's designee. A Faculty Member who does not resign in good standing shall not be eligible for re-employment.

**Professional/Technical Support employees** are expected to provide advance written notice of at least thirty (30) calendar days, not including vacation days and scheduled non-working days as listed on the Board-approved Academic Calendar, prior to the effective date of separation. A reduced minimum notice of not less than fifteen (15) calendar days may be approved by the immediate supervisor and appropriate financial manager.

**Classified employees** are expected to provide notice of at least ten (10) calendar days, not including vacation days and scheduled non-working days as listed on the Board-approved Academic Calendar, prior to the effective date of separation.

**Part Time Direct Wage employees** are expected to provide a notice of at least five (5) calendar days, prior to the effective date of separation.

Employees planning to retire with the College must provide advance written notice of at least forty-five (45) calendar days, not including vacation days and scheduled non-working days as listed on the Board-approved Academic Calendar, prior to the effective date of separation.

### **Re-Employment of Retirees**

An employee of the College who has retired under the Teacher Retirement System (Subtitle C, Title 8, Government Code) or the Optional Retirement Program (Chapter 830, Government Code) may be re- hired if:

- 1) The person has been retired for at least 30 calendar days before the effective date of the employment; and
- 2) The person is eligible for reemployment

### **Eligibility for Re-Employment**

Employees failing to comply with the provision of appropriate advance written notice as stated above and/or who fail to be approved for release from their appointment will not be eligible for re- employment with the College.

On the last day of work, an employee shall complete the exiting clearance procedures through the Office of Human Resources.

## **Campus Clearance**

### Administrative Regulation

All employees terminating employment with South Texas College must accomplish a Campus Clearance prior to the final day of departure and receipt of final pay. It is the responsibility of the terminating faculty or staff member to obtain an Employee Clearance Form from the Office of Human Resources. The terminating employee must secure a release from the employee's department and other departments listed on the clearance form. The final step in the clearance procedure is a meeting with an Office of Human Resources representative.

## **Employee Benefits**

### **Eligibility for Employee Benefits**

#### Administrative Regulation

All regular employees and full-time faculty are benefit eligible and must be employed to work at least 20 hours per week for a period of at least 4 and one-half (4.5) months excluding students employed in positions which require student status as a condition of employment.

Full-time faculty members are benefit eligible for the fiscal year; however, sick leave accrual is limited to the duration of their appointment to work.

Full-time faculty members who have been granted appointments for nine (9) months and have gained approval from the Vice President for Academic Affairs for payment over nine (9) months are responsible to provide payment for their medical benefits for the remaining three (3) months. This arrangement must be coordinated with the Human Resources Benefits Coordinator prior to the end of the nine (9) month appointment.

Adjunct faculty members are not eligible for benefits.

## **Board Approved Work Schedules (i.e., Four-and-a-half-day work week)**

It is important to keep in mind the needs of the College when determining work schedules. Supervisors have the discretion to approve a workweek schedule that does not align with one of the four (4) Board Approved work schedules. As such, the four-and-a-half-day workweek schedule may not apply to all positions.

### **Leaves and Absences**

#### DEC (Local)

For College District contribution to employee insurance during leave, see CKD(LOCAL). For additional provisions addressing the Family and Medical Leave Act (FMLA), see DECA(LEGAL).

### **Leave Administration**

#### DEC (Local)

The College President or designee shall develop administrative regulations associated with employee leaves and absences and ensure the procedures are used to implement the provisions of this policy.

### **Definitions**

#### Immediate Family

The term “Immediate family” is defined as:

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward.
3. Parent, stepparent, or parent-in-law.
4. Sibling, stepsibling, and sibling-in-law.
5. Grandparent and grandchild.

For purposes of the FMLA, the definitions of spouse, parent, son or daughter, and next of kin are found in DECA(LEGAL).



### Family Emergency

The term “family emergency” shall be limited to catastrophic illness or injury involving the employee or a member of the employee’s immediate family.

### Leave Day

A “leave day” for purposes of use, or recording of leave shall mean the number of hours per day equivalent to the employee’s usual assignment, whether full-time or part-time.

### Academic Year

An “academic year” for purposes of earning, use, or recording of leave shall mean the term of an employee’s annual employment as set by the College District for the employee’s usual assignment, whether full-time or part-time.

### Catastrophic Illness or Injury

A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee’s immediate family that requires treatment by a licensed physician for a prolonged period of time. An illness or injury is considered severe if it requires prolonged hospitalization or recovery or is expected to result in disability or death. Conditions relating to pregnancy or childbirth shall be considered catastrophic if they meet the requirements of this paragraph.

## **Earning Leave**

### DEC (Local)

An employee shall not earn any form of paid leave when absent from official duty for 30 consecutive days or more.

## **Deductions**

### DEC (Local)

### **Leave without Pay**

The College District shall not approve paid leave for more leave days than have been accumulated, to date. Any unapproved absences or absences beyond accumulated and available paid leave shall result in deductions from the employee’s pay.

### **Leave Proration- Employed for Less Than Full Year**

If an employee separates from employment with the College District, paid leave shall be prorated based on the actual time employed.

If an employee separates from employment with the College District, the employee’s final paycheck shall be reduced for paid leave the employee used, but had not earned, as of the date of separation.

### **Leave Proration- Employed for Full Year**

If an employee uses more paid leave than he or she earned and remains employed with the College District through the last work-day of the academic year, the College District shall deduct the cost of the excess leave days from the

employee's pay in accordance with administrative regulations.

## Medical Certification

### DEC (Local)

An employee shall submit medical certification and/or documentation of the need for leave if:

1. The employee is absent more than three consecutive work- days because of personal illness or illness in the immediate family;
2. The College District requires medical certification due to a questionable pattern of absences or when deemed necessary by the executive director of human resources and talent development or designee; or
3. The employee requests FMLA leave for the employee's serious health condition; for a serious health condition of the employee's spouse, parent, or child; or for military caregiver leave.

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]

## Sick Leave

### DEC (Local)

Each full-time employee shall earn eight hours of paid sick leave per month. Each eligible part-time employee shall earn sick leave on a prorated basis.

Part-time employees will accrue sick leave as follows:

- 1-19 regular weekly scheduled hours – 0 hours accrual
- 20-30 regular weekly scheduled hours – 4 hours accrual/month
- 31-39 regular weekly scheduled hours – 6 hours accrual month

Sick leave shall accumulate to a maximum of 720 hours.

Sick leave shall only be used for the following:

1. Illness of the employee.
2. Illness of a member of the employee's immediate family.
3. Family emergency.
4. Birth or placement of a child when taken within the first year after the child's birth, adoption, or foster placement.
5. Donation to a sick leave pool.
6. Religious holiday.

## Catastrophic Sick Leave Pool

### DEC (Local)

A sick leave pool member who has exhausted all paid leave and who suffers a catastrophic illness or injury or whose immediate family member suffers a catastrophic illness or injury may request sick leave pool hours.

