

*Board of Trustees
Meeting*

April 1, 2024

March 27, 2024

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

The Board of Trustees of the San Jacinto Community College District will meet for a Board workshop at 5:00 p.m., Monday, April 1, 2024, in Room 201 of the Thomas S. Sewell District Administration Building, 4624 Fairmont Parkway, Pasadena, Texas.

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

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

**BOARD WORKSHOP
AGENDA**

I. Call the Meeting to Order

II. Roll Call of Board Members

III. Adjournment to closed or executive session pursuant to Texas Government Code Section 551.071, 551.074, and 551.076 of the Texas Open Meetings Act, for the following purposes:

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

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

C. Security Matters - To consider the deployment, or specific occasions for implementation, of security personnel or devices; or a security audit.

IV. Reconvene in Open Meeting

V. Update on Enrollment

VI. Review of Timeline for Fiscal Year 2025 Budget Process

VII. Review Closure of Mental Health Certificate

VIII. Review Board of Trustees Institute Call to Action

IX. Review of Calendar

X. General Discussion of Meeting Items

A. Additional Purchasing Support Documents

XI. Adjournment

Additional Closed Session Authority

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

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

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

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

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

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

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

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

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

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

Certification as to Posting or Giving of Notice

On this day, March 27, 2024, this notice was posted to the College’s website, on a bulletin board located at a place convenient to the public at the administrative building of the San Jacinto Community College District, 4624 Fairmont Parkway, Pasadena, Texas, and is readily accessible to the public upon request.

Brenda Hellyer, Ed.D.

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

The Board of Trustees of the San Jacinto Community College District will meet for a regularly scheduled Board meeting at 7:00 p.m. on Monday, April 1, 2024, in Room 104 of the Thomas S. Sewell District Administration Building, 4624 Fairmont Parkway, Pasadena, Texas.

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

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

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

A link to a public comments form is available at: www.sanjac.edu/request-speak-to-board
The form must be completed prior to 11:00 a.m. on April 1, 2024. After completion of the form, the requestor will be contacted with further instructions. Registered participants will be allotted five minutes to address the Board of Trustees during the "Public Comment" portion of the meeting. Discussion shall be addressed to the Board Chair and the entire membership of the Board. Discussion shall be limited solely to the matter indicated on the request form. Members of the Board of Trustees and/or administration may not comment or deliberate during a public comment period at the meeting except to state that the Chancellor or designee may follow-up, when appropriate.

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

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

**BOARD MEETING
AGENDA**

I. Call the Meeting to Order

II. Roll Call of Board Members

III. Invocation and Pledge to the Flags

IV. Special Announcements, Recognitions, Introductions, and Presentations

A. Recognition of Honor Students

Presenter: Van Wigginton

V. Student Success Presentations

A. Student Achievement Measures Update

Presenter: George González

VI. Communications to the Board of Trustees

VII. Public Comment

VIII. Informative Reports to the Board

A. San Jacinto College Financial Statements

- 1. San Jacinto College Monthly Financial Statements February 2024**
- 2. San Jacinto College Monthly Investment Report February 2024**
- 3. San Jacinto College Quarterly Investment Report December 2023 - February 2024**

B. San Jacinto College Foundation Financial Statements

C. Capital Improvement Program

ACTION ITEMS

IX. Consideration of Approval of Various Human Resources, Employee Relations Policies and Procedures - Second Reading

X. Consideration of Approval of Policy III.3010.A, Information Resources - Second Reading

XI. Consideration of Approval of Policy III.3007.A, Purchasing and Policy III.3007.D, Bidding - Second Reading

XII. Consideration of Approval of Rescission of Policy IV-C-4: Policy for Interviewing and Recommending Full-time Contracted Personnel - First Reading (Informational Item)

XIII. Consideration of Approval of Policy #, Prohibited Use of Drugs and Alcohol - First Reading (Informational Item)

XIV. Consideration of Rescission of Policy IV-E-14, Policy on Intellectual Property Rights and Honoraria and Approval of Policy #, Intellectual Property Rights - First Reading (Informational Item)

PURCHASING REQUESTS

XV. Consideration of Purchasing Requests

CONSENT AGENDA

XVI. Consent Agenda

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

- A. Approval of the Minutes for the March 4, 2024, Workshop and Regular Board Meeting**
- B. Approval of the Minutes for the March 7, 2024, Board Strategic Planning Retreat**
- C. Approval of the Budget Transfers**
- D. Approval of Personnel Recommendations, 2023-2024 Part-Time Hourly Rate Schedule, Extra Service Agreements, and Honorarium Payments**
- E. Approval of the Affiliation Agreements**
- F. Approval of the Next Regularly Scheduled Meeting**

XVII. Items for Discussion/Possible Action

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

XVIII. Adjournment

Closed Session Authority

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

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Brenda Hellyer, Ed.D.

San Jacinto College Monthly Financial Statements
February 2024

San Jacinto Community College District
Statement of Net Position
February 29,

<u>Assets</u>	<u>2024</u>	<u>2023</u>
Current assets:		
Cash and cash equivalents	\$ 123,540,355	\$ 102,373,837
Investments	10,088,667	30,860,709
Accounts receivable - taxes	5,256,975	5,838,707
Accounts receivable	19,336,321	25,939,195
Deferred charges	1,017,437	1,227,638
Inventories	434,916	422,438
Total current assets	159,674,670	166,662,524
Noncurrent assets:		
Restricted cash and cash equivalents	79,649,931	89,735,997
Other long term investments	19,975,850	-
Capital assets, net	720,181,214	720,827,826
Total noncurrent assets	819,806,995	810,563,823
Total assets	979,481,666	977,226,347
Deferred outflows of resources:		
Deferred outflow related to pensions	21,400,078	12,486,706
Deferred outflow related to OPEB	16,454,021	19,256,731
Deferred outflow related to defeased debt	4,117,963	5,014,498
Total deferred outflows of resources	41,972,063	36,757,934
<u>Liabilities</u>		
Current liabilities:		
Accounts payable	14,449,425	14,252,159
Accrued liabilities	928,376	771,642
Accrued compensable absences and deferred compensation	2,417,317	2,429,062
Deferred revenues	264,132	454,018
Total current liabilities	18,059,250	17,906,880
Noncurrent liabilities:		
Net pension liability	49,944,685	20,637,425
Net OPEB liability	96,184,800	112,279,723
Bonds and notes payable	644,291,171	663,408,025
Total noncurrent liabilities	790,420,655	796,325,173
Total liabilities	808,479,906	814,232,053
Deferred inflows of resources:		
Deferred inflows related to pensions	5,790,103	25,055,564
Deferred inflows related to OPEB	34,752,051	18,658,275
Deferred Inflows - Lease Receivable	1,227,296	1,382,492
Total deferred inflows of resources	41,769,451	45,096,331
<u>Net assets</u>		
Beginning of year - audited	83,260,534	79,484,620
Current year addition	87,943,838	75,171,277
Total net position	\$ 171,204,372	\$ 154,655,897

San Jacinto Community College District
Statement of Revenues, Expenditures and Changes In Net Position
For the Six Months Ended February 29, 2024

11 Unrestricted Funds

	Adjusted Budget	Actual 50.0%	% Actual to Adjusted Budget	PY YTD Actual	% of 8/31/23 Actual
Revenues					
State Appropriations	\$ 54,995,750	\$ 41,246,813	75.00%	\$ 17,762,291	43.00%
State Appropriations - FAST	2,900,000	917,490	31.64%	-	-
Local Taxes - Maintenance & Operations	84,770,000	78,941,204	93.12%	76,079,102	95.68%
Credit Tuition	66,345,000	58,312,195	87.89%	51,520,291	86.62%
Credit Exemptions & Waivers	(8,400,000)	(8,408,495)	100.10%	(7,298,010)	87.36%
Continuing Education					
CPET	525,000	181,841	34.64%	424,700	81.12%
Biotechnology	500,000	-	-	-	-
Maritime Transportation	2,000,000	915,250	45.76%	995,642	46.58%
Continuing Professional Development (CPD)	6,360,000	1,975,576	31.06%	2,678,099	46.42%
Continuing Education Exemptions & Waivers	(45,000)	(15,579)	34.62%	(14,120)	23.10%
Bad Debt	(1,000,000)	(500,031)	50.00%	(349,992)	24.69%
Sales & Services	1,800,000	1,690,073	93.89%	1,039,316	32.90%
Investment Income	6,000,000	2,690,026	44.83%	1,793,802	41.12%
HEERF Lost Revenue	-	-	-	8,072,564	-
Total Revenues	216,750,750	177,946,362	82.10%	152,703,686	81.93%
Expenditures					
Instruction	84,984,979	46,389,135	54.59%	42,460,176	53.26%
Public Service	20,312	1,940	9.55%	3,418	8.35%
Academic Support	20,801,126	9,212,162	44.29%	8,022,051	53.07%
Student Services	21,119,190	9,520,139	45.08%	7,291,717	45.53%
Institutional Support	57,142,456	26,664,568	46.66%	23,152,325	47.03%
Physical Plant	27,851,973	11,652,755	41.84%	10,059,928	42.26%
Total Expenditures	211,920,037	103,444,218	48.81%	90,989,617	49.47%
Transfers Among Funds					
Transfers In	-	-	-	-	-
Transfers Out	4,830,713	8,542,321	176.83%	2,471,946	340.58%
Net Increase (Decrease) in Net Position	\$ -	\$ 65,959,823		\$ 59,242,123	

San Jacinto Community College District
Statement of Revenues, Expenditures and Changes In Net Position
For the Six Months Ended February 29, 2024

Federal Restricted Funds

	Adjusted Budget	Actual 50.0%	% Actual to Adjusted Budget	PY YTD Actual	% of 8/31/23 Actual
Revenues					
Grants	\$ 59,167,676	\$ 40,218,533	67.97%	\$ 46,860,593	62.23%
Total Revenues	59,167,676	40,218,533	67.97%	46,870,436	62.24%
Expenditures					
Instruction	1,577,029	461,007	29.23%	481,773	35.00%
Public Service	276,637	75,245	27.20%	104,286	52.34%
Academic Support	8,843,520	2,305,337	26.07%	2,574,191	36.51%
Student Services	336,868	153,668	45.62%	1,753,218	48.10%
Institutional Support	715,149	273,028	38.18%	11,068,785	151.71%
Physical Plant	1,085,303	61,074	5.63%	17,821	3.57%
Scholarships and Fellowships	46,333,170	36,889,173	79.62%	30,870,362	65.40%
Total Expenditures	59,167,676	40,218,533	67.97%	46,870,437	69.68%
Transfers Among Funds					
Transfers In	-	-	-	-	-
Transfers Out	-	-	-	-	-
Net Increase (Decrease) in Net Position	\$ -	\$ -		\$ -	

San Jacinto Community College District
Statement of Revenues, Expenditures and Changes In Net Position
For the Six Months Ended February 29, 2024

State Restricted Funds

	Adjusted Budget	Actual 50.0%	% Actual to Adjusted Budget	PY YTD Actual	% of 8/31/23 Actual
Revenues					
State Paid Benefits	\$ 12,215,000	\$ 6,561,889	53.72%	\$ 5,972,315	47.07%
Grants	7,432,221	4,696,419	63.19%	1,555,079	58.85%
Total Revenues	19,647,221	11,258,308	57.30%	7,527,394	49.10%
Expenditures					
Instruction	7,044,030	3,516,705	49.92%	3,241,455	47.59%
Public Service	8,566	8,566	100.00%	12,261	54.85%
Academic Support	1,981,797	744,798	37.58%	737,661	39.55%
Student Services	1,580,156	1,015,793	64.28%	844,333	46.20%
Institutional Support	3,081,793	1,377,023	44.68%	1,270,977	47.41%
Physical Plant	13,894	-	-	-	-
Scholarships and Fellowships	5,936,984	4,595,424	77.40%	1,420,708	67.43%
Total Expenditures	19,647,221	11,258,308	57.30%	7,527,394	49.10%
Transfers Among Funds					
Transfers In	-	-	-	-	-
Transfers Out	-	-	-	-	-
Net Increase (Decrease) in Net Position	\$ -	\$ -		\$ -	

San Jacinto Community College District
Statement of Revenues, Expenditures and Changes In Net Position
For the Six Months Ended February 29, 2024

Local Restricted Funds

	Adjusted Budget	Actual 50.0%	% Actual to Adjusted Budget	PY YTD Actual	% of 8/31/23 Actual
Revenues					
Grants	\$ 7,798,104	\$ 3,427,922	43.96%	\$ 3,819,824	90.12%
Total Revenues	7,798,104	3,427,922	43.96%	3,819,824	90.12%
Expenditures					
Instruction	-	-	-	-	-
Public Service	232,134	103,205	44.46%	74,262	48.61%
Academic Support	1,809,823	163,953	9.06%	12,176	12.29%
Student Services	6,156	2,000	32.49%	7,432	42.28%
Institutional Support	80,279	27,587	34.36%	1,253	2.20%
Physical Plant	250,000	-	-	-	-
Scholarships and Fellowships	5,982,000	3,256,469	54.44%	3,797,810	92.21%
Total Expenditures	8,360,392	3,553,215	42.50%	3,892,933	88.07%
Transfers Among Funds					
Transfers In	(562,288)	(106,046)	18.86%	(73,421)	38.39%
Transfers Out	-	-	-	-	-
Net Increase (Decrease) in Net Position	\$ -	\$ (19,247)		\$ 312	

San Jacinto Community College District
Statement of Revenues, Expenditures and Changes In Net Position
For the Six Months Ended February 29, 2024

27 FAST & TPEG

	Adjusted Budget	Actual 50.0%	% Actual to Adjusted Budget	PY YTD Actual	% of 8/31/23 Actual
Revenues					
State Appropriations - FAST	\$ -	\$ 1,035,505	-	\$ -	-
TPEG Tuition - Credit & Non Credit	3,100,000	2,791,367	90.04%	2,508,319	84.19%
Total Revenues	3,100,000	3,826,872	123.45%	2,508,319	82.55%
Expenditures					
Scholarships and Fellowships - FAST	-	1,923,202	-	-	-
Scholarships and Fellowships - TPEG	3,100,000	2,725,360	87.91%	1,854,995	59.22%
Total Expenditures	3,100,000	4,648,562	149.95%	1,854,995	59.22%
Transfers Among Funds					
Transfers In	-	-	-	-	-
Transfers Out	-	-	-	-	-
Net Increase (Decrease) in Net Position	\$ -	\$ (821,690)		\$ 653,324	

San Jacinto Community College District
Statement of Revenues, Expenditures and Changes In Net Position
For the Six Months Ended February 29, 2024

28 Private Gifts and Donations

	Adjusted Budget	Actual 50.0%	% Actual to Adjusted Budget	PY YTD Actual	% of 8/31/23 Actual
Revenues					
Sales & Services	\$ -	\$ 75,740	-	\$ -	-
Total Revenues	-	75,740	-	-	-
Expenditures					
Instruction	-	14,252	-	8,833	25.98%
Total Expenditures	-	14,252	-	8,833	6.49%
Transfers Among Funds					
Transfers In	-	-	-	-	-
Transfers Out	-	-	-	-	-
Net Increase (Decrease) in Net Position	\$ -	\$ 61,489		\$ (8,833)	

San Jacinto Community College District
Statement of Revenues, Expenditures and Changes In Net Position
For the Six Months Ended February 29, 2024