The sick leave pool benefits shall cease when the employee no longer needs leave for the purpose requested, or when the employee exhausts the maximum number of days allowed under the pool, or exhausts all leave days which the

employee has donated to the sick leave pool, whichever is greater.

The College President or designee shall develop regulations for the implementation of the sick leave pool that address the following:

- a. Procedures to request the establishment of a sick leave pool;
- b. Eligibility requirements for obtaining sick leave days from the sick leave pool;
- c. The maximum number of days an employee may donate to a sick leave pool; and
- d. The maximum number of days an eligible employee may receive from a sick leave pool.

#### Appeal

An employee may appeal a decision regarding the establishment or implementation of the College District's sick leave pool in accordance with DGBA(LOCAL), beginning with the College President or appropriate administrator.

## **Catastrophic Sick Leave Pool Procedures**

### Administrative Regulation

#### **I. PURPOSE**

The purpose of the Catastrophic Sick Leave Pool is to provide additional Catastrophic Sick leave to eligible South Texas College (STC) employees who experience catastrophic illness or injury. This Pool is established by College Policy DEC (Local) and subject to the terms outlined in this procedure.

#### **II. ELIGIBILITY**

Participation in the Catastrophic Sick Leave Pool is on a voluntary basis. In order to be a member of the Catastrophic Sick Leave Pool, the STC employee must be:

1. A full-time benefit eligible employee who accrues Catastrophic Sick leave in accordance with STC Policy; and
2. Has completed 12 continuous calendar months of employment with STC; and
3. Has a minimum accrued Catastrophic Sick leave balance of 48 hours at the time of the annual enrollment period.

Members may cancel their participation at any time by giving written notice to the Catastrophic Sick Leave Pool administrator; however, Catastrophic Sick leave hours contributed to the Catastrophic Sick Leave Pool will not be restored to the member upon cancellation.

#### **III. ENROLLMENT PERIOD**

Enrollment periods will be held twice a calendar year

April 1st – April 30th

&

October 1st – October 31st

Members shall be considered enrolled on the first day of the month following the end of the enrollment period.

#### IV. MEMBERSHIP REQUIREMENTS

***Initial Enrollment:*** Upon initial enrollment, the employee will contribute a minimum of 24 hours of their individual accrued Catastrophic Sick leave to the Catastrophic Sick Leave Pool.

Employees who have reached the maximum number of Sick leave hours in accordance with STC Policy are encouraged to donate their annual number of accrued Sick leave. Catastrophic Sick Leave Pool members who wish to continue participation will be required to donate eight hours of accrued Catastrophic Sick leave during one of the enrollment periods in April or October of each calendar year.

Once enrolled, continuing members shall not be required to maintain a minimum individual accrued Catastrophic Sick leave balance.

***Continuing Membership:*** Continuing Catastrophic Sick Leave Pool members who do not have the eight hours of Catastrophic Sick leave needed to renew their participation shall be granted a grace period of 30 days and will donate their next eight hours of accrued Catastrophic Sick leave. The Office of Human Resources will monitor the records of individuals who have been granted a grace period for donating the eight hours of Catastrophic Sick leave and will update their records automatically once the hours are accrued. A continuing member who does not have the adequate Catastrophic Sick leave time within the 30-day grace period may donate accrued in lieu of Catastrophic Sick leave. If the continuing member does not have the adequate Catastrophic Sick or vacation leave, the individual will forfeit participation for the next six months until the next enrollment period. The subsequent enrollment period the individual may donate the eight hours required for continuing members and reactivate his or her participation in the Catastrophic Sick Leave Pool

***Members on Approved Catastrophic Sick Pool Leave:*** Members of the Catastrophic Sick Leave Pool who are on approved Catastrophic Sick leave received from the Catastrophic Sick leave pool during bi-annual enrollment period shall not be required to donate the required eight hours of Catastrophic Sick leave to the pool for that enrollment period. However, the member shall be required to donate eight hours of accrued Catastrophic Sick leave for all future enrollment periods if he/she wishes to continue as an active member of the Catastrophic Sick Leave Pool. All time contributed to the Catastrophic Sick Leave Pool is nonrefundable.

#### V. ADMINISTRATION OF CATASTROPHIC SICK LEAVE POOL

***Sick Leave Pool Administrator:*** The President of the College has designated the Executive Director of Human Resources and Talent Development as the Catastrophic Sick Leave Pool Administrator. The Catastrophic Sick Leave Pool Administrator adopt forms, procedures, and regulations for the administration of this policy. The decision of the Catastrophic Sick Leave Pool Administrator to approve or deny a request for Catastrophic Sick leave assistance will be final and binding.

***Catastrophic Sick Leave Pool Minimum Balance:*** Every March, the Catastrophic Sick Leave Pool Administrator will determine the amount of Catastrophic Sick leave contributions it projects is necessary to maintain the Catastrophic Sick Leave Pool's minimum balance for the coming year. The Administrator shall recommend an amount greater than the actual number of Catastrophic Sick leave hours awarded to employees in the previous year. If the number of projected Catastrophic Sick leave hours is less than the total hours donated from new and continuing members, the Catastrophic

Sick Leave Pool Administrator will assess members a minimum of eight hours of Catastrophic Sick leave to a maximum of 16 hours of Catastrophic Sick leave. This time will be deducted automatically from the member's individual accrued Catastrophic Sick leave with proper notification being provided to the member. The Catastrophic Sick Leave Pool shall strive to maintain a minimum balance of 20,000 hours and may be revised to the number of employee census or employee's needs.

### **PROCESSING REQUESTS FOR CATASTROPHIC SICK LEAVE POOL TIME**

The following procedures shall be used to request sick leave pool time:

- 1) A member shall complete a Catastrophic Sick Leave Pool request form and health care provider certification form available in the Office of Human Resources. A participating member may request Catastrophic Sick leave assistance when he/she has experienced a catastrophic illness or injury, has exhausted all their paid leave entitlement, and is not eligible to apply for benefits under South Texas College's group long-term disability plan. The member's catastrophic illness or injury must be supported by a physician's statement that certifies the member's inability to work, provides a prognosis for recovery, and provides a projected time for return to work. The member must agree to provide any relevant medical information in the event verification is required by the Catastrophic Sick Leave Pool Administrator.
- 2) The completed request form should be returned to the Catastrophic Sick Leave Pool Administrator in the Office of Human Resources. The Catastrophic Sick Leave Pool Administrator or his/her designee shall verify the eligibility of the requestor.
- 3) The Catastrophic Sick Leave Pool Administrator will notify the employee of his/her decision to approve or deny the request within seven working days.
- 4) A member's request for Catastrophic Sick leave assistance will not be denied on the basis of pre-existing conditions or reapplication as long as the eligibility criteria is met at the date of each application. The Catastrophic Sick leave administrator may request recertification of the medical condition by a licensed physician as required by this procedure.

Catastrophic Sick leave assistance, if approved, may be requested all at one time or it may be requested intermittently if medically necessary. If requested intermittently, a separate request must be made each time Catastrophic Sick leave is withdrawn from the Catastrophic Sick Leave Pool and each separate request must meet the eligibility requirements specified, including medical certification. A member who applies for Catastrophic Sick leave assistance may request Catastrophic Sick leave hours a maximum amount of 240 hours (Approximately-30 business days) per catastrophic event or the total amount the employee has banked in their sick leave pool contributions, whichever is greater.

If a member withdraws Catastrophic Sick leave hours from the Catastrophic Sick Leave Pool and is certified by his/her physician to return to work before all the Catastrophic Sick leave hours have been used, the remaining balance of awarded and unused Catastrophic Sick leave hours will be returned to the Catastrophic Sick Leave Pool. If a member is not able to return to work following utilization of his/her Catastrophic Sick leave assistance time, the member may request a leave without pay absence in accordance with College Policy DEC (Local). Extended Leave without pay approval is based on the discretion of the STC President and is not a guaranteed extension.

### **PROCESSING APPROVED REQUEST**

The Catastrophic Sick Leave Pool Administrator or designee shall provide written notification to the employee informing him/her of their approved request and the amount of Catastrophic Sick leave hours to be awarded within seven work days from receipt of approved request. The notice will inform the employee with a schedule of when their first and last payment

of the awarded hours will be issued. A copy of this notification will also be provided to a Human Resources staff member for processing. The employee's Catastrophic Sick leave balance will be updated to reflect the number of hours being awarded. The balance will be reduced once a month by the number of hours required to have been worked in that month until the hours are exhausted or until such time the employee has returned to work, whichever occurs first. In the event that the employee does return to work in any capacity that makes the employee eligible to accrue Catastrophic Sick leave hours (part-time, three quarter's time, or full-time), the employee's awarded and unused Catastrophic Sick leave hours will be returned to the Catastrophic Sick Leave Pool.

The employee's pay will be calculated using the employee's current rate of pay and the number of hours required to work minus the employee's current rate of pay and the number of awarded Catastrophic Sick leave hours. The excess of awarded Catastrophic Sick leave hours not used in one month will be carried forward to the next month or until such time as the employee returns to work. A prorated payment will be issued in a month when the number of their regularly scheduled work hours exceeds the number of awarded Catastrophic Sick leave hours.

## **EMPLOYEE TERMINATIONS**

Terminated employees with unused Catastrophic Sick leave hours will have their balance donated to the Catastrophic Sick leave pool. If an employee returns to work for the College within 5 years, they can submit a request to the Catastrophic Sick Leave Pool Administrator to have the hours they have donated at termination count as credit towards the donation requirement for Catastrophic Sick Leave Pool membership.

## **CHANGE OF EMPLOYMENT STATUS**

If a member of the Catastrophic Sick Leave Pool experiences a change in employment from a full-time benefit eligible position to a non-qualifying position, he/she will be treated as an employee termination with the unused Catastrophic Sick leave hours reduced to zero and donated to the Catastrophic Sick Leave Pool. The employee's membership in the Catastrophic Sick Leave Pool will be terminated effective as of the date of the change in employment status and the employee forfeits any benefits under the Catastrophic Sick Leave Pool. If the employee status change occurs during a time the member has been approved for Catastrophic Sick leave assistance, any unused hours from the date of the change in employment status will be returned to the Catastrophic Sick Leave Pool.

## **EXCLUSIONS**

The Catastrophic Sick leave pool is not intended to be used for short-term leave due to routine and non-extraordinary illness, nor is it for time off covered by job-related injuries or illness (Worker's Compensation). Rather, it is intended to be used for prolonged catastrophic illnesses or injuries such as medically necessary surgery, illness or disability which requires hospitalization and/or convalescence or recuperation in an extended care facility or at home while under the care of a licensed physician.

In order to request Catastrophic Sick leave assistance from the Catastrophic Sick Leave Pool, the member must have exhausted all of his/her own individual Catastrophic Sick and vacation (if applicable) leave. Catastrophic Sick Leave assistance may only be used for a member's own catastrophic illness or injury or for an immediate family member as defined under Board Policy DEC (Local), which includes a son, daughter, parent or spouse of the employee.

## **REVISIONS OF PROCEDURES**

The Catastrophic Sick Leave Pool Administrator reserves the right to make changes to the procedures when a situation or event not addressed in the procedures proves necessary. Any revisions will be communicated to all existing members of the Catastrophic Sick Leave Pool in the month that the revision is made. The revisions will also be communicated to all

eligible employees on or before the next scheduled enrollment period. The revision shall be included in the College's Benefit Handbook and issued to each full-time regular employee at the start of the next fiscal year.

## DEFINITIONS

1. A "benefit eligible employee" Any full-time employee who accrues Catastrophic Sick leave, who has completed 12 calendar months of employment and has a minimum of 48 hours available Catastrophic Sick leave at the time of enrollment.
2. "Catastrophic illness or injury" A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee's immediate family that requires treatment by a licensed physician for a prolonged period of time. An illness or injury is considered severe if it requires prolonged hospitalization or recovery or is expected to result in disability or death. Conditions relating to pregnancy or childbirth shall be considered catastrophic if they meet the requirements of this paragraph.
3. "Immediate family" The term "Immediate family" is defined as:
  1. Spouse.
  2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward.
  3. Parent, stepparent, or parent-in-law.
  4. Sibling, stepsibling, and sibling-in-law.
  5. Grandparent and grandchild.

For purposes of the FMLA, the definitions of spouse, parent, son or daughter, and next of kin are found in DECA(LEGAL).

4. "Licensed practitioner" means a person who is licensed to practice in one of the health professions set forth in Paragraph (8) of Article 3.70.2 of the Texas Insurance Code.
5. "Catastrophic Sick Leave Pool Administrator" refers to the Director of Human Resources responsible for administering the Catastrophic Sick Leave Pool.
6. "Catastrophic Sick Leave Pool" or "Pool" means the accumulated Catastrophic Sick leave donated by employees for utilization in accordance with this policy.

## Leave for Certain Law Enforcement and EMS Personnel

### [DEC \(Local\)](#)

A College District peace officer or a full-time telecommunicator, as defined by law, who experiences a traumatic event in the scope of employment shall be granted a maximum of five days of mental health leave per traumatic event. Such leave shall be provided in accordance with administrative regulations and shall not be deducted from the employee's pay or leave balance.

The College President shall develop regulations regarding mental health leave that address the following:

1. Circumstances or reasons under which an eligible employee may use mental health leave;
2. Procedures for requesting mental health leave and maintaining the anonymity of the requester;
3. The administrator authorized to approve requests for mental health leave; and
4. Other procedures deemed necessary for administering this provision.

## Quarantine Leave

### DEC (Local)

A College District peace officer or an emergency medical technician on staff shall be granted quarantine leave when ordered by the local health authority and the person's supervisor to quarantine or isolate due to possible or known exposure to a communicable disease while on duty. Such leave shall be provided in accordance with administrative regulations and shall not be deducted from the employee's pay or leave balance.

The College President shall develop regulations regarding quarantine leave that address the following:

1. Continuation of all employment benefits and compensation for the duration of the leave;
2. Reimbursement for reasonable costs related to the quarantine; and
3. Other procedures deemed necessary for administering this provision.