Auxiliary Enterprises

	Adjusted Budget	Actual 50.0%	% Actual to Adjusted Budget	PY YTD Actual	% of 8/31/23 Actual
Revenues					
Auxiliary Services	\$ 3,073,000	\$ 1,509,340	49.12%	\$ 1,378,931	56.09%
Total Revenues	3,073,000	1,509,340	49.12%	1,378,931	56.09%
Expenditures					
Labor	701,888	380,009	54.14%	308,832	44.29%
Benefits	75,563	64,818	85.78%	60,375	45.68%
Supplies	664,008	357,289	53.81%	290,664	55.99%
Travel	205,346	117,230	57.09%	68,848	26.89%
Contracted Services	172,638	71,695	41.53%	169,164	81.33%
Utilities	200	-	-	-	-
Scholarships and Fellowships	1,253,357	795,235	63.45%	789,175	72.75%
Total Expenditures	3,073,000	1,786,275	58.13%	1,687,058	58.23%
Transfers Among Funds					
Transfers In	-	-	-	-	-
Transfers Out	-	-	-	-	-
Net Increase (Decrease) in Net Position	\$ -	\$ (276,935)		\$ (308,128)	

San Jacinto Community College District
Statement of Revenues, Expenditures and Changes In Net Position
For the Six Months Ended February 29, 2024

Fund 95 Retirement of Indebtedness

	Adjusted Budget	Actual 50.0%	% Actual to Adjusted Budget	PY YTD Actual	% of 8/31/23 Actual
Revenues					
Local Taxes - Debt Service	\$ 40,100,400	\$ 37,444,865	93.38%	\$ 36,138,730	95.89%
Investment Income	-	110,993	-	89,299	24.49%
Total Revenues	40,100,400	37,555,857	93.65%	36,228,029	95.21%
Expenditures					
Institutional Support - Principal	18,379,936	18,359,936	99.89%	15,155,000	100.00%
Institutional Support - Interest	6,628,953	11,775,501	177.64%	12,082,755	50.21%
Total Expenditures	25,008,889	30,135,437	120.50%	27,237,755	69.45%
Transfers Among Funds					
Transfers In	(3,268,425)	(2,436,275)	74.54%	(2,398,525)	-
Transfers Out	-	-	-	-	-
Adjustment for Debt Principal Payment ¹	(18,379,936)	(18,359,936)	99.89%	(15,155,000)	100.00%
Net Increase (Decrease) in Net Position	\$ 36,739,872	\$ 28,216,632		\$ 26,543,800	

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

San Jacinto Community College District
Statement of Revenues, Expenditures and Changes In Net Position
For the Six Months Ended February 29, 2024

Fund 97 Investment in Plant

	Adjusted Budget	Actual 50.0%	% Actual to Adjusted Budget	PY YTD Actual	% of 8/31/23 Actual
Expenditures					
Depreciation	\$ 29,800,000	\$ 13,734,014	46.09%	\$ 13,674,886	48.36%
Total Expenditures	29,800,000	13,734,014	46.09%	13,674,886	48.36%
Transfers Among Funds					
Transfers In	-	-	-	-	-
Transfers Out	-	-	-	-	-
Adjustment for Capital Purchases ¹	(2,104,295)	(545,876)	25.94%	(1,176,321)	22.76%
Net Increase (Decrease) in Net Position	\$ (27,695,705)	\$ (13,188,137)		\$ (12,498,565)	

¹

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San Jacinto Community College District
Statement of Revenues, Expenditures and Changes In Net Position
For the Six Months Ended February 29, 2024

	Adjusted Budget	Actual 50.0%	% Actual to Adjusted Budget	PY YTD Actual	% of 8/31/23 Actual	% of 8/31/23
Revenues						
State Appropriations	\$ 67,210,750	\$ 47,808,701	71.13%	\$ 23,734,606	43.96%	\$ 53,996,383
State Appropriations - FAST	2,900,000	1,952,995	67.34%	-	-	-
Local Taxes - Maintenance & Operations	84,770,000	78,941,204	93.12%	76,079,102	95.68%	79,516,179
Local Taxes - Debt Service	40,100,400	37,444,865	93.38%	36,138,730	96.00%	37,642,744
Credit Tuition	69,445,000	61,103,562	87.99%	54,028,611	86.51%	62,455,714
Credit Exemptions & Waivers	(8,400,000)	(8,408,495)	100.10%	(7,298,010)	87.36%	(8,354,003)
Continuing Education						
CPET	525,000	181,841	34.64%	424,700	81.12%	523,576
Biotechnology	500,000	-	-	-	-	-
Maritime Transportation	2,000,000	915,250	45.76%	995,642	46.58%	2,137,491
Continuing Professional Development	6,360,000	1,975,576	31.06%	2,678,099	46.42%	5,769,327
Continuing Education Exemptions & Waivers	(45,000)	(15,579)	34.62%	(14,120)	23.10%	(61,130)
Bad Debt	(1,000,000)	(500,031)	50.00%	(349,992)	24.69%	(1,417,649)
Sales & Services	1,800,000	1,765,814	98.10%	1,049,159	33.21%	3,158,983
Investment Income	6,000,000	2,801,019	46.68%	1,883,101	39.35%	4,785,726
Investment Income - Restricted Funds	-	2,011,904	-	1,547,245	43.64%	3,545,822
HEERF Lost Revenue	-	-	-	8,072,564	-	-
Auxiliary Services	3,073,000	1,509,340	49.12%	1,378,931	56.09%	2,458,451
Grants	66,769,896	44,991,603	67.38%	48,588,856	63.47%	76,555,487
Local Grants	7,628,104	3,351,271	43.93%	3,646,640	63.64%	5,730,007
Total Revenues	349,637,150	277,830,839	79.46%	252,583,866	76.90%	\$ 328,443,108
Expenditures						
Instruction	93,606,038	50,381,098	53.82%	46,192,238	52.54%	87,923,358
Public Service	537,650	188,957	35.14%	194,227	46.77%	415,300
Academic Support	33,436,266	12,426,249	37.16%	11,346,079	47.02%	24,130,015
Student Services	23,042,370	10,691,599	46.40%	9,896,700	46.02%	21,503,499
Institutional Support	86,028,566	58,477,643	67.97%	62,731,094	63.63%	98,581,933
Physical Plant	29,201,171	11,713,829	40.11%	10,077,750	41.43%	24,322,186
Scholarships and Fellowships	61,352,154	49,389,629	80.50%	36,088,881	67.55%	53,426,453
Auxiliary Enterprises	3,073,000	1,789,794	58.24%	1,687,059	58.23%	2,897,355
Depreciation	29,800,000	13,734,014	46.09%	13,674,886	48.36%	28,279,123
Total Expenditures	360,077,214	208,792,813	57.99%	191,888,914	56.19%	341,479,221
Transfers Among Funds						
Transfers In	(4,830,713)	(8,542,321)	176.83%	(2,471,946)	25.18%	(9,815,171)
Transfers Out	4,830,713	8,542,321	176.83%	2,471,946	25.18%	9,815,171
Adjustment for Debt Principal Payment ¹	(18,379,936)	(18,359,936)	99.89%	(15,155,000)	100.00%	(15,155,000)
Adjustment for Capital Purchases ¹	(2,104,295)	(545,876)	25.94%	(1,176,321)	22.76%	(5,167,256)
Net Increase (Decrease) in Net Position	\$ 10,044,167	\$ 87,943,838		\$ 77,026,273		\$ 7,286,143

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

Capital Improvement Program

San Jacinto Community College District
Statement of Revenues, Expenditures and Changes In Net Position
For the Six Months Ended February 29, 2024

Fund 91 Capital Projects

	Adjusted Budget	Actual 50.0%	% Actual to Adjusted Budget	PY YTD Actual	% of 8/31/23 Actual
Revenues					
Investment Income	\$ -	\$ 1,825,142	-	\$ 1,547,245	45.08%
Total Revenues	-	1,825,142	-	1,547,245	45.08%
Expenditures					
SECO-Energy Conservation Projects	686,729	306,088	44.57%	97,353	-
Bond Program	60,018,793	5,792,411	9.65%	6,801,256	38.03%
Total Expenditures	60,705,521	6,098,499	10.05%	6,898,609	33.67%
Transfers Among Funds					
Transfers In	-	-	-	-	-
Transfers Out	-	-	-	-	-
Net Increase (Decrease) in Net Position	\$ (60,705,521)	\$ (4,273,357)		\$ (5,351,364)	

San Jacinto Community College District
Statement of Revenues, Expenditures and Changes In Net Position
For the Six Months Ended February 29, 2024

Fund 93 Renewal and Replacement

	Adjusted Budget	Actual 50.0%	% Actual to Adjusted Budget	PY YTD Actual	% of 8/31/23 Actual
Revenues					
Interest Earnings	\$ -	\$ 186,762	-	\$ -	-
Total Revenues	-	186,762	-	-	-
Expenditures					
District Energy Rebates	694,777	55,954	8.05%	-	-
Total Expenditures	694,777	55,954	8.05%	-	-
Transfers Among Funds					
Transfers In	(1,000,000)	(6,000,000)	600.00%	-	-
Transfers Out	-	-	-	-	-
Net Increase (Decrease) in Net Position	\$ 305,223	\$ 6,130,808		\$ -	

San Jacinto College Monthly Investment Report
February 2024

SAN JACINTO COMMUNITY COLLEGE DISTRICT
Cash, Cash Equivalents, and Investments
Portfolio Summary Report
Period Ending February 29, 2024

		<u>Fair Market Value</u>	<u>Book Value</u>
Beginning Value	February 1, 2024	\$ 192,298,931	\$ 192,233,561
Additions/Subtractions (Net)		40,807,555	40,807,555
Change in Fair Market Value*		(102,850)	-
Ending Value	February 29, 2024	<u>\$ 233,001,636</u>	<u>\$ 233,041,116</u>

Earnings for the Month of February	\$ 935,113
Weighted Average Maturity at Ending Period Date (Days)	1.00
Weighted Average Earnings Rate	5.2769%
Benchmark - One Year Treasury Yield	5.0100%

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

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

Prepared by:



Carol Tillman
Assistant Comptroller

Reviewed by:



Andrea DuBois
Comptroller



Carin Hutchins
Associate Vice Chancellor of Finance

Approved by:



Teri Zamora
Vice Chancellor of Fiscal Affairs

San Jacinto College Quarterly Investment Report
December 2023 – February 2024

SAN JACINTO COMMUNITY COLLEGE DISTRICT
Cash, Cash Equivalents, and Investments
Portfolio Summary Report
Quarterly Investment Report - December 1, 2023 to February 29, 2024

		Fair Market Value	Book Value
Beginning Value	December 1, 2023	\$ 161,546,915	\$ 161,743,112
Additions/Subtractions (Net)		71,298,004	71,298,004
Change in Fair Market Value*		56,717	-
Ending Value	February 29, 2024	<u>\$ 233,001,636</u>	<u>\$ 233,041,116</u>

Earnings for the 2nd Quarter	\$ 2,435,852
Weighted Average Maturity at Ending Period Date (Days)	1.00
Weighted Average Earnings Rate for the 2nd Quarter	4.9361%
Benchmark - One Year Treasury Yield - Average	5.0100%

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

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Prepared by:



 Carol Tillman
 Assistant Comptroller

Reviewed by:



 Andrea DuBois
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 Carin Hutchins
 Associate Vice Chancellor of Finance

Reviewed by:



 Teri Zamora
 Vice Chancellor of Fiscal Affairs

SAN JACINTO COMMUNITY COLLEGE DISTRICT
Cash, Cash Equivalents, and Investments
 Weighted Average to Maturity
 February 29, 2024

Description	Maturity	Par	Fair Market Value	Book Value	% of Total Bonds to Portfolio	Days to Maturity	Weighted Avg. Maturity
Short-Term Investments - Unrestricted Funds							
Demog Deposits							
Credit Cards in Transit	N/A	N/A	\$ (3,488)	(3,488)	(100)%	1	0.00
JPMorgan Business Payables Outstanding	N/A	N/A	(1,058,229)	(1,058,229)	(-48)%	1	(41.91)
JPMorgan Operating Income Earnings	N/A	N/A	4,893,909	4,893,909	210%	1	0.52
JPMorgan Payroll	N/A	N/A	(62,872)	(62,872)	(-0.2)%	1	0.00
JPMorgan Workers Comp	N/A	N/A	(4,977)	(4,977)	(0.02)%	1	0.00
Petty Cash	N/A	N/A	19,317	19,317	0.1%	1	0.00
Fund Accounts							
LEIP Corporate Overnigh Plus Fund - Operating Funds	N/A	N/A	98,795,584	98,795,584	4210%	1	0.42
TeaPool - Operating	N/A	N/A	142,281	142,281	0.06%	1	0.00
TeaPool - PRIME - Operative	N/A	N/A	24,698,584	24,698,584	10.80%	1	0.11
Investments							
US Agency Note, DUSIP 3130AUMR2	01/01/24	5,000,000	-	-	0.00%		0.00
US Agency Note, DUSIP 3130ATD6	06/30/24	5,000,000	4,887,200	5,026,000	2.16%	197	0.22
US Agency Note, DUSIP 3130AWG6	06/30/24	5,000,000	5,000,000	5,000,000	4.29%	470	0.14
US Agency Note, DUSIP 3130AWLY4	07/31/23	5,000,000	5,000,000	5,000,000	2.18%	470	0.02
US Agency Note, DUSIP 3130BRLU3	11/30/23	5,000,000	4,851,000	4,789,600	2.06%	203	0.02
US Agency Note, DUSIP 3130BPKY1	01/31/24	5,000,000	4,994,500	4,907,200	2.14%	328	0.02
Short-Term Investments - Restricted (Bond) Funds							
Fund Accounts							
-SIP Corporate Overnigh Plus Fund - GOB Debt Service	N/A	N/A	1,535,025	1,535,025	0.68%	1	0.01
-SIP Corporate Overnigh Plus Fund - 2024 Bond Earnings	N/A	N/A	25,584	25,584	0.01%	1	0.02
-SIP Corporate Overnigh Plus Fund - 2027 Bond Earnings	N/A	N/A	4,146	4,146	0.00%	1	0.00
-SIP Corporate Overnigh Plus Fund - 2028 Bond Earnings	N/A	N/A	40,375	40,375	0.02%	1	0.00
-SIP Corporate Overnigh Plus Fund - 2029 Bond Earnings	N/A	N/A	105,077	105,077	0.04%	1	0.00
-SIP Corporate Overnigh Plus Fund - 2031 Bond Earnings	N/A	N/A	21,493	21,493	0.01%	1	0.00
-SIP Corporate Overnigh Plus Fund - 2022 Bond Proceeds	N/A	N/A	43,307,919	43,307,919	18.58%	1	0.75
-SIP Corporate Overnigh Plus Fund - Capital Excess Revenue	N/A	N/A	1,300,067	1,300,067	4.65%	1	0.02
-SIP Corporate Overnigh Plus Fund - 2023 Bond Proceeds	N/A	N/A	503,875	503,875	0.22%	1	0.00
TeaPool PRIME - 2027 Bond Proceeds	N/A	N/A	19,118,240	19,118,240	8.20%	1	0.02
Grand Total - Cash, Cash Equivalents, and Investments		\$ 33,003,000	\$ 231,001,636	\$ 233,041,116	100.00%		1.00

Weighted Average to Maturity at Ending Period Date (Days)

ACFR, Note 4	Fully Cash on Hand	Total Cash, Cash Equivalents, and Investments
0.01%	19,317	233,001,636
55.52%	98,795,584	
1.92%	3,483,742	
12.75%	23,011,250	
1.00-3.00%	233,001,636	