## Line of Duty Illness or Injury Leave

### DEC (Local)

Following a leave of absence with full pay as required by law, the College District shall not extend the leave of absence for a police officer's or emergency medical services personnel's line of duty illness or injury. In accordance with law, an eligible employee may use accumulated leave.

## Vacation Leave

### DEC (Local)

Each full-time, 12-month employee, as well as each full-time child development employee, shall earn paid vacation leave in accordance with years of service and administrative regulations. Hours will accrue as follows:

1. Eight hours per month for employees with less than five years of service.
2. Ten hours per month for employees with more than five years, but less than 10 years of service.
3. Twelve hours per month for employees with more than 10 years of service, but less than 15 years of service.
4. Fourteen hours per month for employees with more than 15 years of service, but less than 20 years of service.
5. Sixteen hours per month for employees with more than 20 years of service.

Additional unused hours in excess of 96 hours will be forfeited at end of fiscal year

### **Request for Vacation Leave**

The employee shall submit a request for use of vacation leave to the employee's immediate supervisor or designee in advance in accordance with administrative regulations. In deciding whether to approve or deny vacation leave, the supervisor or designee shall consider the effect of the employee's absence on the educational program or College District operations.

### **Personal Leave**

Personal leave is deducted from the employee's accumulated sick leave.



Employees may use up to a maximum of four days of accrued sick leave during any fiscal year as personal leave to be used for funerals not covered by bereavement leave, religious observances or for sick leave for persons outside the immediate family. Full-time faculty who do not accrue vacation leave may use 4 of the accrued sick leave days as personal leave days, per academic year (two per long semester), to conduct personal business.

## **Family and Medical Leave**

### DEC (Local)

FMLA leave shall run concurrently with applicable paid leave or compensatory time, as applicable.

**Twelve-Month Period:** For purposes of an employee’s entitlement to FMLA leave, the 12- month period shall be measured backward from the date an employee uses FMLA leave.

**Combined Leave for Spouses:** When both spouses are employed by the College District, the College District shall limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks. The College District shall limit military caregiver leave to a combined total of 26 weeks.

**Intermittent or Reduced Schedule Leave:** The College District shall permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee.

**Certification of Leave:** When an employee requests leave, the employee shall provide certification, in accordance with FMLA regulations, of the need for leave.

**Fitness-for-Duty Certification:** In accordance with administrative regulations, when an employee takes FMLA leave due to the employee’s own serious health condition, the employee shall provide, before resuming work, a fitness- for-duty certification.

### Administrative Regulation

The college complies with the Family and Medical Leave Act of 1993. 29 CFR § 825. The Family and Medical Leave Act (FMLA) covers only certain employers; affects only those employees eligible for the protections of the law; involves entitlement to leave, maintenance of health benefits during leave, and job restoration after leave; sets requirements for notice and certification of the need for FMLA leave; and protects employees who request or take FMLA leave.

**Eligibility for Leave.** To be eligible for FMLA leave, an employee **must work for a covered employer and:**

- 1) have worked for that employer for at least 12 months; and
- 2) have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave; and,
- 3) work at a location where at least 50 employees are employed at the location or within 75 miles of the location.

The 1,250 hours refers to hours actually worked and does not include any paid time off. **Entitlement to Leave.** Eligible College employees are entitled, to job-protected leave under the Family and Medical Leave Act (FMLA) for a total of 12 weeks of leave during a “rolling” 12-month period measured backward from the date an employee uses any FMLA leave, except in the case of leave to care for a covered service member with a serious injury or illness, for one or more of the following:

- 1) for incapacity due to pregnancy, prenatal medical care, or child birth; to care for the employee's child after birth, or the placement for adoption or foster care;
- 2) to care for the employee's spouse, son, daughter, or parent with a serious health condition;
- 3) because of a serious health condition that makes the employee unable to perform the functions of the employee's job.
- 4) Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty or call to covered active duty status may use their 12 week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative child care, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post- deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period.

**A covered service member is:**

- 1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- 2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness.

**Expiration of Entitlement.** The entitlement to leave for a birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement.

**Intermittent Leave or Reduced Leave Schedule.** Leave taken after the birth, or for the adoption, or foster care of son or daughter shall not be taken by an employee intermittently or on a reduced leave schedule unless the employee and College agree otherwise. Subject to certification requirements under the FMLA, leave taken for purposes of a serious health condition or a serious injury or illness of a covered service member may be taken by an employee intermittently or on a reduced leave schedule when medically necessary. Subject to certification requirements under the FMLA, leave taken for purposes of a qualifying exigency may be taken by an employee intermittently or on a reduced leave schedule. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis. Only the amount of leave actually taken while on intermittent/reduced schedule leave may be charged as FMLA leave. Employees may not be required to take more FMLA leave than necessary to address the circumstances that cause the need for leave. (CFR Section 203)

**Substitution of Paid Leave.**

- 1) *In General.* The College requires the employee, to substitute applicable accrued paid leave of the employee for leave taken with respect to the birth, adoption, or foster care of a child or for a qualifying exigency for any part of the 12-week period.

- 2) *Serious Health Condition*. The College requires the employee, to substitute applicable accrued paid leave of the employee for leave taken with respect to a serious health condition or taking care of a qualifying relative with a serious health condition for any part of the 12-week period of such leave, except that the College is not required to provide paid leave in any situation in which such employer would not normally provide any such paid leave.
- 3) *Service Member Family Leave*. The College requires the employee, to substitute any of the accrued paid leave of the employee for leave taken for a serious injury or illness of a covered service member for any part of the 26-week period, except that the College shall not be required to provide paid leave in any situation in which the College would not normally provide any such paid leave.

**Unpaid Leave.** If an employee exceeds available paid leave for fewer than 12 workweeks or 26 workweeks in the case of service member family leave, the additional weeks of leave necessary, up to 12 workweeks or 26 workweeks, as appropriate, of the leave will be taken as leave without compensation.

An employee's application shall specify the period and purpose of the leave requested. The application must include the required medical certification from the health care provider of the eligible employee, child, spouse or parent as appropriate. All requests for Family and Medical Leave will be forwarded to the Office of Human Resources and will be retained in the Employee Benefits Record file.

**Requirement of Notice.** Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures. In any case in which the necessity for leave for the employee's serious health condition or to care for a qualifying relative with a serious health condition or for service member family leave is foreseeable based on planned medical treatment, the employee—

- a) shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the College, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse, or parent of the employee, as appropriate; and
- b) shall provide the College with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take such leave, except that if the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

**Notice for Leave Due to Qualifying Exigency.** In any case in which the necessity for leave for a qualifying exigency is foreseeable, whether because the spouse, or a son, daughter, or parent, of the employee is on active duty, or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as is reasonable and practicable.

### **Spouses Employed by The College.**

In general spouses employed by the same employer may be limited to a combined total of 12 workweeks of family leave for the following reasons:

1. The birth and care of a child, for the placement of a child for adoption or foster care and to care for the newly placed child and to care for an employee's parent with a serious health condition.

2. Service member Family Leave. The aggregate number of workweeks of leave to which both that husband and wife may be entitled to care for a covered service member with a serious injury or illness may be limited to 26 workweeks during the single 12-month period prescribed by the FMLA if the leave is Service member Family Leave or a combination of Service member Family Leave and other leave provided under the FMLA. However, when leave is combined, leave other than Service member Family Leave shall be limited to not more than 12 weeks.

### **Certification Requirements.**

- 1) The College may require that a request for leave for a serious health condition or to care for the employee's immediate family member be supported by a certification issued by a health care provider. The employee shall provide a copy of such certification to the College in a timely manner. The College will allow at least 15 calendar days (additional time may be required in some circumstances).
- 2) Qualifying Exigency Leave. The College may require that a request for leave because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation be supported by a certification issued. The same timing requirements for certification apply to all requests for FMLA leave, including those for military family leave. Thus, an employee must provide any requested certification to the college within the time frame requested (which must allow at least 15 calendar days after the employer's request).
- 3) **Failure to Return from Leave.** The College may recover the premium that the employer paid for maintaining coverage for the employee under the College's group health plan during any period of unpaid leave under this policy if:
  - a) the employee fails to return from leave after the period of leave to which the employee is entitled has expired; and
  - b) the employee fails to return to work for a reason other than--
    - i) the continuation, recurrence, or onset of a serious health condition that entitles the employee to FMLA leave or Service member Family Leave; or
    - ii) other circumstances beyond the control of the employee.

In addition to certification required for failure to return to work from other FMLA leave, the College may require that a claim that an employee is unable to return to work because of the continuation, recurrence, or onset of the serious injury or illness of a covered service member be supported by a certification issued by the health care provider of the service member being cared for by the employee, in the case of an employee unable to return to work.

### **Maintenance of Health Benefits/Job Restoration after Leave**

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored

to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

**Definitions:**

**“Active Duty”** means:

- 1) in the case of a member of the Regular Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and,
- 2) in the case of a member of the Reserve components of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of Title 10, United States Code. See also § 825.126(a).

**“Contingency Operation”** means a military operation that:

- 1) is designated by the Secretary of Defense as an operation in which members of the Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or
- 2) results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of Title 10 of the United States Code, chapter 15 of Title 10 of the United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress. See also § 825.126(a)(2).

**“Covered Service Member”** means:

- 1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or
- 2) a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

**“Next of Kin”**, means the nearest blood relative other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin. See also § 825.127(d)(3).

**“Outpatient Status”** with respect to a covered service member, means the status of a member of the Armed Forces assigned to—

- a) a military medical treatment facility as an outpatient; or

- b) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

**“Parent”** means a covered service member’s biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents “in law.”

**“Qualifying Exigency”** is one of the two new military family leave provisions. It may be taken for any qualifying exigency arising out of the fact that a covered military member is on active duty or call to active duty status. The Department’s new regulations include a broad list of activities that are considered qualifying exigencies and will permit eligible employees who are family members of a covered military member to take FMLA leave to address the most common issues that arise when a covered military member is deployed, such as attending military-sponsored functions, making appropriate financial and legal arrangements, and arranging for alternative childcare.

**“Serious Health Condition”** means an illness, injury, impairment, or physical or mental condition that involves:

- any period of incapacity or treatment connected with inpatient care (i.e., and overnight stay) in a hospital, hospice, or residential medical care facility; or
- any period of incapacity requiring absence of more than three consecutive days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervisor of) a health care provider.
- any period of incapacity due to pregnancy, or for prenatal care; or
- any period of incapacity (or treatment therefor) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or
- a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or,
- any absences to receive multiple treatments (including any period of recovery therefrom) by, or
- on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

**“Serious Injury or Illness”**, In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the covered service member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the service member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and

In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:

- 1) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member’s office, grade, rank, or rating; or

- 2) A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50% or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
- 3) A physical or mental condition that substantially impairs the covered veteran’s ability to secure or follow a substantially gainful occupation by reason of disability or disabilities related to military service, or would do so absent treatment; or
- 4) An injury, including psychological injury, which is the basis on which the covered veteran has been enrolled in the Department of Veterans’ Affairs Program of Comprehensive Assistance for Family Caregivers. See also §825.127(c).

**"Son or Daughter"** means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is a “biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is

- under 18 years of age; or
- 18 years of age or older and incapable of self-care because of a mental or physical disability.” §See 29 C.F.R. § 825.122 (d).

The FMLA does not require that a biological or legal relationship exist between the employee and the child. See 29 C.F.R. § 825.122 (d) (3).

The FMLA definition of “son or daughter” therefore includes a child of a person standing in loco parentis—those with day-to-day responsibilities to care for or financially support a child.

A child under 18 years of age is a “son or daughter” under the FMLA without regard to whether or not the child has a disability. An eligible employee requesting FMLA leave to care for a son or daughter under 18 years of age must only show a need to care for the child due to a serious health condition.

However, in order to meet the FMLA’s definition of a “son or daughter,” an adult child (i.e., one who is 18 years of age or older) must have a mental or physical disability and be incapable of self-care because of that disability. The FMLA regulations adopt the ADA’s definition of “disability” as a physical or mental impairment that substantially limits a major life activity (as interpreted by the EEOC) to define “physical or mental disability.” 29 C.F.R. §825.122(d) (2). The FMLA regulations define “incapable of self-care because of mental or physical disability” as when an adult son or daughter “requires active assistance or supervision to provide daily self-care in three or more of the ‘activities of daily living’ (ADLs) or ‘instrumental activities of daily living’ (IADLs).”

§825.122(d) (1). A parent will be entitled to take FMLA leave to care for a son or daughter 18 years of age or older, if the adult son or daughter is “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence.

**“Spouse”** means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage that either was entered into in a state that recognizes such marriages or if entered into

outside of any state, is valid in the place where entered into and could have been entered into in at least one state. 29 C.F.R. 825.102, .122(b)

**Documenting relationships.** For purposes of confirmation of family relationship, the College may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship. This documentation may take the form of a simple statement from the employee, or a child's birth certificate, a court document, etc. The College is entitled to examine documentation such as a birth certificate, etc., but the employee is entitled to the return of the official document submitted for this purpose.

## **Development Leave**

### DEC (Local)

A faculty member [see definition at DEC(LEGAL) Development Leaves of Absence] may be granted faculty development leave for study, research, writing, field observations, or other suitable purpose.

To qualify for development leave, a faculty member must serve at least three consecutive academic years performing full-time academic duty as an instructor or as an assistant, associate, or full professor, or an equivalent rank. The work need not include teaching.

Alternatively, the faculty member may qualify for development leave as an administrator if the faculty member has had significant administrative duties relating to the operation of the College District for more than four years.