San Jacinto College Foundation

Statement of Financial Position

As of February 29, 2024

	Current Year			Previous Year			Difference		
	Foundation	Student Success Fund	Total	Foundation	Student Success Fund	Total	Foundation	Student Success Fund	Total
ASSETS									
Current Assets									
Checking/Savings									
General Fund	\$3,833,042	-	\$3,833,042	\$2,848,537	-	\$2,848,537	\$984,505	-	\$984,505
Other Funds	-	-	-	-	-	-	-	-	-
Total Checking/Savings	3,833,042	-	3,833,042	2,848,537	-	2,848,537	984,505	-	984,505
Accounts Receivables	2,540,030	-	2,540,030	2,611,340	-	2,611,340	(71,310)	-	(71,310)
Other Current Assets									
Short Term Investments									
Goldman Sachs - SS2 (Endowed)		20,609,692	20,609,692		17,859,001	17,859,001	-	2,750,691	2,750,691
Goldman Sachs - SSF (Non-Endowed)		4,239,418	4,239,418		7,932,365	7,932,365	-	(3,692,947)	(3,692,947)
Goldman Sachs - FDN - HOE	389,529		389,529	-		-	389,529		389,529
Goldman Sachs - FDN-SSE (Endowed)	1,989,134		1,989,134	1,609,335		1,609,335	379,799	-	379,799
Goldman Sachs - FDN-SSE (Non-Endowed)	2,500		2,500	-		-	2,500		2,500
Goldman Sachs - FDN	14,146,865		14,146,865	12,559,786		12,559,786	1,587,079	-	1,587,079
Total SJC Short Term Investments	16,528,028	24,849,110	41,377,138	14,169,121	25,791,366	39,960,487	2,358,907	(942,256)	1,416,651
Total Current Assets	22,901,101	24,849,110	47,750,210	19,628,999	25,791,366	45,420,364	3,272,102	(942,256)	2,329,846
TOTAL ASSETS	22,901,101	24,849,110	47,750,210	19,628,999	25,791,366	45,420,364	3,272,102	(942,256)	2,329,846
LIABILITIES & NET ASSETS									
Liabilities									
Current Liabilities									
Accounts Payable									
Grants Payable	116,414	-	116,414	131,356	-	131,356	(14,942)	-	(14,942)
Programs Payable	2,030	-	2,030	2,030	-	2,030	-	-	-
Endowments Payable	195,878	-	195,878	182,756	-	182,756	13,122	-	13,122
Scholarship Payables	624,427	-	624,427	457,060	2,070,006	2,527,066	167,367	(2,070,006)	(1,902,638)
Student Success Payables	128,134	-	128,134	104,732	-	104,732	23,402	-	23,402
Total Accounts Payable	1,066,882	-	1,066,882	877,934	2,070,006	2,947,940	188,948	(2,070,006)	(1,881,057)
Total Current Liabilities	1,066,882	-	1,066,882	877,934	2,070,006	2,947,940	188,948	(2,070,006)	(1,881,057)
Total Liabilities	1,066,882	-	1,066,882	877,934	2,070,006	2,947,940	188,948	(2,070,006)	(1,881,057)
NET ASSETS									
Net Assets Without Donor Restrictions	4,172,736	24,004,479	28,177,214	2,595,568	24,575,762	27,171,330	1,577,168	(571,283)	1,005,884
Net Assets With Donor Restrictions	15,781,404		15,781,404	15,975,122		15,975,122	(193,718)	-	(193,718)
Net Assets	19,954,139	24,004,479	43,958,618	18,570,690	24,575,762	43,146,451	1,383,450	(571,283)	812,167
Net Income	1,880,079	844,631	2,724,710	180,375	(854,402)	(674,027)	1,699,704	1,699,033	3,398,737
Total Net Assets	21,834,218	24,849,110	46,683,328	18,751,064	23,721,360	42,472,424	3,083,154	1,127,750	4,210,904
TOTAL LIABILITIES & NET ASSETS	\$22,901,101	\$24,849,110	\$47,750,210	\$19,628,999	\$25,791,366	\$45,420,364	\$3,272,102	(\$942,256)	\$2,329,846

San Jacinto College Foundation

Statement of Activities

For the Period Ending February 29, 2024

	Current Year			Previous Year			Difference			Foundation Annual Budget	Actual % of Annual Budget
	Foundation	Student Success Fund	Total	Foundation	Student Success Fund	Total	Foundation	Student Success Fund	Total		
Ordinary Income/Expense Income											
Contributions											
Grant Contributions	115,775	-	115,775	120,900	-	120,900	(5,125)	-	(5,125)	810,000	14%
Endowments	184,996	-	184,996	228,604	-	228,604	(43,608)	-	(43,608)	1,200,000	15%
Program Sponsorship	237,496	-	237,496	112,287	-	112,287	125,209	-	125,209	850,000	28%
Scholarships	640,499	-	640,499	366,971	-	366,971	273,528	-	273,528	650,000	99%
Total Contributions	1,178,766	-	1,178,766	828,763	-	828,763	350,004	-	350,004	3,510,000	34%
Other Income											
Special Events	403,352	-	403,352	-	-	-	403,352	-	403,352	450,000	90%
Investment Income	345,474	514,547	860,021	348,392	725,090	1,073,481	(2,917)	(210,543)	(213,460)	1,200,000	72%
Realized Gain / (Loss)	19,038	(49,532)	(30,494)	5,677	(64,903)	(59,226)	13,361	15,371	28,732	-	-
Unrealized Gain / (Loss)	778,270	1,718,598	2,496,869	109,541	353,315	462,856	315,415	1,365,283	2,034,013	-	-
Total Other Income	1,546,135	2,183,613	3,729,748	463,609	1,013,502	1,477,111	729,211	1,170,111	2,252,637	1,650,000	226%
Total Income	2,724,901	2,183,613	4,908,514	1,292,371	1,013,502	2,305,873	1,079,215	1,170,111	2,602,641	5,160,000	95%
Expense											
Programs											
Scholarships Awarded - SSF		1,338,982	1,338,982		1,867,904	1,867,904		(528,921)	(528,921)	3,500,000	38%
Scholarships Awarded - FND	519,201	-	519,201	813,516	-	813,516	(294,316)	-	(294,316)	900,000	58%
Programs Sponsored	229,525	-	229,525	223,038	-	223,038	6,487	-	6,487	400,000	57%
Student Success Initiatives	55,970	-	55,970	17,009	-	17,009	38,961	-	38,961	150,000	37%
Total Programs	804,695	1,338,982	2,143,677	1,053,564	1,867,904	2,921,467	(248,869)	(528,921)	(777,790)	4,950,000	43%
Supporting Services											
Bad Debt Expense	-	-	-	-	-	-	-	-	-	2,000	0%
Supporting Services											
Foundation Expenses	32,008	-	32,008	55,768	-	55,768	(23,760)	-	(23,760)	102,500	31%
Fundraising	2,793	-	2,793	-	-	-	2,793	-	2,793	150,000	2%
Sponsorship Expense	5,326	-	5,326	2,665	-	2,665	2,661	-	2,661	15,000	36%
Total Supporting Services	40,127	-	40,127	58,433	-	58,433	(18,306)	-	(18,306)	267,500	15%
Total Expense	844,822	1,338,982	2,183,804	1,111,997	1,867,904	2,979,900	(267,174)	(528,921)	(796,096)	5,219,500	42%
Net Ordinary Income	1,880,079	844,631	2,724,710	180,375	(854,402)	(674,027)	1,699,704	1,699,033	3,398,737	(59,500)	
Other Income / Expenses											
Increase/Decrease in Net Position	\$1,880,079	\$844,631	\$2,724,710	\$180,375	(\$854,402)	(\$674,027)	\$1,699,704	\$1,699,033	\$3,398,737	(\$59,500)	

2015 Bond Program

Report as of February 29, 2024

Project	Base Budget	Budget Adjustments	Current Budget	Program Management Fees	Total Budget	Encumbered Funds	Total Expenditures	Remaining Balance	Percent of Budget Encumbered/ Expensed
Central									
731603 - CC Classroom Building	47,155,000	(804,781)	46,350,219	1,788,440	48,138,659	189,447	47,180,643	768,569	98.40%
Sub-total	47,155,000	(804,781)	46,350,219	1,788,440	48,138,659	189,447	47,180,643	768,569	98.40%
North									
732607 - NC Brightwell Renovation	6,628,000	(314,642)	6,313,358	258,532	6,571,890	18,180	6,553,710	-	100.00%
Sub-total	6,628,000	(314,642)	6,313,358	258,532	6,571,890	18,180	6,553,710	-	100.00%
South									
733608 - SC Domestic Water System Rehabilitation	1,160,000	(137,426)	1,022,574	64,096	1,086,670	-	1,086,670	-	100.00%
733616 - SC BioManufacturing Program	-	750,000	750,000	-	750,000	212,926	408,620	128,454	82.87%
Sub-total	1,160,000	612,574	1,772,574	64,096	1,836,670	212,926	1,495,290	128,454	93.01%
Maritime									
736603 - MC Maritime Expansion	28,000,000	(26,631,300)	1,368,700	31,300	1,400,000	38,139	937,265	424,596	69.67%
Sub-total	28,000,000	(26,631,300)	1,368,700	31,300	1,400,000	38,139	937,265	424,596	69.67%
Generation Park									
Sub-total	-	-	-	-	-	-	-	-	-
Admin									
76605A - CW Deferred Maintenance Phase I	-	31,184,038	31,184,038	427,385	31,611,423	7,300,809	20,803,116	3,507,498	88.90%
736610 - CW Deferred Maintenance Phase II	-	4,150,000	4,150,000	-	4,150,000	1,655,414	537,631	1,956,955	52.84%
736606 - Generation Park Opportunities	-	20,000,000	20,000,000	-	20,000,000	348,480	87,205	19,564,315	2.18%
720100 - Program Management - AECOM	-	11,431,567	11,431,567	(11,404,113)	27,454	27,454	-	-	100.00%
736601 - Contingency	1,166,180	18,565,916	19,732,096	-	19,732,096	-	-	19,732,096	-
Sub-total	1,166,180	85,331,521	86,497,701	(10,976,728)	75,520,973	9,332,157	21,427,952	44,760,864	40.73%
Previously Completed and Closed Projects									
Sub-total	340,890,820	(58,193,372)	282,697,448	8,834,360	291,531,808	-	291,531,808	-	100.00%
TOTALS	425,000,000	-	425,000,000	-	425,000,000	9,790,849	369,126,668	46,082,483	89.16%

Interest Earnings per Bond Issue

Report as of February 29, 2024

Bond Issue	Prior years Earnings as of 08.31.23	FY24 Interest Earnings	Allocated Earnings	Available Balance
2004-2011 Bond Issue Earnings (612 -616)	4,468,926	11,580	(4,478,750)	1,756
2016 & 2019 Bond Issue Earnings (610)	8,419,073	13,969	(8,430,920)	2,122
2021 Bond Issue Earnings (611)	1,736,826	606,513	(2,261,699)	81,640
2022 Bond Issue Earnings (617)	2,117,715	1,189,204	(1,582,864)	1,724,055
TOTALS	16,742,540	1,821,266	(16,754,233)	1,809,573

Projects Funded with Bond Interest Earnings

Projects	Allocated Budget	Encumbered Funds	Total Expenditures	Remaining Balance	Percent of Budget Encumbered/ Expensed
Central					
731615 - CC - C3 Low Roof Replacement	351,320	-	-	351,320	-
731616 - CC - C5 Roof Upgrade	1,008,201	-	-	1,008,201	-
Sub-total	1,359,522	-	-	1,359,522	-
North					
732614 - NC - N7, N8 & N9 Roof Replacement*	2,115,545	8,810	1,988,004	118,731	94.39%
732615 - NC - N2 Roof Replacement	1,703,274	-	-	1,703,274	-
Sub-total	3,818,819	8,810	1,988,004	1,822,005	52.29%
South					
733615 - SC - S7 & S9 Roof Replacement	2,319,532	3,682	2,224,771	91,080	96.07%
733617 - SC - S11 Roof Replacement	680,990	-	-	680,990	-
733618 - SC - S14 Roof Replacement	580,523	-	-	580,523	-
Sub-total	3,581,045	3,682	2,224,771	1,352,593	62.23%
Closed Projects					
Multiple Projects, Salaries & benefits	7,994,847	-	7,994,847	-	100.00%
Sub-total	7,994,847	-	7,994,847	-	100.00%
TOTALS	16,754,233	12,492	12,207,622	4,534,119	72.94%

Future Capital Projects

Report as of February 29, 2024

Project	Base Budget	Budget Adjustments	Current Budget	Total Budget	Encumbered Funds	Total Expenditures	Remaining Balance	Percent of Budget Encumbered/ Expensed
College Wide								
Future Capital Projects (929602)	-	11,300,067	11,300,067	11,300,067	-	-	11,300,067	-
Sub-total	-	11,300,067	11,300,067	11,300,067	-	-	11,300,067	-
TOTALS	-	11,300,067	11,300,067	11,300,067	-	-	11,300,067	-

Repair and Renovation

Report as of February 29, 2024

Project	Base Budget	Budget Adjustments	Current Budget	Total Budget	Encumbered Funds	Total Expenditures	Remaining Balance	Percent of Budget Encumbered/ Expensed
Central								
F24001 CC - Central Misc.	-	14,000	14,000	14,000	-	-	14,000	-
F24007 CC - C45.1322 CPET Worktables	-	5,421	5,421	5,421	-	5,421	-	100.00%
F24016 CC - Exterior Wayfinding	-	-	-	-	-	-	-	-
F24020 CC - C1.129 IT Service Desk	-	42,911	42,911	42,911	29,569	13,342	-	100.00%
F24030 CC - C3 Conference Center Renovation	-	-	-	-	-	-	-	-
F24032 CC - C3.142h Renovation	-	53,366	53,366	53,366	53,366	-	-	-
F24033 CC - C19.365 Science Lab Renovation	-	11,594	11,594	11,594	-	11,594	-	100.00%
F24034 CC - C45.1001 Event Stage Reno	-	24,382	24,382	24,382	-	24,382	-	100.00%
F24052 CC - C12.100 Slocomb Lighting	-	27,863	27,863	27,863	-	-	27,863	-
Sub-total	-	179,537	179,537	179,537	82,934	54,740	41,863	76.68%
North								
F24002 NC - North Misc.	-	10,827	10,827	10,827	1,948	1,235	7,645	29.39%
F24009 NC - N17 Wallpaper Removal & Paint	-	111,319	111,319	111,319	-	111,319	-	100.00%
F24012 NC - N24.103 & N24.105 Esthetics Lab	-	103,504	103,504	103,504	-	99,702	3,802	96.33%
F24015 NC - N14.112b Legal Resource Center	-	9,621	9,621	9,621	-	9,621	-	100.00%
F24023 NC - N8.112 IT Service Desk	-	63,034	63,034	63,034	48,687	14,347	-	100.00%
F24039 NC - N17.2112a & 2112b Add Wall	-	29,220	29,220	29,220	29,220	-	-	100.00%
F24040 NC - N17.1059-59a&1061 Wall Removal	-	33,015	33,015	33,015	2,844	30,171	-	100.00%
F24043 NC - Baseball Rebrand and Painting	-	45,337	45,337	45,337	45,337	-	-	100.00%
F24044 NC - Furniture for N1, N6, and N9	-	23,387	23,387	23,387	-	-	23,387	-
F24051 NC - Baseball Batting Cage Netting	-	19,500	19,500	19,500	19,500	-	-	100.00%
Sub-total	-	448,764	448,764	448,764	147,535	266,395	34,834	92.24%
South								
F24003 SC - South Misc.	-	10,000	10,000	10,000	-	594	9,406	5.94%
F24008 SC - S1.377 BioManufacturing Lab	-	164,742	164,742	164,742	1,635	115,133	47,974	70.88%
F24011 SC - S24.103 Esthetics Lab	-	95,172	95,172	95,172	-	95,173	-	100.00%
F24017 SC - S6.110 Cashier Overhead Light	-	-	-	-	-	-	-	-
F24021 SC - S6.121G & S6.121H Room Reno	-	26,138	26,138	26,138	25,644	-	495	98.11%
F24022 SC - S12.118 IT Service Desk	-	65,760	65,760	65,760	-	65,760	-	100.00%
F24042 SC - Softball Field Rebrand	-	45,109	45,109	45,109	45,109	-	-	100.00%
F24046 SC - S2.237 Security Ops Buildout	-	76,496	76,496	76,496	22,666	-	53,830	29.63%
Sub-total	-	483,417	483,417	483,417	95,053	276,659	111,704	76.89%
Maritime								
Sub-total	-	-	-	-	-	-	-	-
Generation Park								
F24005 GP - GEN P Misc.	-	5,000	5,000	5,000	569	-	4,431	11.38%
F24037 GP - G2.221 A&P Lab	-	-	-	-	-	-	-	-
Sub-total	-	5,000	5,000	5,000	569	-	4,431	11.38%
District								
F24004 DIST - Campus Misc.	-	5,000	5,000	5,000	1,252	397	3,351	32.99%
F24019 DIST - A1.101b Office Conversion	-	126,000	126,000	126,000	-	-	126,000	-
F24026 DIST - CW Roof Safety	-	79,644	79,644	79,644	42,641	37,003	-	100.00%
F24036 DIST - CW Stopper Stations	-	22,956	22,956	22,956	-	22,956	-	100.00%
F24041 DIST - CW Chair Reupholster	-	19,547	19,547	19,547	19,547	-	-	100.00%
Sub-total	-	253,147	253,147	253,147	63,440	60,356	129,351	48.90%
Contingency (720700) - Major Repairs	600,000	(599,900)	100	100	-	-	100	-
Sub-total	600,000	(599,900)	100	100	-	-	100	-

Repair and Renovation

Report as of February 29, 2024

Project	Base Budget	Budget Adjustments	Current Budget	Total Budget	Encumbered Funds	Total Expenditures	Remaining Balance	Percent of Budget Encumbered/ Expensed
Projects Closed								
F24014 CC - C45 RO Cover	-	-	-	-	-	-	-	-
F24031 CC - C3 Level 3 - Demo Lockers	-	12,673	12,673	12,673	-	12,673	-	100.00%
F24010 NC - N12.100 Sensory Room Ph II	-	-	-	-	-	-	-	-
F24018 NC - N7.2112j & N7.2118a Private Door	-	-	-	-	-	-	-	-
F24025 NC - N24.121 Replacement Facial Beds	-	15,715	15,715	15,715	-	15,715	-	100.00%
F24045 NC - N12.205 Card Access Repair	-	4,825	4,825	4,825	-	4,825	-	100.00%
F24028 SC - S1.170 Undergraduate Research	-	-	-	-	-	-	-	-
F24013 MT - Maritime Gate	-	33,940	33,940	33,940	-	33,940	-	100.00%
F24035 MT - Maritime Handrail Phase II	-	5,000	5,000	5,000	-	5,000	-	100.00%
F24038 MT - Maritime Access Control Modification	-	8,728	8,728	8,728	-	8,728	-	100.00%
F24024 MT - Parking Lot Expansion	-	-	-	-	-	-	-	-
F24006 EDGE - E-1 Lab Furniture	-	-	-	-	-	-	-	-
F24029 EDGE - E1.232 Conference Room	-	9,749	9,749	9,749	-	9,749	-	100.00%
Sub-total	-	90,630	90,630	90,630	-	90,630	-	100.00%
TOTALS	600,000	860,594	1,460,594	1,460,594	389,532	748,780	322,283	77.93%

Action Item “IX”
Regular Board Meeting, April 1, 2024
Consideration of Approval of Various Human Resources, Employee Relations
Policies and Procedures - Second Reading

ADMINISTRATION RECOMMENDATION/REPORT

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

Recommendation for Approval:

- Policy IV.4002.F, Employee Concerns and Grievances
- Policy IV.4002.G, Employee Harassment and Discrimination

BACKGROUND

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

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

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

IMPACT OF THIS ACTION

These policies and associated procedures were sent to the College community February 22 through March 7, 2024. Comments were reviewed and one change was made to the proposed procedure on employee concerns and grievances. The number of days to report a complaint was increased from 5 days to 10 days which was the original timeline (attachment 5). Also, additional grammar and punctuation changes were made and are in tracked changes throughout the attachments. Procedures are provided for informational purposes.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

No budgetary impact.

MONITORING AND REPORTING TIMELINE

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

Action Item “IX”
Regular Board Meeting, April 1, 2024
Consideration of Approval of Various Human Resources, Employee Relations
Policies and Procedures - Second Reading

ATTACHMENTS

Proposed Revisions:

Attachment 1 – Summary of Changes – Employee Concerns and Grievances

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

Attachment 3 – Policy IV.4002.F, Employee Concerns and Grievances (proposed policy)

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

Attachment 5 – Procedure IV.4002.F.a, Employee Concerns and Grievances (proposed procedure)

Attachment 6 – Summary of Changes – Employee Harassment and Discrimination

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

Attachment 8 – Policy IV.4002.G, Employee Harassment and Discrimination (proposed policy)

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

Attachment 10 – Procedure IV.4002.G.a, Employee Harassment and Discrimination (proposed procedure)

Attachment 11 – Procedure IV.4002.G.b, Employee Sexual Harassment and Sexual Misconduct (proposed new procedure)

RESOURCE PERSONNEL

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Employee Discrimination and Harassment

Policies and Procedures Summary of Changes

New Policy Number: **IV.4002.F**

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

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

New Procedure Number: **IV.4002.F.a**

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

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

Action Recommended for Policy: **Revised**

Action Recommended for Procedures: **Revised**

Web Links:

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

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

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

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

Summary of Changes:

Policy Changes:

- Reordered paragraphs. For example, moved the definitions to the end of the policy.
- Added that “when a complaint is filed, Human Resources, Employee Relations will evaluate the employee’s allegations to ensure that the complaint has been filed under the correct policy. If the employee invokes an inapplicable policy, Employee Relations will inform the employee which policy applies to the complaint. The employee’s complaint under the correct policy will be deemed filed as of the date of the filing of the initial complaint.”
- Expanded language that employees are subject to discipline, including termination, if they demonstrate a pattern of filing complaints that have been determined to be unfounded or that lack a good faith basis to include filing a complaint that intentionally or knowingly contains a materially false statement, and/or repeatedly file grievances or concerns on the same matter that has already been addressed.
- Removed the statement under the definition of a grievance that prohibits discrimination as this is addressed in Policy IV.4002.G, Procedure IV.4002.G.a, Employee Harassment and Discrimination, and Procedure IV.4002.G.b, Sexual Harassment and Sexual Misconduct.
- Added that an employee may file a grievance under this policy if they are alleging retaliation based on their constitutional or statutory rights and that the employee must identify the specific constitutional or statutory right at issue to number 4 under exclusions.
- Removed the definition of harassment because that is addressed under Policy IV.4002.G and Procedure IV.4002.G.a, Employee Harassment and Discrimination.
- Added the definition of retaliation to include Title VI and Title VII, Age Discrimination in Employment Act, Americans with Disabilities Act, and Title IX of the Education Amendments of 1972 as a reason to file a grievance.
- Added cannot retaliate “because an employee filed a previous grievance or concern under this procedure.”

- Updated language such as “guideline” to “procedure,” “his/her” to “their,” and “shall” to “will.”
- Changed “discrimination” to “disparate treatment” as discrimination is addressed in Policy IV.4002.G, Procedure IV.4002.G.a, Employee Harassment and Discrimination, and Procedure IV.4002.G.b, Employee Sexual Harassment and Sexual Misconduct.

Procedure Changes:

- ~~Shortened the timeframe for an employee to bring forward a concern from ten (10) to five (5) working days.~~
- Reordered paragraphs and repetitive information for better flow and understanding for the reader.
- Changed the time to appeal to the respective SLT member or designee from ten (10) to five (5) working days.
- Removed information on discrimination and harassment as it is discussed in Policy IV.4002.G, Procedure IV.4002.G.a, Employee Harassment and Discrimination, and Procedure IV.4002.G.b, Employee Sexual Harassment and Sexual Misconduct.
- Expanded relevant documents to include tangible evidence such as emails, memoranda, correspondence, or other items relevant to the issues in the grievance.
- Added that “Employee Relations will evaluate whether the allegations in the complaint are subject to this procedure or a different procedure. If the allegations, even if assumed to be true, do not implicate this procedure or if the requested relief has already been implemented, Employee Relations will notify the grievant in writing and dismiss the grievance. If this procedure applies, the respondent will receive a copy of the grievance from Employee Relations and will be provided a reasonable opportunity to submit a written response to the grievance. Employee Relations may redact the grievant’s home address and personal email address or cell phone number if contained in the grievance.”
- Added that “If the respondent provides a written response to the grievance, Employee Relations will provide a copy to the grievant who will be provided a reasonable opportunity to submit a written response. Employee Relations may redact the respondent’s home address and personal email address or cell phone number if contained in the grievance.”
- Updated language that “At the conclusion of the investigation, the designated investigator(s) will prepare a written report with findings of fact. Findings will be based on a preponderance of the evidence.” Then added language “the leader and investigator will provide a recommended remedy, if any is warranted, to the respective Strategic Leadership Team member.”
- Added “Employees who violate the privacy rights of other individuals or who engage in conduct that reasonably may be perceived as witness intimidation or retaliation against persons who are participating in the investigation or grievance process may be subject to disciplinary action up to and including termination.
- Added a 2,500-word limit to the employee appeal.
- Based on employee feedback, changed the timeframe for filing a complaint from five to 10 days.
- Updated language for example “lowest possible leader” to the “first level leader,” “his/her” to “their,” “guideline” to “procedure,” and “shall” to “will.”

Policy IV-I: Policy on Employee Concerns and Grievances

1. INTRODUCTION

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

This policy recognizes two general categories of employment complaints:

- A. Concerns
- B. Grievances

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

2. DEFINITIONS

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

Attachment 2 – Current Policy

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

3. GENERAL POLICY

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

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

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

C. Employees are expected to:

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

D. Leaders are expected to:

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

Attachment 2 – Current Policy

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

Policy IV.4002.F, Employee Concerns and Grievances

Associated Procedure

Procedure IV.4002.F.a, Employee Concerns and Grievances

Purpose

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

Policy

This policy recognizes two categories of employment complaints:

1. Concerns
2. Grievances

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

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

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

Attachment 3 – Proposed Policy

gender expression or identity, genetic information, marital status, or veteran status are addressed in Policy IV.4002.G, Employee Harassment and Discrimination, Procedure IV.4002.G.a, Employee Harassment and Discrimination, and Procedure IV.4002.G.b, Sexual Harassment and Sexual Misconduct. However, an employee may file a grievance under this policy if they are alleging retaliation based on their constitutional or statutory rights. The employee must identify the specific constitutional or statutory right at issue.

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

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

Employees will:

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

Leaders will:

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

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

Definitions

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

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

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

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

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

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

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

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

Attachment 3 – Proposed Policy

Date of Board Approval	Anticipated April 1, 2024
Effective Date	Anticipated April 2, 2024
Primary Owner	Vice Chancellor, Human Resources, Organizational and Talent Effectiveness
Secondary Owner	Vice President, Human Resources

Procedure 3-19: Employee Concerns and Grievances

1. INTRODUCTION

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

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

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

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

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

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

2. PROCEDURE FOR EMPLOYEE CONCERN

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

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

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

Attachment 4 – Current Procedure

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

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

B. Procedure to submit a concern:

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

Attachment 4 – Current Procedure

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

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

3. PROCEDURE FOR EMPLOYEE GRIEVANCE

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

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

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

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b. May schedule a meeting to discuss the appeal.

12. The respective SLT member will provide a written response to the appeal within fifteen (15) working days. If more than fifteen (15) working days will be required to consider the appeal, the administrator hearing the appeal shall notify the employee in writing how much time likely will be needed to provide a response.

13. The decision of the respective SLT member is final; however, the employee may present the facts to the Board of Trustee at the next regular meeting in accordance with the provision for hearing of citizens.

D. If multiple grievances are filed that relate to a common question or circumstance, the College may process the grievances as a Group Grievance. A Group Grievance will be investigated in accordance with the standards and procedures established in this guideline.

E. The College strives to resolve any grievance fairly and equitably and encourages employees to seek remedy through the grievance process; however, the Grievance Procedure shall not be construed to limit, terminate, or waive any right of an employee to seek relief in a court of proper jurisdiction regarding an employee grievance for which a remedy is provided under state or federal laws.

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

Procedure IV.4002.F.a, Employee Concerns and Grievances

Associated Policy

Policy IV.4002.F, Employee Concerns and Grievances

Procedure

This procedure specifies the process for bringing forth an employee concern or grievance in accordance with Policy IV.4002.F, Employee Concerns and Grievances.

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

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

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

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

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

Procedure for Employee Concerns

A “*concern*” is an employee complaint as defined in Board Policy IV.4, Employee Concerns and Grievances.

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

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

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

B. Procedure to submit a concern:

1. Within ten five (105) working days of the date the employee knew or should have known of the event or decision that is the basis of the concern, the employee will present the problem, concern, or suggestion to their immediate leader.
2. Because some concerns are capable of immediate resolution when brought to the attention of a leader, employees are not required to put their concerns in writing as this may unnecessarily delay immediate resolution; however, when necessary to assist the administration in understanding and defining the concern, the employee may be requested to put the concern in writing.
3. If the concern is of such a nature that conferring with the leader would cause the employee undue embarrassment or stress, if previous discussions with the leader on the issue have been unproductive, or if the employee's immediate leader is the source of the problem concern, the employee may direct their concern to the next level leader. Additionally, if the employee's concern is urgent and the leader is unavailable for an extended period of time, the employee may direct their concern to the next level leader.
4. Most concerns should be resolved within fifteen (15) working days from the date the concern was brought to the attention of the leader; however, if the leader needs more than fifteen (15) working days to consider the concern or to gather information related to the concern, the leader will notify the employee in writing of how much time reasonably will be needed to provide a response.
5. If the employee is dissatisfied with the decision at any level of review, or if the leader has failed to provide a response, the employee may present the concern to the next level leader. The request for further review will be submitted in writing within five (5) working days of receipt of the leader's response or the date the leader should have provided a response. The request for further review will be submitted in writing to the appropriate level of leadership up to the respective Strategic Leadership Team (SLT) member.

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

Procedure for Employee Grievances

A grievance is a complaint or ~~problem-disagreement~~ regarding policy, administrative procedure, or law that adversely and materially impacts the employee's wages, hours, or conditions of work as defined by Board Policy IV.4002.F, Employee Concerns and Grievances. A grievance includes a complaint that the employee has been subjected to retaliation for exercising a constitutional right or statutory right.

A. Procedure to submit a grievance:

1. An employee must discuss the matter with their immediate leader within ~~ten five~~ (105) working days of the date the employee knew or should have known of the event or decision that is the basis of the grievance. If conferring with the immediate leader would cause the employee undue embarrassment or stress, if the leader is the source of the ~~problemconcern~~, or if immediate disclosure to the leader could jeopardize the safety of the employee, other persons, or the assets of the College, the employee may direct their grievance to the next level leader. ~~Additionally, if the employee's grievance is urgent and the leader is unavailable for an extended period of time, the employee may direct their grievance to the next level leader.~~ The leader has fifteen (15) working days from the time of the discussion to respond in writing.
2. If the leader's response is unsatisfactory to the employee (or if the leader fails to respond), the employee may initiate the formal grievance process by submitting a written grievance within five (5) working days of receipt of the leader's response or the date on which the leader should have provided a response. The employee will submit a copy of the grievance to; Employee Relations.
3. The employee's written grievance must contain sufficient detail and facts to identify the basis of the grievance, date(s) of the occurrence(s) at issue, individuals involved and material witnesses (and their contact information, if known), and the proposed remedy. If the grievance alleges retaliation, the statement should explain why the employee believes that retaliation was the motive for the challenged decision or action. When applicable, the employee will include copies of relevant documents or other tangible evidence, such as emails, memoranda, correspondence, or other items relevant to the issues in the grievance. The grievance must be signed and dated.
4. Employee Relations will evaluate whether the allegations in the complaint are subject to this procedure or a different procedure. If the allegations, even if assumed to be true, do not implicate this procedure or if the requested relief has already been implemented, Employee Relations will notify the grievant in writing and dismiss the grievance. If this procedure applies, the respondent will receive a copy of the grievance from Employee Relations and will be provided a reasonable opportunity to submit a written response to

the grievance. Employee Relations may redact the grievant's home address and personal email address or cell phone number if contained in the grievance.