### **Application**

To be granted development leave for the subsequent academic year, a faculty member must apply to the College President by March 1 on a signed and dated form created by the administration. The application shall contain:

1. The requested effective date and duration of leave.
2. A description of the specific purpose for which the leave is requested.
3. An explanation as to how the leave is consistent with the mission and purpose of the College District and the benefit of the leave to the College District.
4. An assurance that the faculty member intends to return to the College District following the completion of the development leave to serve for a period equal to the amount of time the faculty member received for development leave, if approved, and that, if the faculty member does not return, the employee shall repay the College District for any benefits paid to or on behalf of the employee during the leave period.
5. Any other information deemed appropriate by the College President.

### **Approval Procedure**

A development leave committee shall be elected annually by the general faculty membership on a date determined by the College President to be no later than the application deadline. The committee shall be composed of ten members and shall elect a chair during the first meeting. The chair shall be responsible for scheduling and presiding over each meeting of the committee.

After reviewing the applications for development leave, the committee chair shall forward the committee's recommendation to the College President. After review of the committee's recommendation, the College President shall make a recommendation as to which applications should be granted for consideration at a Board meeting to occur before the end of the spring semester. No more than six percent of the College District's faculty members may be on development leave at any one time.



The College President shall inform the applicants of the final determination by the Board.

**Duration and Compensation:** Development leave shall be for one academic year at one-half of the faculty member's regular salary or for one-half academic year at full regular salary.

**Exception:** If the faculty member qualifies for development leave as an administrator, the Board may grant development leave at the faculty member's full, regular salary for one year.

**Outside Employment:** A faculty member granted development leave is prohibited from accepting employment with another employer without permission of the Board.

**Return to Work:** The faculty member must agree to return to the College District following the conclusion of the development leave to serve for a period equal to the amount of time the faculty member received for development leave and if not, to repay the College District for any benefits paid to or on behalf of the faculty member during the leave period.

**Report:** Upon returning from development leave, the faculty member must report to the Board in writing regarding whether the purpose of the leave was fulfilled with a description regarding the manner in which it was fulfilled or if it was not fulfilled, the reasons why the leave was not fulfilled.

## Bereavement Leave

### DEC (Local)

A full-time employee shall be granted up to three days of paid bereavement leave upon the death of a member of the employee's immediate family, including grandparents. Bereavement leave shall be noncumulative.

## Workers Compensation

### DEC (Local)

Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the College District's contribution to health insurance. An absence due to a work-related injury or illness shall be designated as FMLA leave.

**No Paid Leave Offset:** The College District shall not permit the option for paid leave offset in conjunction with workers' compensation income benefits.

## Court Appearances

### DEC (Local)

Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the College District and shall not be deducted from the employee's pay or leave balance.

## Payment for Accumulated Leave Upon Separation

### DEC (Local)

The following leave provisions shall apply to vacation leave and sick leave accumulated beginning on the original effective date of this policy and procedures.

An employee who separates from employment with the College District shall be eligible for payment for accumulated vacation leave under the following conditions and in accordance with DMD(LOCAL):

1. The employee's separation from employment is voluntary, i.e., the employee is retiring or resigning, or being discharged or nonrenewed.
2. Except for employees who are terminated or nonrenewed, the employee must provide advance written notice of intent to separate from employment.

Except for employees who are terminated or nonrenewed, an employee who separates from employment with the College District after providing timely notice of such separation, as provided in this policy, shall be eligible for payment of fifty percent of accumulated sick leave over 480 hours.

The employee shall receive payment for each hour of accumulated vacation leave and for fifty percent of accumulated sick leave over 480 hours at the employees' hourly rate. If the employee is reemployed with the College District, previously accumulated leave hours shall not be available to that employee.

The rate established by the Board shall be in effect until the Board adopts a new rate. Any changes to the rate shall apply beginning with the academic year following the adoption of the rate change.

## **Leave without Pay**

### Administrative Regulations

#### **Request of Leave Without Pay Process**

Leave without pay shall be requested by completing the Leave Without Pay Form at least 60 days prior to commencement of the leave or as soon as practicable prior to the commencement of the leave in the event of an unforeseeable absence. The form must be submitted to the immediate supervisor and must include the following:

- 1) In the case of a personal reason for the requested leave without pay, the employee shall submit appropriate documentation to substantiate the request. In the case of a medical reason, an appropriate and sufficient medical certification must be submitted directly to the Office of Human Resources.
- 2) The commencing and ending dates of the requested leave.

The immediate supervisor shall evaluate the request based on the following criteria:

- 1) The ability of the department to function efficiently and effectively during the employee's leave, including the nature of the employee's position;
- 2) The provisions required to accomplish the employee's work, including the practicality of reassigning duties for the time period;
- 3) Whether the request is for a qualifying personal reason; and
- 4) The employee's acknowledgment of intent to return to work.

The employee's immediate supervisor shall evaluate the leave without pay request in consultation with the Office of Human Resources and recommend whether the request shall be granted or denied based on the criteria and shall state the reasons of the decision. In the case of a request for leave for a medical reason, the Office of Human Resources shall evaluate the request to determine if it is for a qualifying medical reason. The immediate supervisor will submit a recommendation to grant or deny a request for leave without pay to the immediate supervisor's chain of command, including the Director/Dean, appropriate Vice President, and the Office of Human Resources. The appropriate Vice

President shall submit the recommendation to the President who shall approve, deny, or modify the requested leave without pay.

The approved or denied Leave Without Pay Request Form will be submitted to the Office of Human Resources for processing. The Office of Human Resources shall, promptly, deliver a copy of the approval or denial of leave without pay to the employee requesting the leave without pay and to the employee's immediate supervisor.

### **Procedures**

The Director of Human Resources or Designee shall administer and monitor leave without pay policy compliance and procedures.

## **Unauthorized Absence** Administrative Regulations

In the case of an unauthorized absence being an unexcused absence or an absence where the employee has not notified the supervisor in accordance with established procedures, the employee's pay will be docked for the amount of time absent. Disciplinary action may be initiated when necessary. An unauthorized absence of greater than two days may be treated as a voluntary resignation from employment with the College.

## **Employee Leave, Spring Break, Semester Break and Holidays** Administrative Regulation

Holidays, Spring Break and Semester Break which the College observes for employees and students will be listed in the Board approved academic calendar of the current College Catalog.

Paid holidays, Spring Break and Semester Break are applicable only to regular employees holding staffing plan positions and limited to only those days listed on the academic calendar. Employees must be on an active payroll status for the entire pay period(s) during which a paid holiday, Spring break or semester break falls in order to be entitled to the paid days as approved on the academic calendar by the Board.

Staffing plan employees, excluding students employed in positions which require student status as a condition of employment, are entitled to the established employee benefits which include leaves and holidays. A "regular employee" means one who is employed to work at least 20 hours per week for a period of at least four and one-half (4.5) months.

Entitlements under Employee Leave include:

- |                             |                          |
|-----------------------------|--------------------------|
| 1) Vacation Leave           | 6) Jury and Witness Duty |
| 2) Sick Leave               | 7) Leave Without Pay     |
| 3) Personal Leave           | 8) Military Leave        |
| 4) Funeral Leave            | 9) Professional Leave    |
| 5) Family and Medical Leave |                          |

The following information clarifies the intent of Board Policy DEC (Local):

- If an employee has enough paid leave to be on active payroll status (**physically working or utilizing paid leave**) for the entire pay period, the employee is entitled to holiday pay.
- Holiday pay will be paid only during active periods of employment, and will not be paid if an employee is out on unpaid FMLA, leave of absence, or leave without pay of five days or more in the month during which the holiday occurs.