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

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

Definitions

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

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

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

Date of SLT Approval	February 21, 2024
Effective Date	Anticipated April 2, 2024
Associated Policy	Policy IV.4002.F, Employee Concerns and Grievances

Attachment 5 – Proposed Procedure

Primary Owner of Policy Associated with the Procedure	Vice Chancellor, Human Resources, Organizational and Talent Effectiveness
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Secondary Owner of Policy Associated with the Procedure	Vice President, Human Resources
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Employee Concerns and Grievances

Policies and Procedures Summary of Changes

New Policy Number: **IV.4002.G**

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

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

New Procedure Number: See below.

Proposed Procedure Name(s):

1) **IV.4002.G.a, Employee Harassment and Discrimination**

2) **IV.4002.G.b, Employee Sexual Harassment and Sexual Misconduct**

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

Action Recommended for Policy: **Revised**

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

Web Links:

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

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

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

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

Summary of Changes:

Policy Changes:

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

Attachment 6

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

Procedure Changes:

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

Policy IV-B-3-b: Employee Harassment

1. INTRODUCTION

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

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

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

2. POLICY

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

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

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

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

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

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

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

DISPUTE RESOLUTION AND COMPLAINT PROCESS

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

RETALIATION IS PROHIBITED

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

Attachment 7 – Current Policy

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

COMPLAINTS AGAINST DISTRICT OFFICIALS AND BOARD MEMBERS

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

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

Policy IV.4002.G, Employee Harassment and Discrimination

Purpose

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

Policy

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

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

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

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

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

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

Retaliation is Prohibited

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

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

The protection against retaliation applies to all good-faith complaints, even if the complaint ultimately is not sustained. Employees may file retaliation complaints under [Policy IV.4002.F](#), the Employee Concerns and Grievances, ~~Policy #~~.

Evaluation of Harassment Claims

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

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

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

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

Complaints Based on a Failure to Provide Workplace Accommodations

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

Dispute Resolution and Complaint Process

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

Any employee alleging a violation of this policy is encouraged to seek resolution of their complaint. The College administration will prepare and disseminate procedures for investigating complaints under this policy. Procedure IV.4002.G.a, Employee Harassment and Discrimination will address all complaints except those involving sexual harassment, sexual misconduct, and other inappropriate conduct of a sexual nature. Procedure IV.4002.G.b, Employee Sexual Harassment and Sexual Misconduct will address complaints involving sexual harassment, sexual misconduct, and other inappropriate conduct of a sexual nature.

Complaints ~~Against~~ Against District Officials and Board Members

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

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

Prevention

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

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

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

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

Associated Procedures

Procedure IV.4002.G.a, Employee Harassment and Discrimination

Procedure IV.4002.G.b, Employee Sexual Harassment and Sexual Misconduct

Date of Board Approval Anticipated April 1, 2024

Effective Date Anticipated April 2, 2024

Attachment 8 – Proposed Policy

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

Secondary Vice President, Human Resources
Owner

Procedure 1-2: Employee Harassment

1. INTRODUCTION

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

2. DEFINITIONS:

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

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

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

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

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

(C) What is Domestic/Dating Violence?

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

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

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

Resources for Victims of Domestic/Dating Violence

3. GENERAL POLICY

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

EXAMPLES OF PROHIBITED CONDUCT

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

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

FRATERNIZATION AND CONSENSUAL RELATIONSHIPS

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

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

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

A. Between faculty members and students.

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

B. Between staff /administrators and students.

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

C. Between employees.

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

INFORMAL ASSISTANCE AND DISPUTE RESOLUTION

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

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

Attachment 9 – Current Procedure

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

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

CONFIDENTIALITY

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

PROMPT REPORTING IS ENCOURAGED

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

LOGGING A FORMAL COMPLAINT OF HARASSMENT OR DISCRIMINATION

A.

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

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

Attachment 9 – Current Procedure

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

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

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

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

COMPLAINTS AGAINST DISTRICT OFFICIALS

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

HARASSMENT OF STUDENTS

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

PREVENTION

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

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

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

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

Procedure IV.4002.G.a, Employee Harassment and Discrimination

Associated Policy

Policy IV.4002.G, Employee Harassment and Discrimination

Purpose

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

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

Exclusion: -This procedure does not apply to employee complaints based on sexual misconduct such as sexual harassment, sexual assault, dating violence, domestic violence, stalking, and/or other inappropriate conduct of a sexual nature. Complaints alleging sexual misconduct will be processed under Procedure IV.4002.G.b, Employee Sexual Harassment and Sexual Misconduct.

When an employment complaint contains both sexual and non-sexual allegations, the complaints will be consolidated and investigated pursuant to Procedure IV.4002.G.b, Employee Sexual Harassment and Sexual Misconduct.

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

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

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

Informal Assistance and Dispute Resolution

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

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

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

Confidentiality

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

Leader Responsibility to Report Discrimination and Harassment

College leaders serve a critical role in preventing discrimination and harassment in the workplace. To assist in enforcement of the College's policy, all leaders must promptly inform Employee Relations whenever they receive information that a reasonable leader would understand as indicating a potential violation of Board Policy IV.4002.G, Employee Harassment and Discrimination. Leaders may contact Employee Relations via email, phone, or in person.

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

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

Complaint and Investigation Procedures

1. Reporting a Complaint

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

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

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

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

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

2. Initial Review of the Complaint

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

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

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

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

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

3. Investigating a Complaint

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

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

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

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

4. Findings, Corrective Action, and Appeals

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

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

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

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

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

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

Additional Conduct Rules and Procedures

1. Retaliation

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

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

The protection against retaliation applies to all good-faith complaints, even if the underlying complaint ultimately is not sustained. Employees may file retaliation complaints under Policy IV.4002.F, Employee Concerns and Grievances.

2. False Complaints

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

3. Interference with the Complaint Process

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

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

4. Calculating Deadlines under this Procedure

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

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

Complaints ~~Against~~ Against District Officials

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

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

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

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

Definitions

This section includes a list of terms referenced in this and other ~~Procedures~~procedures associated with Policy IV.4002.G, Employee Harassment and Discrimination.

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

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

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

Date of SLT Approval	February 21, 2024
Effective Date	Anticipated April 2, 2024
Associated Policy	Policy IV.4002.G, Employee Harassment and Discrimination
Primary Owner of Policy Associated with the Procedure	Vice Chancellor, Human Resources, Organizational and Talent Effectiveness

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

Procedure IV.4002.G.b, Employee Sexual Harassment and Sexual Misconduct

Associated Policy

Policy IV.4002.G, Employee Harassment and Discrimination

Procedures

Purpose and Scope

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

Exclusion for complaints that do not allege sex-based conduct: This procedure does not apply to complaints based on discrimination or harassment based on race, creed, color, national origin, citizenship status, age, disability, pregnancy and pregnancy-related conditions, religion, gender/sex, sexual orientation, gender expression or identity, genetic information, marital status, or veteran status; and failure to provide a reasonable workplace accommodation required by law based on disability, religion, pregnancy, pregnancy-related condition, childbirth, or lactation. Complaints with these types of allegations will be processed under Procedure IV.4002.G, Employee Harassment and Discrimination.

When a complaint contains both sexual and non-sexual allegations, the complaints will be consolidated and investigated pursuant to Procedure IV.4002.G.a, Employee Sexual Harassment and Sexual Misconduct.

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

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

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

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

Fraternization and Consensual Relationships

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

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

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

A. Between faculty members and students

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

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

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

B. Between staff/administrators and students

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

C. Between employees

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

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

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

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

Informal Assistance and Dispute Resolution

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

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

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

Confidentiality

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

Mandatory Employee Reporting

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

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

B. Limited exceptions to mandatory reporting

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

C. Mandatory Termination for Failure to Report

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

D. Criminal Sanctions for Failure to Report

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

Leader Responsibilities

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

Complaint and Investigation Procedures

A. Reporting Options

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

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

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

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

B. Community Resources and Evidence Preservation

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

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

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

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

C. Filing a Complaint

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

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

D. Initial Review of the Complaint

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

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

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

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

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

E. Investigating a Complaint

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

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

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

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

F. Findings, Corrective Action, and Appeals

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

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

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

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

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

Additional Conduct Rules and Procedures

A. Retaliation

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

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

The protection against retaliation applies to all good-faith complaints, even if the complaint ultimately is not sustained. Employees may file retaliation complaints under Policy IV.4002.F, Employee Concerns and Grievances.

B. False Complaints

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

C. Interference with the Complaint Process

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

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

D. Calculating Deadlines ~~Under~~ ~~under~~ ~~This~~ ~~this~~ Procedure

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

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

Complaints ~~Against~~ ~~against~~ District Officials

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

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

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

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

Definitions

This section includes a list of terms referenced in this and other ~~Procedures~~ procedures associated with Policy IV.4002.G, Employee Harassment and Discrimination.

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

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

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

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

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

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

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

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

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

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

1. **Rape** means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the reporting party.
2. **Fondling** means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the reporting party, including instances where the reporting party is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
3. **Incest** means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. **Statutory Rape** means sexual intercourse with a person who is under the statutory age of consent.

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

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

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

- (ii) “Sexual harassment” includes conduct that constitutes “sexual assault,” “dating violence,” “domestic violence,” or “stalking” as defined in this procedure and College Procedure III.3006.D.a, Allegations of Sexual Misconduct.
- (iii) “Sexual harassment” includes “Title IX Sexual Harassment,” which is sexual harassment in a college education program or activity in the United States that involves one or more of the following:
 1. Sexual harassment by an employee of the College in which the employee conditions the provision of an aid, benefit, or service of the

- College on an individual’s participation in unwelcome sexual conduct (“quid pro quo” harassment).
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the College’s education program or activity.
 3. “Sexual assault,” “dating violence,” “domestic violence,” or “stalking” as defined in College Procedure III.3006.D.a, Allegations of Sexual Misconduct.

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

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

1. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the reporting party.
3. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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

Date of SLT Approval	February 21, 2024
Effective Date	Anticipated April 2, 2024
Associated Policy	Policy IV.4002.G, Employee Harassment and Discrimination
Primary Owner of Policy Associated with the Procedure	Vice Chancellor, Human Resources, Organizational and Talent Effectiveness
Secondary Owner of Policy Associated with the Procedure	Vice President, Human Resources

Consideration of Approval of Policy III.3010.A, Information Resources- Second Reading

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve Policy III.3010.A, Information Resources.

BACKGROUND

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

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

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

IMPACT OF THIS ACTION

Approval of this policy and related procedures affirms that the College is in compliance with the requirements of Texas State law. In order to comply with legislation, Texas Government Code, and Texas Administrative code updates, the policy and procedure were implemented in February 2024. The Chancellor exercised this authority according to Policy II.2000.A, Policy and Procedure Development, Review, Revision, and Rescission. Permanent affirmation of the change followed the standard policy review process with first reading on March 4, 2024 and Board approval anticipated on April 1, 2024.

The proposed policy and procedures were sent to the College community from February 27 through March 19, 2024, for informational purposes. Comments were requested only on the proposed procedure on Acceptable Use of Information Resources. Six comments were received regarding this proposed procedure on Acceptable Use of Information Resources. Additional time is required for the primary and secondary owners of the procedure to review the feedback and to determine if any changes are needed to the proposed procedure prior to final adoption. Procedures are provided for informational purposes and are not voted on by the Board of Trustees.

BUDGET INFORMATION

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

Consideration of Approval of Policy III.3010.A, Information Resources- Second Reading

MONITORING AND REPORTING TIMELINE

This policy was effective as of February 15, 2024, under the Chancellor's authority granted by the Board under Policy II.2000.A. The Board will be notified of any changes that require its action regarding this policy.

ATTACHMENTS

Attachment 1 – Summary of Changes

Attachment 2 – Current Policy VI-V: Information Resources

Attachment 3 – Proposed Policy III.3010.A, Information Resources

Informational Items Only:

Attachment 4 – Current Procedure 2-3-a: Individual Responsibilities For Computing Resources (Rescinded)

Attachment 5 – Current Procedure 2-3-b: Computer Security (Rescinded)

Attachment 6 – Current Procedure 2-3-c: Electronic Communication (Rescinded)

Attachment 7 – Current Procedure 2-3: Computer Services - Information Technology Services (Rescinded)

Attachment 8 – Procedure III.3010.A.a, Information Security Program

Attachment 9 – Procedure III.3010.A.b, Cybersecurity Risk Management

Attachment 10 – Procedure III.3010.A.c, Cybersecurity Incident Response

Attachment 11 – Procedure III.3010.A.d, Prohibited Technologies

Attachment 12 – Procedure III.3010.A.e, Data Security

Attachment 13 – Procedure III.3010.A.f, Acceptable Use of Information Resources – *on hold for review based on comments from the College community*

RESOURCE PERSONNEL

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Policies and Procedures Summary of Changes

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

Proposed Policy Name: **Information Resources**

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

New Procedure Number: *See below.*

Proposed Procedure Name(s):

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

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

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

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

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

Procedure III.3010.A.f, Acceptable Use of Information Resources (new) – on hold for review based on comments from the College community

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

Recommended for rescission –

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

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

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

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

Action Recommended for Policy: **Revised**

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

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

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

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

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

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

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

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

Summary of Changes:

Policy – Revised

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

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

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

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

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

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

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

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

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

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

Attachment 1

- Modified formatting
- Included Relevant DIR Security Controls

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

- New procedure

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

- New procedure
- *On hold for review based on comments from the College community.*

Policy VI-V: Policy on Information Resources

The San Jacinto College District provides information resources for employees and students to use to support the mission of the College and its related academic and business purposes. The District expects all employees and students to responsibly follow college guidelines on the use of the College's information resources and in their use of the internet.

- [Computer Services - Information Technology Services \(ITS\)](#)
- [Individual Responsibilities For Computing Resources](#)
- [Computer Security Guidelines](#)

Policy #:	VI-V
Policy Name:	Policy on Information Resources
Pages:	1
Adopted Date:	
Revision/Reviewed Date:	
Effective Date:	
Associated Procedure:	2-3, 2-3-a, 2-3-b, 2-3-c

Policy III.3010.A, Information Resources

Purpose

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

Policy

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

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

Associated Procedures

Procedure III.3010.A.a, Information Security Program

Procedure III.3010.A.b, Cybersecurity Risk Management

Procedure III.3010.A.c, Cybersecurity Incident Response

Procedure III.3010.A.d, Prohibited Technologies

Procedure III.3010.A.e, Data Security

~~Procedure III.3010.A.f, Acceptable Use of Information Resources~~

Date of Board Approval	This policy became effective as of February 15, 2024, under the Chancellor’s authority granted by the Board under Policy II.2000.A, Policy and Procedure Development, Review, Revision, and Rescission. Permanent affirmation of the change will follow the standard policy review process at the next regularly scheduled meetings of the Board with first reading on March 4, 2024 and second reading on April 1, 2024.
Effective Date	February 15, 2024
Primary Owner	Chief Technology Innovations Officer Chancellor
Secondary Owner	Chief Information Security Officer

Procedures - Informational Items

Procedure 2-3-a: Individual Responsibilities

For Computing Resources

San Jacinto College is committed to providing an educational and work climate that is conducive to the personal and professional development of each individual. It is expected that all members of the college community will use these resources and facilities in accordance with laws and college rules.

Failure to fulfill these responsibilities may lead to the cancellation of your computer account(s), other disciplinary action by the college, and/or referral to legal and law enforcement agencies. Individuals using the college's computing resources or facilities have the following responsibilities:

- Use college computing resources and facilities (mainframe computers, computer workstations, computer networks, hardware, software, and computer accounts) responsibly respecting the rights of other computer users and complying with laws, license agreements, and contracts.
- Use communal resources with respect for others. Disruptive mailings and print jobs, tying up work stations and other disproportionate use of computing facilities prevent others from using these resources.
- Use of college computing accounts should be limited to the intended purpose. Use of college-owned computers (offices and computer labs) shall be limited to college-related business or incidental personal use. The San Jacinto College District has determined that employees may use computing resources for personal reasons as long as that use does not result in additional costs or damage to the college and generally does not hinder the day-to-day operation of college offices and facilities. Use of e-mail to solicit sales or conduct business, setting up a web page to advertise or sell a service all constitute commercial use and are prohibited. In addition, use of computing resources for commercial, religious or political purposes or personal gain is prohibited.
- Protect your password and use of your account. Do not let others use your account or password. Confidential information contained on various computers should not be shared with others except when that person is authorized to know such information.
- Report improper use of computing resources and facilities. Improper use of computing resources and facilities as defined in San Jacinto College District Computing Security Rules may include:

Breach of Security

- unauthorized access to computing resources
- release of password or other confidential information on computer security

Harmful Access

- creating a computer malfunction or interruption of operation
- alteration, damage, or destruction of data injection of a computer virus

Invasion of Privacy

Attachment 4 – Current Procedure - Rescind

- Reading files without authorization
- Comply with requests about computing from the area supervisor or designee.
- Report any incidents of harassment using college computing resources and facilities. It may be harassment if
 - the behavior is unwelcome; and
 - the behavior interferes with your ability, or the ability of others to work or study; and
 - the behavior creates an intimidating, hostile or offensive environment.
- Respect the forum (talk groups, bulletin boards, public computing facilities) when communicating ideas to others via college computing facilities and resources (includes access to the Internet). All communications should reflect high ethical standards and mutual respect and civility.

Faculty, staff, and students should be aware that any form of harassment and any form of illegal discrimination against any individual is inconsistent with the values and ideals of the college community. Additional information on harassment and discrimination is available in the respective sections of the Policy Manual of the San Jacinto College District.

Report any violations to the area supervisor OR campus Technology Learning Center Coordinator.

Procedure #:	2-3-a
Procedure Name:	Individual Responsibilities For Computing Resources
Pages:	1
Adopted Date:	
Revision/Reviewed Date:	
Effective Date:	
Associated Policy:	VI-V

Procedure 2-3-b: Computer Security

Procedures Applicability

All users of the San Jacinto College computing resources will follow the Computer Security Procedures.

The San Jacinto College Security Procedures apply to information resources owned by others in those cases where a contractual or fiduciary duty exists to protect the resources while in the custody of San Jacinto College District. In the event of a conflict, the more restrictive security measures apply.

Procedures Statements

- Information Resources are valuable assets and unauthorized use, alteration, destruction, or disclosure of these assets is a computer-related crime, punishable under Texas statutes and federal laws.
- Attempting to circumvent security or administrative access controls for information resources is a violation of these guidelines. Assisting someone else or requesting someone else to circumvent security or administrative access controls is a violation of these guidelines.
- Use of college computing resources should be limited to the intended purpose. Use of college-owned computers (offices and computer labs) shall be limited to college-related business or incidental personal use. The San Jacinto College District has determined that employees may use computing resources for personal reasons as long as that use does not result in additional costs or damages to the college and generally does not hinder the day to day operations of college offices and facilities. Use of e-mail to solicit sales or conduct business, setting up a web page to advertise or sell a service all constitute commercial use and are prohibited. In addition, use of computing resources for commercial, religious or political purposes or personal gain is prohibited.
- Person using Information Resources will acknowledge compliance with the Computer Security Guidelines when logon-ids and passwords are assigned, and in some cases, when an administrative application is accessed.
- Violations of the Computer Security Guidelines will be reported to the San Jacinto College District Information Technology Services.
- Violations of the Computer Security Guidelines that may be violations of state and federal laws will be reported to the appropriate legal authority.
- Persons violating the Computer Security Guidelines will be subject to appropriate administrative and criminal sanctions.
- All employees will receive the Computer Security Guidelines Summary Statement from the Human Resources Department.
- Logon-ids and passwords must control access to all information resources except for those specific resources identified as having public access such as the On-Line Public Access Catalog Library System.
- Passwords must be changed periodically by the logon-id owner as determined to be necessary by Information Technology Services.
- The logon-id owner is responsible to manage their password.
- The logon-id owner is responsible for all actions and functions performed by their logon-id.

Attachment 5 – Current Procedure – Rescind

- All Information Resources used for mission critical applications should provide a notice at logon time stating that the computer system is protected by a computer security system; that unauthorized access is not permitted; and that usage may be monitored.
- Information, which by law is confidential, must be protected from unauthorized access or modification. Data, which is essential to critical functions, must be protected from loss, contamination, or destruction.
- Confidential information shall be accessible only by personnel who are authorized on a basis of strict "need to know" in the performance of their duties. Data containing any confidential information should be readily identifiable and treated as confidential in its entirety.
- An audible, continuous chain of custody shall record the transfer of confidential information. When confidential information from a department is received by another department, the receiving department, the receiving department shall maintain the confidentiality of the information in accordance with the conditions imposed by the providing department.
- All employees accessing a mission critical administrative application must receiving appropriate training and must acknowledge the security and privacy requirements for the data contained in the application.
- When an employee terminates employment, their access to information resources will be terminated.
- All information resources used for mission critical applications shall have a cost effective, written contingency plan that will provide for prompt and effective continuation of critical missions in the event of a disaster.
- End-user workstations used in sensitive or critical tasks must have adequate controls to provide continued confidentiality, integrity, and availability of data stored on the system.
- All end-user workstations will have virus protection software installed.
- Computer software purchased using college funds is San Jacinto College property and shall be protected as such.
- Physical access to all areas that house the facilities providing information resources shall be restricted to authorized personnel. Authorized visitors should be supervised and their entry and exit recorded in a log.
- Individuals who believe they have experienced computer generated harassment or illegal discrimination are encouraged to contact the appropriate administrative office to file a complaint.
- Internet access to the San Jacinto College Network will be controlled as appropriate under guidelines determined by Information Technology Services.

Procedures Administration

The Computer Security Procedures is administered by Information Technology Services. The Director of Information Technology Services, or their designee, has responsibility to:

- Monitor computer security issued
- Maintain records on computer security issues
- Monitor compliance with these guidelines

These guidelines will be reviewed annually and updated as appropriate.

Management Responsibility

Administrators are responsible for the security of information resources in all offices under their jurisdiction and for implementing information security requirements on an office-wide basis.

Administrative Data Ownership

Administrative data is owned by the administrative unit(s) having primary responsibility for creation and maintenance of the data content.

Data Custodian Responsibilities

The data custodian is the unit assigned to supply services associated with the data.

The custodian is:

- The Information Technology Services for centrally supported administrative applications,
- The end-user of an individual microcomputer workstation.

The custodian provides services in accordance with the directions from the area supervisor and is responsible for:

- Implementing specific controls over the data,
- Providing a general security access system,
- Insuring compliance of its employees with security guidelines.

Data User Responsibilities

The data user is the person who has been granted explicit authorization to access the data by the District. This authorization must be granted according to established guidelines. The user must:

- Use the data only for purposes specified by the area supervisor,
- Comply with security measures specified by the area supervisor,
- Not disclose information in the data nor the access controls over the data unless specifically authorized in writing by the area supervisor.

Electronic Mail

Electronic mail is provided to faculty, staff, and students as part of the Information Resources of San Jacinto College to conduct the business of San Jacinto College.

Electronic mail is intended to be a convenient way for the faculty and staff to communicate with one another and colleagues at other locations. The information in electronic mail files may be subject to disclosure under certain circumstances; for example, requests filed under the Texas Open Records Act, or during audit or legal investigations.

No user shall alter electronic communications to hide their identity or impersonate another person. These actions are considered forgery. All e-mail, news posts, chat sessions, or any other form of electronic communication should contain your name and/or user name. Forgery includes using another person's identity or using a fake identity. Similarly, you must not conceal your identity, except when anonymous access is explicitly provided.

The propagation of chain e-mail using San Jacinto College resources is prohibited. In most cases, first offense results in a warning. Subsequent offenses result in referral to the appropriate San Jacinto College District authority for disciplinary action.

Additionally, the only appropriate uses of mass public distribution lists are notification of official college-related activities. When using a public distribution list, text that reflects the content of the message must be placed in the subject line. This way a message that is not of interest can be deleted with being read. The use of personal group distribution lists (that is, those created and maintained by an individual) must follow these guidelines.

Auditor Access

There will be occasions when auditors require access to Information Resources and data files. The access will be permitted according to these guidelines:

Internal Auditors from San Jacinto College District

- Personnel of the Internal Audit Departments have access to all College activities, records, property, and employees in the performance of their duties.
- For non-investigative audits, access requests for Information Resources and data files will be made to the area supervisor and the administrative management of the organization operating the computers and information resources, as appropriate.
- For investigative audits, access requests for information resources and data files will be made to the appropriate administrative management level of the organization operating the computers and information resources.
- Internal Audit access to data files will be provided as specifically requested by Internal Audit; however, whenever practical, Internal Audit will utilize hard copy output or data file copies.
- Read only access will be granted, unless specific instructions are provided, to ensure proper safeguards for continued integrity and availability of data files.

External Auditors

State and Federal auditors will be granted access to Information Resources and data files on an as-needed basis after coordination with the Internal Auditors and area supervisor, and after proper training requirements are met.

Activities Prohibited by Law

Any computing activity that violates local, state or federal law is a violation of San Jacinto College District Computing Guidelines. Upon receiving a report of alleged violation, the appropriate SJCD authority may refer the incident for possible investigation and/or prosecution by the appropriate local, state, or federal authorities.

Illegal activities include, but are not limited to

Threats and Hoaxes

It is illegal to send a message via e-mail that threatens other persons or property. Federal authorities may investigate these messages.

Child Pornography

Child pornography is material that depicts minors in a sexually explicit way. Under federal child pornography statutes anyone under the age of 18 is a minor. Intentionally uploading or downloading child pornography violates these laws. It is also illegal to advertise or seek the sale, exchange, reproduction, or

distribution of child pornography. Exhibition of any files containing images of naked children could violate child pornography statutes. It is also illegal to distribute pornography to minors.

Copyright Infringement

Reproducing copyrighted material without permission of the author or their agent is considered illegal. In response to the recently enacted Digital Millennium Act, the San Jacinto College District has appointed an agent to receive statutory notices from copyright owners about infringements and to send statutory notices to affected subscribers. Upon receiving notification that a user of the San Jacinto College District computing resources has used sources inappropriately, they will notify the SJCD Chancellor, President of the appropriate campus, and the user accused of the infringement. If it is determined that an infringement has taken place, necessary steps will be taken to correct the situation. The user will also be provided with additional information explaining the appropriate use and reproduction of copyrighted material. Any user repeatedly found to infringe on the copyrights of others will lose access privileges to the San Jacinto College District computing resources.

Software Piracy

Unauthorized duplication, distribution or use of someone else's intellectual property, including computing software, is illegal and subject to both civil and criminal penalties.

Defamation/Invasion of Privacy

Defamation can occur in two forms-libel and slander. Slander is a fleeting form, like speech. Libel occurs in a physical, longer-lasting form. Defamation is conveying false information that injures a person's reputation or holds them up to ridicule or humiliation such that lowers their standing in the community or deters others from associating with them. Invasion of privacy may occur when a person's likeness is used without permission, especially for commercial purposes, or when personal or private information about a person is communicated to other persons who have no need to know the information.

Sexual Harassment

Use of a computer system to engage in sexual harassment, as defined in the District's sexual harassment guidelines is in violation of federal discrimination laws.

Scams and Pyramid Schemes

Pyramid schemes and chain e-mail involving the collection of money are illegal under federal laws.

Procedure #:	2-3-b
Procedure Name:	Computer Security
Pages:	3
Adopted Date:	
Revision/Reviewed Date:	February 5, 2008
Effective Date:	February 5, 2008
Associated Policy:	VI-V

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

Procedures

1.0 Overview

There is an increasing reliance on electronic communication among students, faculty and administration at San Jacinto College (SJC). This is motivated by the convenience, speed, cost-effectiveness, and environmental advantages of using electronic communication (E-Com) rather than printed communication. Because of this increasing reliance, SJC requires a policy that outlines its acceptable use of SJC E-Com.

2.0 Purpose

The purpose of these procedures is to establish the rules that govern SJC E-Com usage and protect students, employees and the college from inappropriate use.

3.0 Scope

SJC E-Com is regarded by SJC as an official means for communication with students, faculty, staff, business and the general public. SJC E-Com is all forms of college supported electronic communication including but not limited to the following:

- Email
- Instant Messaging (IM)
- Voicemail
- SMS (Text Messaging)
- Blogs

4.0 procedures

The list outlined below is by no means exhaustive, but attempts to provide a framework for acceptable usage of SJC E-Com.

4.1 General Usage

4.1.1 Disclaimers

Postings by employees from SJC E-Com accounts to newsgroups or forums should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of SJC, unless posting is in the course of business duties.

4.1.2 Assignment of accounts

Technology Services (TS) will assign all employees and students official SJC E-com accounts. It is to this official account that the college will send electronic communications.

4.1.3 Distribution lists

Technology Services (TS) will create a distribution list alias by request. The addition and deletion of account names to the distribution list is the responsibility of the requestor.

4.1.4 Malicious content

Employees and students must use extreme caution when opening SJC E-Com attachments or links (embedded or included within Instant Messages and Blog posts) received from unknown parties, which may contain viruses, e-mail/logic bombs, Trojan horse code, or any other malicious content.

4.1.5 Expectations regarding timeliness of e-mail use

Employees and students are expected to check their official e-mail address on a frequent and consistent basis in order to stay current with College communications. The campus recommends checking e-mail once a week at a minimum (unless specifically detailed by supervisor); in recognition that certain communications may be time-critical.

4.1.6 Educational uses of e-mail

Faculty may determine how e-mail will be used in their classes. It is highly recommended that if faculty has e-mail requirements and expectations they specify these requirements in their course syllabus. Faculty may expect that students' official e-mail addresses are being accessed and faculty may use e-mail for their courses accordingly.

4.1.7 Confidentiality

Confidentiality regarding student records is protected under the Family Educational Rights and Privacy Act of 1974 (FERPA). All use of e-mail, including use for sensitive or confidential information, will be consistent with FERPA. It is not appropriate to transmit sensitive information via SJC E-Com services unless such purposes are matched by an appropriate level of security

4.1.8 Legal Notification

SJC E-Com shall not be the sole method for notification of any legal action.

4.2 Prohibited Use

4.2.1 Redirecting e-mail

To protect confidentiality and to better secure communication with employees and students, automated redirection of email to outside accounts will not be permitted.

4.2.2 Disruptive and offensive messages

The SJC E-Com system shall not be used for the creation or distribution of any disruptive or offensive messages. This includes but is not limited to:

- Messages that harass or threaten harm. This also includes but is not limited to offensive comments regarding work performance, race, gender, hair color, disabilities, age, sexual orientation, pornography, religious beliefs and practice, political beliefs, or national origin.
- Chain letters or jokes including but not limited to "Ponzi" or other "pyramid" schemes of any type are prohibited.