## **Military Leave**

### Administrative Regulation

The College complies with State and Federal Laws regarding the rights to Military Leave. These State and Federal laws include the Texas Government Code 437.202 as amended by 84th Legislature, HB 445, and The Uniformed Services Employment and Reemployment Rights Act 1994 (USERRA). Military Leave provides employment protection, income protection, and a means for employees to secure time off when called to uniformed U.S. military service. The College will comply with The Uniformed Services Employment and Reemployment Rights Act (USERRA), which covers all categories of military training and service, including duty performed on a voluntary or involuntary basis, in time of peace or war. It applies to the National Guard and reserve military personnel and also applies to persons serving in the active components of the Armed Forces as provided by state and federal law.

### **State Leave for Member of Military or Rescue Team**

#### **Short Term Military Leave**

A person who is an officer or employee of the state, a municipality, a county, or another political subdivision of the state, including a college district, and who is a member of the state military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team is entitled to a paid leave of absence from the person's duties on a day on which the person is engaged in authorized training or duty ordered or authorized by proper authority for not more than 15 workdays in a fiscal year. During a leave of absence, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time.

- 1) The College shall provide written notice, to the employee, of the number of workdays of paid leave to which the employee is entitled each fiscal year.
- 2) The College shall carry forward from one fiscal year to the next the net balance of unused accumulated leave under the Short-Term Military Leave available not to exceed 45 workdays.
- 3) The employee who is such a member of the armed forces, or a member of a state or federally authorized urban search and rescue team and who has been ordered to duty by proper authority is entitled, when relieved from duty, to be restored to the position that the employee held when ordered to duty. The College shall maintain complete and accurate records of the granted and accumulated leave in the employee's personnel file to include the net balance of unused accumulated military leave and the net balance of unused accumulated leave that the individual is entitled to carry forward to the next fiscal year.

#### **Employee Request for Short Term Military Leave**

A prior written notification, provided at minimum five business days prior to leave begin date, accompanied by copy of the official military orders must be submitted to the employee's supervisor, appropriate Vice President, and to the Office of

Human Resources. Failure to provide the required notice on a timely basis may be grounds for disciplinary action, but shall not be grounds for refusal of the leave.

### **Unpaid Extended Military Leave**

An employee who is drafted or otherwise called to active duty, or who leaves for extended active duty in the military services of the United States during a war or national emergency, shall be granted a military leave without pay for the duration of such war or national emergency after notifying the employee's supervisor, appropriate Vice President, Office of Human Resources, and the President. Written notification of request for extended military leave shall be provided at minimum five business days prior to leave begin date. A copy of military orders should be submitted as supporting documentation to the military leave request. Notification of intent to return to the College must be made in accordance with guidelines established in the Uniformed Services Employment and Reemployment Rights Act (USERRA). Such leaves of absence shall not be considered a break in service; however, the employee shall not accrue leave during this period and will be responsible for payment of group health benefit premiums.

## **Accommodations for Major Religious Holidays**

### **Administrative Regulations**

South Texas College respects the assortment of religious observances and seeks to reasonably accommodate such practices and requirements.

Wherever possible, the College will make reasonable accommodations to allow employees to practice their religious observances when such requests are made in time for rescheduling hours worked, and the College and the employee agree on the conditions by which work time will be rescheduled. Employees shall submit a written request for a modified work schedule, approved by the immediate supervisor and Financial Manager, to the Office of Human Resources.

## **Professional Leave**

### **Administrative Regulation**

Professional leave may be granted for official, short-term absences for professional meetings, conferences, workshops, or seminars; service as an officer or delegate of a professional organization; presentation of speeches or papers; and participation in research, performances, or panels.

Travel expenses associated with professional leave may or may not be paid by the College, depending on the nature of the proposed activity and the availability of funds budgeted for such purposes.

Approval must be obtained from your supervisor, prior to planning and scheduling professional leave.

## **Professional Development Plan for Eligible Regular Full-Time Faculty and Staff**

### **Administrative Regulation**

South Texas College offers a comprehensive Professional Development Plan which provides the opportunity for regular full-time faculty and staff to participate in meaningful professional development activities in keeping with the mission and goals for South Texas College.

The Professional Development Plan is offered subject to availability of funds. The President or designee has the authority and responsibility, with the appropriate participation of the faculty and staff, to develop and administer guidelines for the plan, which is maintained by the Office of Human Resources.

## **Tuition and Fee Waiver for Eligible Family Members of Regular Faculty and Staff**

### **Administrative Regulation**

South Texas College is committed to lifelong learning opportunities for its regular full-time faculty and staff and their eligible family members. As a result, South Texas College offers a tuition and fee waiver to eligible family members of regular full-time faculty and staff for eligible credit courses taken at the College.

These waivers are subject to the availability of funds and subject to the appropriate Professional Development Plan guidelines. The President or designee has the authority and responsibility, with the appropriate participation of the faculty and staff, to develop and administer guidelines for the Professional Development Plan, which is maintained by the Office of Human Resources.

## **Professional Development Plan Regular Faculty and Staff**

### **INSTITUTIONAL GRANT FOR EMPLOYEES**

The College offers a tuition and fee institutional grant, *subject to availability of funds*, for full-time benefit eligible faculty and staff. Eligible employees may apply to take courses that comply with a specified degree plan or are directly job related. Coursework undertaken solely for self- enrichment does not qualify.

#### **ELIGIBILITY**

Effective September 1st, 2015 the employee must have completed at least one year of service without a break of employment before the program's benefits can be granted. Upon meeting eligibility requirements, a maximum of nine hours may be granted. The maximum number of hours listed are per semester consisting of three semesters- Fall, Spring, and Summer (I, II, III).

#### **ELIGIBILITY FOR BAS- ORGANIZATIONAL LEADERSHIP PROGRAM**

Effective September 1st, 2015 the employee must have completed at least 1 year of service without break of employment before the program's benefits may be granted. Upon meeting eligibility requirements, a combined maximum total of \$3000 may be granted for the Fall, Spring, and Summer (I, II, III).

### **INSTITUTIONAL GRANT FOR DEPENDENTS**

The College offers an institutional tuition grant, *subject to availability of funds*, for active benefit- eligible full-time faculty and staff for eligible credit courses taken at the College, including courses in BAT program.

Eligible dependents may apply to take courses that comply with a specified degree plan or statement of educational purpose. Adult Continuing Education Courses *ARE NOT* Covered under the Tuition Grant for dependents. All guidelines related to the implementation of this policy will be maintained by the Office of Human Resources and require approval by the College

President.

An Eligible dependent is defined as a legal spouse, or son/daughter of the age of 25 or younger. The Office of Human Resources reserves the right to request and obtain proof of dependency.