4.2.3 Peer to peer file sharing

Peer to peer file sharing of any nature within SJC E-Com systems. Peer-to-peer networks have become notorious for fostering piracy of copyrighted materials. Employees and students who receive any communication via the SJC E-Com system, with illegal content from any SJC student or employee should report the matter to TechSupport immediately.

4.2.4 Conducting personal business

Employee and student email accounts should not be used when conducting personal business. If an employee or student makes a personal purchase over the internet, their SJC email account should not be entered into any form in conjunction with that purchase. Many companies sell lists of these addresses to marketing firms that will flood the email boxes with spam. SJC employs many resources to prevent spam at the college, using college accounts for personal business is contrary to these efforts.

4.2.5 Mass mailing

Mass mailings to external email accounts from SJC are prohibited unless approved by Marketing and Communications.

4.3 Monitoring

SJC employees and students shall have no expectation of privacy in anything they store, send or receive on the SJC E-Com system. SJC may monitor content without prior notice. SJC is not obliged to monitor SJC E-Com system content.

5.0 Enforcement

Any employee found to have violated these guidelines may be subject to disciplinary action, up to and including termination of employment. Any student found to have violated these guidelines may be subject to disciplinary action up to and including expulsion.

6.0 Definitions

Email

The electronic transmission of information through a mail protocol such as SMTP or IMAP. Typical email clients include Eudora and Microsoft Outlook.

Forwarded email

Email resent from an internal network to an outside point.

Chain email or letter

Email sent to successive people. Typically the body of the note has direction to send out multiple copies of the note and promises good luck or money if the direction is followed.

Sensitive information

Information is considered sensitive if it can be damaging to SJC or its faculty, staff, and student population.

Virus warning

Email containing warnings about virus or malware. The overwhelming majority of these emails turn out to be a hoax and contain bogus information usually intent only on frightening or misleading users.

Unauthorized Disclosure

The intentional or unintentional revealing of restricted information to people, both inside and outside SJC, who do not have a need to know that information.

SJC E-Com

SJC E-Com is defined as any SJC Email, Instant Messaging (IM), Web Logs (Blogs) account used to communicate internally/externally.

Cellular Communication

1.0 Crisis Response Team (CRT) Communication

Certain key positions have been identified by the Board of Trustees as essential to the business continuity of the college. Effective communications during an emergency is essential to crisis management. To that end, the following positions will be provided a phone with PDA capabilities owned and purchased by the college. The following key positions and/or members of the college Crisis Response Team are required to have the college issued phones in the possession and available for use:

- Chancellor
- Vice Chancellors
- CIO
- Presidents
- Vice Presidents
- Safety Director
- Police Captains
- Director of Maintenance
- Assistant Director of Maintenance
- Director of construction
- Director of Special Projects

2. Receipt of e-mail or other electronic communications of employee not on the CRT

The college provides devices paid from college funds to those who are considered crisis management personnel. The college will support pushing e-mail to individuals not on the Crisis Response Team, if the employee has a compatible phone device and the device is using Windows mobile 5 or later and preferably on the Verizon network.

3. Cell Phone Stipends

Certain positions in the college may be approved by the Board of Trustees to receive a monthly cell phone stipend. An employee approved to receive a phone stipend may purchase a cellular device and select a communication plan from the vendor or company of their choice. An employee receiving a cell phone stipend is expected to be available by cell phone and make the number known to those with a business reason to know. An employee receiving a cell phone stipend may not submit reimbursement claims for cell phone usage for business purposes; nor will the college be responsible for replacement of equipment.

Procedure #:	2-3-c
Procedure Name:	Electronic Communication (E-com)
Pages:	3
Adopted Date:	
Revision/Reviewed Date:	
Effective Date:	
Associated Policy:	VI-V

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

The District Information Technology Services (ITS) department, which is located in the District Administration Building, along with service personnel based on each campus, has the following responsibilities:

- Acquire/develop, disseminate and maintain information technology-related resources and services for educational programs and the management and administrative functions of the San Jacinto College District.
- Provide access to information technology facilities by installing and maintaining equipment and software, thereby assisting the instructional and administrative areas to perform their functions more effectively.
- Provide programming, data access/manipulation, and consultation services to instructional and administrative areas, assisting them in their objectives and assessment.
- Provide and maintain an effective telecommunications infrastructure (network and phones) necessary for the identified needs of the instructional and administrative activities.
- Provide access to the Internet and e-mail for all employees and maintain the related resources required to insure timely access.
- Provide a Web site for the access of information regarding the college and for the delivery of Internet-based distance education courses.

Acquisition of PC's and Related Equipment

Requests for the purchase of PC's and related equipment are made through existing requisition procedures. Following the appropriate approvals, the requisition will be forwarded to ITS for the acquisition, delivery and installation of the requested items. This procedure includes purchases to be made with grant funds.

Maintenance of Computer and Copier Equipment

When in need of maintenance for computer or copier equipment, college employees call the ITS help desk at (281) 998-6137 to report the problem. Information regarding the location, contact person, type and serial number of the machine and level of urgency will be necessary for input into the service call system.

This process permits scheduling of repair visits by ITS personnel as well as the efficient tracking of maintenance calls.

Software Installation/Customization/Assistance

Requests for software services should be made by contacting the ITS helpdesk at (281) 998-6137. If the help desk personnel cannot resolve the user's issue directly by phone, a work order will be initiated and the appropriate personnel will be scheduled for the earliest possible visit.

Software and the Federal Copyright Law

The San Jacinto College District's stated policy is to abide within the provisions of copyright law in all matters regarding the reproduction of materials for classroom and college use. This includes the unauthorized duplication of software.

Any duplications of software material, except for backup purposes, is a violation of the Federal Copyright Law. Penalties include fines of as much as \$100,000 and jail terms up to five years. Employees who make, acquire or use unauthorized copies of software shall be disciplined as appropriate under the circumstances. Such discipline may include termination.

Educational institutions are not exempt from the copyright laws. Due to its position of influence, San Jacinto College should make every effort to uphold the law because it is by our example that students will learn respect for intellectual property.

College employees should refer to the license agreement before making any copies of software to ensure the authorization for copying is granted. If you need clarification or have questions regarding the license agreement, please contact the ITS Department at (281) 998-6135.

Request for Programming and Data Services

The ITS Department requires a completed Job Request Form for any requests for information processing outside of their normal operating procedures. Upon receipt of a request, ITS will obtain appropriate District approval of the request. If you have a need for computer generated lists, labels or reports please contact the Help Desk at ext. 6137.

Removal of Unwanted Software Material

When a department determines that there is a need for the removal of software material, the department supervisor should contact the District ITS department by calling (281) 998-6137. The appropriate ITS personnel will schedule a pickup of the software.

After the software has been removed, the appropriate supervisor completes and signs the Removal of Software Materials form. This form is also signed by the ITS personnel. A copy of the completed form should be kept by the departmental supervisor.

At the District ITS office, records are kept regarding the status of all software materials collected. These records reflect the redistribution or type of disposal performed for the materials.

Procedure #:	2-3
Procedure Name:	Computer Services - Information Technology Services (ITS)
Pages:	2
Adopted Date:	
Revision/Reviewed Date:	
Effective Date:	
Associated Policy:	VI-V

Procedure III.3010.A.a, Information Security Program

Associated Policy

Policy III.3010.A, Information Resources

1. Purpose

The College's Information Resources are vital academic and administrative assets that require appropriate safeguards. Computer systems, networks, and data are vulnerable to ever increasing cybersecurity threats. These threats have the potential to perpetrate financial fraud and compromise the integrity, availability, and confidentiality of the information used by the College to conduct its day-to-day business. To combat these threats, Federal and State Laws require the College to take measures to protect Information Resources against unauthorized access, disclosure, modification, or destruction, whether accidental or deliberate. This Procedure describes these requirements and expected responsibilities of the College and serves as a master Procedure to be referenced by other Procedures under the associated policy.

2. Applicability

This Procedure applies to all Users of Information Resources, in any form, and is intended to be broad enough to include all Users.

3. Laws, Regulations, and Standards

The College is required to comply with Federal and Texas State Laws and Regulations. In the 86th legislative session, the Texas Legislature enacted policy that requires the College to designate an Information Security Officer (ISO) and comply with state information security standards, shared services, and projects, including mandatory cybersecurity training for elected officials, employees, and contractors. Furthermore, in the 87th legislative session, the Texas Legislature enacted policy that requires the College to designate a Data Management Officer (DMO) to establish a data governance program to identify data assets, establish processes and Procedures to oversee the College's data assets, and implement practices and controls for managing and securing the College's data.

The NIST Cyber Security Framework (CSF) is an overarching standard used to implement Federal and State Laws and Regulations and is defined by the National Institute of Standards and Technology (NIST) within the U.S. Department of Commerce. To implement Texas state requirements, the College is required to comply with the standards defined by Texas Administrative Code §202 (TAC 202).

Texas state requirements should satisfy other Federal Laws and Regulations given that Texas Department of Information Resources (Texas DIR) control standards are based on [NIST 800-53](#) standards.

4. Texas State Information Security Program

Pursuant to Texas State Laws, the College is required to adopt the state’s Information Security Program that establishes formal cybersecurity governance, testing, controls, enforcement, and regular assessment and reporting to Texas DIR.

5. Program Governance

Described below are the roles and responsibilities as defined by the Information Security Program.

- a. **Chancellor.** The Chancellor is responsible for the security measures that protect the College’s Information Resources.
- b. **Designee.** The Designee is the executive that oversees the implementation and adoption of the Information Security Program. The Designee appointed by the Chancellor is the College’s Chief Technology Information Officer (CTIO).
- c. **Information Security Officer (CISO).** The CISO is the College’s Chief Information Security Officer who reports to the Designee and is the executive authorized with explicit authority to administer the information security requirements under Texas Law, as designated by the Chancellor. The CISO coordinates with Texas DIR, the College’s Data Management Officer (DMO), and with the College’s leadership, employees, students, Vendors, and other third parties as defined by [TAC 202.72](#). CISO responsibilities are outlined in [TAC202.21](#).
- d. **Data Management Officer (DMO).** The DMO reports to the Designee and is responsible for the College’s Information Security Assessment Report and implementing data management governance, processes, and controls. The DMO is regarded as the Information Resource Manager (IRM). The IRM is the executive responsible for Information Resources across the whole of the institution as defined in [Chapter 2054, Subchapter D, Texas Government Code](#). The DMO coordinates with the College’s ISO, the College’s Records Management Officer (RMO), the Texas State Chief Data Officer, the State Library and Archives Commission, and with the College’s leadership, employees, students, Vendors, and other third parties.
- e. **Strategic Leadership Team (SLT).** The SLT is the College’s executive steering committee. The SLT is required to evaluate and recommend approval to the Chancellor of the Annual Program Review, risk acceptance, and any changes to controls that are escalated to the SLT.

6. Data Governance

The DMO shall establish data governance and controls at the College. The DMO shall design and develop classifications of data produced by the College’s Technology Resources and determine appropriate data security requirements and applicable record retention schedules as outlined in Texas Government Code [Section 441.185](#) for each classification.

7. Program Controls

The CISO shall design and develop processes and controls to ensure that the Information Security Program is adopted at the College. The Information Security Program shall establish appropriate security controls to protect the confidentiality, integrity, and availability of College’s Information

Resources. These controls shall be based upon the NIST Cyber Security Framework (CSF), and in accordance with respective laws, regulation, and compliance requirements. Documentation of the College’s Information Security Program Controls as required by Policy III.3010.A, Information Resources.

7.1 Mandatory Controls

Texas Administrative Code 202 mandatory security controls shall be defined by Texas DIR in the [Security Controls Standards Catalog \(DIR CC\)](#). The controls shall include minimum information security requirements for all state information and information systems and standards to be used by all institutions of higher education to provide levels of information security according to risk levels. The mandatory control families implemented at the College are as follows:

- AC Access Control
- AT Awareness and Training
- AU Accountability, Audit, and Risk Management
- CA Security Assessment and Authorization
- CM Configuration Management
- CP Contingency Planning
- IA Identification and Authentication
- IR Incident Response
- MA Maintenance
- MP Media Protection
- PE Physical and Environmental Protection
- PL Planning
- PM Program Management
- PS Personnel Security
- RA Risk Assessment
- SA System and Service Acquisition
- SC System and Communication Protection
- SI System and Information Integrity
- SR Supply Chain Risk Management

7.2 Optional Controls

The Chancellor or Designee may employ standards for the cost-effective information security of information and information resources within or under the supervision of the College that are more stringent than the standards Texas DIR prescribes if the more stringent standards:

- a. Contain at least the applicable standards issued by Texas DIR; and
- b. Are consistent with applicable Federal Law, policies, and guidelines issued under Texas state rule, industry standards, best practices, or are deemed necessary based on a Risk Assessment to adequately protect the information held by the institution of higher education.

8. Enforcement

The Chancellor shall designate responsibility for enforcing this Procedure as described by College policies and procedures. Compliance with this Procedure and Program Controls shall be strictly enforced. Violations may result in disciplinary action, up to and including termination. Violations of Federal State or Local Laws may also result in criminal prosecution.

Information Resources are valuable assets and unauthorized use, alteration, destruction, or disclosure of these assets is a computer-related crime, punishable under Federal and State Laws. Moreover, attempting to circumvent security or administrative access controls for Information Resources and/or assisting someone else or requesting someone else to circumvent security or administrative access controls is a violation of College Policy and this Procedure.

Violations of this Procedure and applicable guidelines shall be immediately reported to the CISO and or Technical Support.

9. Regular Program Reviews

The College's Information Security Program is expected to be continually updated given the evolving maturity level of the program's adoption at the College and the ever-changing cybersecurity threat landscape. As such, the College is required to perform regular reviews of its program.

- a. **Annual Program Review and Approval.** The Designee shall annually review no later than June 1 of each year with the Chancellor and Strategic Leadership Team (SLT) an Information Security Program in accordance with Texas State Law by the CISO designed to address the security of the Information Resources owned, leased, or under the custodianship of the College against unauthorized or accidental modification, destruction, or disclosure. The program shall include processes for risk management and for information security awareness education for employees when hired, and an ongoing program for all Users.
- b. **Biennial Program Review.** In addition to the Annual Program Review, the Information Security Program must be reviewed biennially by an individual who is independent of the program to determine if the program complies with the mandatory security controls defined by Texas DIR and any controls developed by the College in accordance with Texas Law. A review of the College's Information Security Program for compliance with these standards will be performed at least biennially, based on business risk management decisions, by individual(s) independent of the information security program and as designated by the Chancellor or designated representative(s).

10. Regular Testing of Online and Mobile Applications

The College shall adopt processes addressing the privacy and security of the College's internet-facing technology resources, websites, and mobile applications. The Information Resource Custodian shall subject the website or application to a vulnerability and/or penetration test and address any vulnerability identified in the test before deployment and mitigate according to the College's risk management procedures. Ongoing vulnerability tests will be conducted as described by the RA Risk Assessment control family in DIR's CC.

11. Texas State Cloud Computing State Risk and Authorization Management Program

The College shall require each Vendor contracting with the agency to provide cloud computing services for the agency to comply with the requirements of the state risk and authorization management program. A state agency shall require a vendor contracting with the agency to provide cloud computing services for the agency that are subject to the state risk and authorization management program to maintain program compliance and certification throughout the term of the contract.