Promissory Notes are required to be submitted with each institutional grant application. Effective 09/01/2009, the employee is subject to reimburse the College for their dependent tuition grant benefit if the employee terminates within 2 years of receiving the benefit. The employee will receive credit for time worked within the 2-year period of receiving the benefit.

## **ELIGIBILITY**

The institutional tuition grant eligibility is based on the number of years of service without a break of employment. Effective September 1st, 2015, the employee must have completed at least two years of service before the program's benefits can be granted for a dependent.

At 2 years	4 hours per semester
At 4 years	8 hours per semester
At 6 years	12 hours per semester

The maximum number of hours listed are per semester consisting of three semesters (Fall Spring, and Summer I, II, III)

## **ELIGIBILITY FOR COMPETENCY BASED EDUCATION (CBE) BACHELOR PROGRAMS**

The institutional tuition grant eligibility is based on the number of years of service without a break of employment. Effective September 1st, 2015, the employee must have completed at least two years of service before the program's benefits can be granted for a dependent.

At 2 years	\$1700 award per fiscal year
At 4 years	\$2550 award per fiscal year
At 6 years	\$3400 award per fiscal year

*NOTE: Complete guidelines and application may be obtained from the Office of Human Resources or may be downloaded from the STC website at <http://hr.southtexascollege.edu/forms.html>*

## **EMPLOYEE TUITION AND FEE REIMBURSEMENT**

The College offers a tuition and fee reimbursement of a maximum of \$800 per fiscal year, **subject to availability of funds.** of courses taken at another regionally accredited public or private post- secondary institution within the State of Texas that comply with a specified degree plan or are directly job related. The tuition and fee reimbursements also applies to graduate distance learning courses at regionally accredited out-of-state institutions as well as for graduate and undergraduate distance learning courses at regionally accredited in-state institutions, according to the guidelines. All full-time, benefits eligible faculty and staff who have been employed in a regular full-time position at STC for a minimum of one year are eligible to participate.

**NOTE:** Complete guidelines and application may be obtained from the Office of Human Resources or may be downloaded from the STC website within your JagNet Portal.

Applications for all tuition waivers and/or reimbursements must be submitted on the appropriate forms, with appropriate



department approvals, and in accordance with the required timelines in order to be processed.

## **Health and Life Insurance**

### CKD (Local) Policy

South Texas College provides group medical insurance for eligible employees and their qualified dependents in accordance with the Texas Employees Group Benefit Program as administered and implemented by the Employees Retirement System of Texas.

## **Retirement Programs**

### DF (Local) Policy

All College District employees shall be required to participate in a retirement program. Part-time employees who are not members of the Teacher Retirement System (TRS) or an optional retirement program shall be required to participate in a retirement program selected by the College District.

### **Optional Retirement Plan (ORP)**

South Texas College will distribute to eligible employees, the 1.9% optional retirement contribution to the extent local funds are available. The state and supplemental contribution rates will total 8.5% as approved by the State of Texas. Eligible employees will be limited to those employees who first started participating in ORP at any Texas public institution of higher education prior to September 1, 1995, whether or not the participant subsequently changed ORP employers or had a break in service with the same ORP employer.

### **Tax Sheltered Annuities**

South Texas College makes available to all eligible employees the 403(b) plan (tax sheltered annuities). The conditions and procedures necessary for an insurance carrier to be authorized to write tax sheltered annuities for eligible employees of the College, together with additional comments concerning the Tax-Sheltered Annuity Program, are provided below. To request authorization, the President or general counsel for the insurance company must write a letter addressed to the Vice President of Finance and Administrative Services.

### **Transfer of Carriers**

Active employees who are eligible to participate in the Optional Retirement Program or Tax Sheltered Annuity Program may continue with the same carrier or choose to transfer to another carrier during Employees who are eligible to participate in the Optional Retirement Program or Tax Sheltered Annuity Program and who are already participating in such program shall be allowed the option of continuing such participation with the same carrier whenever such employee transfers from one institution of education to another.

### **Liability and Insurance**

The laws governing teacher liability for injuries sustained by students are vague and the extent to which teachers may be held liable is inconclusive. All faculty members are cautioned that the vagueness of their legal liability status leaves them in a rather precarious position and they should exercise all reasonable precaution to avoid the possibility of being held liable for accidental injury.



To minimize the likelihood of being held liable for damages, certain rules can be stated. Students must never be permitted to use equipment that is unsafe or to be exposed to undue or needless hazards or dangerous situations. Neither should they be permitted to use equipment without prior instruction about its safe operation and they must demonstrate to the instructor's satisfaction that they know and understand how to operate it in a safe manner.

Students should never be left unsupervised in a shop or laboratory. Adequate precautions should be taken in those instances when students are permitted in shops or laboratories on an individual basis to do make-up or additional work. Similarly, regulations should be established to safeguard against unscheduled usage of equipment by students.

For more benefits information refer to Employee Benefits Handbook available from the Office of Human Resources. It is also available at: <https://hr.southtexascollege.edu/benefits.html>

## Websites for your Reference

College Website:	<a href="http://www.southtexascollege.edu/">http://www.southtexascollege.edu/</a>
STC Policy Manual:	<a href="https://admin.southtexascollege.edu/president/policies/index.html">https://admin.southtexascollege.edu/president/policies/index.html</a>
Faculty and Staff Directory:	<a href="http://staffdir.southtexascollege.edu/">http://staffdir.southtexascollege.edu/</a>
Employment Opportunities:	<a href="https://careers.southtexascollege.edu/index.html">https://careers.southtexascollege.edu/index.html</a>
Benefits Information:	<a href="https://hr.southtexascollege.edu/benefits.html">https://hr.southtexascollege.edu/benefits.html</a>
HR Forms and Policies:	<a href="http://hr.southtexascollege.edu/forms.html">http://hr.southtexascollege.edu/forms.html</a>
STC Outlook Webmail:	<a href="https://outlook.com/southtexascollege.edu/">https://outlook.com/southtexascollege.edu/</a>
Title IX:	<a href="https://www.southtexascollege.edu/about/notices/title-ix.html">https://www.southtexascollege.edu/about/notices/title-ix.html</a>
Report an Incident or Complaint:	<a href="https://www.southtexascollege.edu/report/index.html">https://www.southtexascollege.edu/report/index.html</a>
Emergency Preparedness:	<a href="#">Emergency Preparedness Flyer</a>
Employee Relations	<a href="https://hr.southtexascollege.edu/employee-relations.html">https://hr.southtexascollege.edu/employee-relations.html</a>

## Employee Assistance Program (EAP)

The College District partners with the University of Texas Health Science Center at Houston to offer full-time benefit eligible employees a free and confidential work-based program that assists and supports employees who are navigating personal or work-related issues that may impact their job performance and mental well-being. Through this Employee Assistance Program (EAP) the College District is able to offer full-time benefit eligible employees with counseling, assist in finding resources, and can help with navigating work life problems. For more information on the EAP, please visit the College District Human Resources Benefits webpage at: <https://hr.southtexascollege.edu/benefits/eap.html>