12. Reporting

Federal and Texas State Laws require the College to submit regular and ad-hoc reports to Texas DIR and other Federal Departments and Agencies. These reports are outlined below:

- a. **Information Security Plan.** Not later than June 1 of each even-numbered year the CISO shall submit an Information Security Plan on behalf of the College to Texas DIR in accordance with Texas Law.
- b. **Incident Report.** The CISO shall assess the significance of a security incident and, if applicable, report urgent incidents to the CTIO, Federal Departments or Agencies, Texas DIR, and law enforcement as required by Federal, Texas State, and Local Laws. Furthermore, The College shall include within any Vendor or third-party contract the requirement that the Vendor or third-party report information security incidents to the College in accordance with the College's Policies and Procedures and as required by Federal and Texas State Laws.
- c. **Security Breach Notification.** Upon discovering or receiving notification of a breach of system security, the CISO shall assess the significance of the breach and report the breach to the CTIO. Depending on the severity of the breach, the College shall disclose the breach to affected persons or entities in accordance with the time frames established by Federal and State Laws. The College shall give notice by using one or more of the following methods:
 - Written notice.
 - Electronic mail if the College has electronic mail addresses for the affected persons.
 - Conspicuous posting on the College District's website.
 - Publication through broadcast media.

13. Expected User Responsibilities

It is the shared responsibility of all Users to comply with designated security controls, programs, guidelines, and practices to ensure the confidentiality, integrity, and availability of College Information Resources. Information Resource Owners, Information Resource Custodians, and other Users of Information Resources shall, in consultation with the College's CTIO, CISO, and DMO be identified, and their responsibilities defined and documented by the College. The distinctions below among Information Resource Owners, Information Resource Custodians, and other Users should guide determination of these roles.

- a. **Information Resource Owner (IRO)** is a role assigned by Texas Administrative Code (TAC) 202.72 to Users who are College leaders and designated employees either responsible for the business function that is supported by the Information Resource or whom responsibility rests

for carrying out the program that uses the resources. Furthermore, the Owner of a collection of information is the person responsible for the business results of that system or the business use of the information. Where appropriate, ownership may be shared. The owner or his or her designated representative(s) are responsible for:

- Classifying information under their authority, with the concurrence of the Chancellor or designee(s), in accordance with the College District's established information classification categories.
- Approving access to information resources and periodically reviewing access lists based on documented risk management decisions.
- Formally assigning custody of information or an information resource.
- Coordinating data security control requirements with the ISO.
- Conveying data security control requirements to custodians.
- Providing authority to custodians to implement security controls and processes.
- Justifying, documenting, and being accountable for exceptions to security controls. The information owner shall coordinate and obtain approval for exceptions to security controls with the institution of higher education information security officer.
- Participating in risk assessments as provided under [Texas Administrative Code 202.75](#).
- The IRO coordinates with the College's ISO, DMO or their delegates to ensure that processes are documented and implemented as required by Texas State Laws.

b. **Information Custodian (IC)** is a User who is an employee, department, other institution, third party agent acting on behalf of the College, or Vendor responsible for supporting and implementing Information Resource controls as defined by the IRO. Custodians include information security administrators, institutional Information Technology Services/Systems departments, faculty or staff, vendors, and any third-party acting as an agent of or otherwise on behalf of the College. Custodians of information resources, including third-party entities providing outsourced information resources services to the College District, shall:

- Implement controls required to protect information and information resources required by this chapter based on the classification and risks specified by the information owner(s) or as specified by the Policies, Procedures, and standards defined by the College District's security program.
- Provide owners with information to evaluate the cost-effectiveness of controls and monitoring.
- Adhere to monitoring techniques and processes, approved by the ISO, for detecting, reporting, and investigating incidents.
- Provide information necessary to provide appropriate information security training to employees; and
- Ensure information is recoverable in accordance with risk management decisions.

c. **Information Resource User** is a User of Information Resources and has the responsibility to:

- Use the resource only for the purpose specified by the institution or Information-Owner

- Comply with information security controls and institutional policies to prevent unauthorized or accidental disclosure, modification, or destruction.
- Formally acknowledge that they will comply with the College Information Resource Policy and Procedures in a method determined by the institution head or their designated representative.
- College Information Resources designated for use by the public shall be configured to enforce the College's Information Resource Policy and Procedures without requiring user participation or intervention. Information Resources must require the acceptance of a banner or notice prior to use.

14. Definitions

This section includes a list of terms referenced in this and other Procedures associated with Policy III.3010.A, Information Resources.

Availability: means ensuring timely and reliable access to and use of information.

Breach (or suspected breach): means an unauthorized acquisition of data that compromises the security, confidentiality, or integrity of sensitive personal information maintained by a person, including data that is encrypted if the person accessing the data has the key required to decrypt the data. As defined by [Texas Business and Commerce Code Section 521.053](#). Good faith acquisition of sensitive personal information by an employee or agent of the person for the purposes of the person is not a breach of system security unless the person uses or discloses the sensitive personal information in an unauthorized manner.

Cardholder: Individual who owns and benefits from the use of a membership card, particularly a payment card.

Cardholder Data (CHD): Elements of payment card information that must be protected including primary account number (PAN), cardholder name, expiration date, and the service code.

Cardholder Name: The name of the individual to whom the card is issued.

CAV2, CVC2, CID, or CVV2 data: The three- or four-digit value is printed on or to the right of the signature panel or on the face of a payment card and is used to verify card-not-present transactions.

College: means San Jacinto College District.

College Business: means activities that include teaching, learning, administration, safety, maintenance, business development, support, and project services.

Confidentiality: means reserving authorized restrictions on information access and disclosure, including means for protecting personal privacy and proprietary information.

Confidential Data: means data that is collected and maintained by an agency that must be protected against unauthorized disclosure and is not subject to public disclosure under the provisions of applicable Federal and State Laws.

Cybersecurity Governance, Risk Management, and Compliance (GRC) Team: means individuals who are knowledgeable about the organization’s HIPAA Privacy, Security and HITECH policies, procedures, training program, computer system set up, technical security controls, and who are responsible for the Cybersecurity Risk Management processes and procedures.

Data: means elemental units, regardless of form or media, includes both digital and physical, that are combined to create information used to conduct College business. Data may include but are not limited to physical media, digital, video, and audio records, photographs, and negatives.

Digital Content: means Data that is digital that includes information, data files, image files, video files, templates, project files, software code, and other digital products stored and made available through Technology Resources, along with any related materials, modifications, and updates, if any, provided by Licensor to the User and or the College.

Disposal: means the disposal of data in a certain manner that renders all data unrecoverable. This includes paper documents and any electronic media, including computers, hard drives, magnetic tapes, and USB storage devices, in accordance with [Procedure III.3001.J.a, Records Management](#). The approved PCI DSS disposal methods include cross-cut shredding, incineration, and approved shredding and disposal service. Records may not be destroyed prior to authorized disposal date.

Electronic Protected Health Information (ePHI): means any individually identifiable health information protected by HIPAA that is transmitted by or stored in electronic media.

Event: means an identified issue, alert, or error which resulted in no adverse effect on an asset or user. For example, an event can be a user who receives a phishing email but does not click on any link, reply or execute an attachment.

Expiration Date: means the date on which a card expires and is no longer valid. The expiration date is embossed, encoded, or printed on the card.

Federal Law(s): means federal privacy, information, and other data protection laws including, but not limited to, the Family Educational Rights and Privacy Act (FERPA), Gram-Leach-Bliley Act (GLBA), Personal Credit Information (PCI), Health Insurance Portability and Accountability Act (HIPAA), and Children’s Online Privacy Protection Act (COPPA).

Information Resources: means the collective of the College’s Technology Resources, Protected Data, and Digital Content. This is the term used in Texas Law.

Information Systems: means an interconnected set of Information Resources under the same direct management control that shares common functionality. An Information System normally includes hardware, software, Network Infrastructure, information, data, applications, communications, and people.

Information Technology Services (ITS): means the department within the College responsible for the delivery, support, and security of Technology Resources.

Information User(s): means employees, contractors, third parties, and or any individual provided privileged access to Protected Data.

Integrity: means the accuracy and completeness of information and assets, and the authenticity of transactions. information.

License Agreement(s): means a legal contract between the licensor and the purchaser of a software or service which establishes the purchaser's rights to use the software. A license agreement details how and when the software or service can be used and provides any User restrictions imposed on the software by the licensor. A license agreement also defines and protects the rights of both parties. In general, the College licenses software and services on behalf of College Users and College Users are bound to the terms and conditions of the license agreement.

Magnetic Stripe Data: means data encoded in the magnetic stripe or equivalent data on a chip used for authorization during a card-present transaction. Entities may not retain full magnetic-stripe data after transaction authorization.

Merchant: means a department(s) or unit(s) approved to accept payment cards and are assigned a merchant identification number.

NPI: means non-public personal information that is (1) provided by a consumer to a financial institution, (2) resulting from any transaction with the consumer or any service performed for the consumer, or (3) otherwise obtained by the financial institution.

Office of Cybersecurity (OCS): means the department within the College that provides data security services, vendor evaluation, (IR) incident response, and GRC compliance efforts. OCS drives the cybersecurity maturity of the College.

Payment Card Industry Data Security Standard (PCI DSS): means regulations as administered by the Payment Card Industry Security Standards Council (PCI SSC) to decrease payment card fraud across the internet and increase payment card data security. This includes sensitive data that is presented on a card or stored on a card, and personal identification numbers entered by the cardholder.

Personal Device(s): means devices, operating systems, software, hardware, systems, and services that are owned by the User. Includes but not limited to personal computing devices such as smartphones, tablets, and laptops; personal Internet Service Providers (ISP); mobile applications and software; storage devices such as USB drives; access to digital resources and services made available by any third-party platforms such as Google Drive and Dropbox; personal communications systems such as phone, email, text, instant messaging, and other collaboration tools.

Personal Identifying Information (PII): means any representation of information that permits the identity of an individual to whom the information applies to be reasonably inferred by either direct or indirect means. Further, PII is defined as information:

Attachment 8 – Proposed Procedure

- That directly identifies an individual (e.g., name, address, social security number or other identifying number or code, telephone number, email address, etc.) or
- By which the College intends to identify specific individuals in conjunction with other data elements, such as indirect identification. These data elements may include a combination of gender, race, birth date, geographic indicator, and other descriptors. Additionally, information permitting the physical or online contacting of a specific individual is the same as personally identifiable information. This information can be maintained in either paper, electronic or other media.

PII includes the first name or first initial and last name in combination with and linked to any one or more of the following data elements about an individual:

- Social security number
- Driver's license number or state identification card number issued in lieu of a driver's license number
- Passport number
- Financial account numbers, and/or credit card or debit card number
- Academic records
- Financial records
- Medical Records
- Disciplinary records
- Placement office records
- Personal names
- Address
- Telephone and fax numbers
- Electronic mail addresses
- Dates directly related to an individual, including birth date, admission date, discharge date, date of death
- Medical record numbers
- Health plan beneficiary numbers
- Full face photographic images and any comparable images

PII can also be reidentified in such a manner as to contain PII. The Federal Trade Commission also considers information that can reasonably be used to contact or distinguish a person as PII. This includes electronic identification such as IP addresses.

Texas Senate Bill 475 specifically prohibits the College from using, retaining, or disseminating data from global positioning system technology, individual contact tracing, or technology designed to obtain biometric identifiers to acquire information that alone or in conjunction with other information identifies an individual or the individual's location without the individual's written or electronic consent. Exceptions to this restriction include if such use, retention, and dissemination is required or permitted by a federal statute or by a Texas State statute other than Chapter 552; or made by or to a law enforcement agency for a law enforcement purpose.

PIN or PIN block: means personal identification number entered by the cardholder during a card-present transaction, or encrypted PIN block present within the transaction message.

Primary Account Number (PAN): means the number code of 14-16 digits embossed on a bank or credit card and encoded in the card's magnetic strip. PAN identifies the issuer of the card and the account and includes a check digit as an authentication device.

Protected Data: means data that includes elemental units that include Personal Identifying Information (PII), financial, educational, and/or health-related information protected by Federal and State Laws and regulations. Subject to applicable Laws, the College also considers College email addresses as Protected Data insofar as they can be used in combination with IP address discovery, other external discovery information, or through fraudulent methods such as phishing to obtain passwords to gain unauthorized access to the College's Technology Resources which process and stores other Protected Data.

Ransomware: means a computer contaminant or lock that restricts access by an unauthorized person to a computer, computer system, or computer network or any data in a computer, computer system, or computer network under circumstances in which a person demands money, property, or a service to remove the computer contaminant or lock, restore access to the computer, computer system, computer network, or data, or otherwise remediate the impact of the computer contaminant or lock as defined by Section 22.023, Penal Code.

Risk(s): means a function of the likelihood that a threat will exploit a vulnerability and the resulting impact to the College's missions, functions, image, reputation, assets, or constituencies if such an exploit were to occur.

Risk Acceptance: means an agreement between data owner, stakeholders, and advisors that the risk is understood but due to resource constraints, the College is not able to implement security controls that mitigate or transfer the risk.

Risk Assessment: means the identification of the risks to people, processes, or technology, and determines the probability of occurrence and the resulting impact for each threat/vulnerability pair identified given the security controls in place; Prioritizes risks; and Results in recommended possible actions/controls that could mitigate, transfer, or accept the determined risk. Assessments may be Quantitative or Qualitative.

Risk Mitigation: means a process that prioritizes, evaluates, and implements security controls that will reduce or offset the risks determined in the risk assessment process to satisfactory levels within an organization given its mission and available resources.

Risk Transference: means the process that prioritizes, evaluates, and leverages security controls that transfer the risk to a third party at a cost to the College.

Sensitive Data: means data that is collected and maintained by an organization that must be protected against unauthorized disclosure, except for public release under the provisions of applicable Federal or State Laws.

Security Incident: means the actual or suspected, unauthorized access, disclosure, exposure, modification, or destruction of sensitive personal information, confidential information, or other information the disclosure of which is regulated by law, per SB 271. For example, an incident can be a compromise of a user’s account, execution of malware on a College-owned asset, or a user clicking on a malicious link in a phishing email that results in the compromise of the user’s account.

Sensitive Authentication Data: means additional elements of payment card information required to be protected but never stored. These include magnetic stripe (i.e., track) data, CAV2, CVC2, CID, or CVV2 data, and PIN or PIN block.

Software Intake Form (SIF) Self-Assessment Questionnaire: means a security questionnaire/form used to collect information on technology and software solutions requested for use within the organization. This form is to be completed by the requestor’s department and submitted to Tech Support with additional input from the vendor and ITS. This questionnaire/form intends to collect information about the security controls and technology requirements built into the technology in use or planned to be used by the department/ institution.

Service Code: means a code that tells merchant terminals and acquiring networks about usage restrictions the issuer has placed on this card, defining where the card is used and for what purposes.

Technology Resources: means identity access systems, devices, software, hardware, systems, and services that are provided by the College to the User to conduct College Business. Includes but not limited to authenticated systems access; computing devices; access to internal and external networks and Internet; business services, database and reporting systems; student Information Systems; learning management systems; access to digital resources and services made available via the Intranet and internal servers and any third-party platforms used to conduct College business such as social media accounts; communications systems such as email, instant messaging, collaborations tools, telephone systems, broadcasting systems, and other information technology tools, systems, and infrastructure. This associate term used in Texas legislation in “Information Resources Technologies”.

Technical Support: means ITS Technical Support can be contacted by email at TechSupport@sjcd.edu or by phone at (281) 998-6137.

Texas State Law(s): means Texas state privacy, information, and other data protection laws including, but not limited to, Texas Senate Bill 64, House Bill 3834, Texas Senate Bill 475, Texas Identity Theft and Protection Act (TITEPA), and Texas Administrative Code Chapter 202 (TAC §202).

Threat: means the potential for a threat source to successfully exercise a particular vulnerability, intentionally or unintentionally. Threats are commonly categorized as:

Environmental – external fires, HVAC failure/temperature inadequacy, water pipe burst, power failure/fluctuation, etc.

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Human – cyber threat-actors, data entry, workforce/ex-workforce members, impersonation, insertion of malicious code, theft, viruses, SPAM, vandalism, etc.

Natural – fires, floods, electrical storms, tornados, etc.

Technological – server failure, software failure, ancillary equipment failure, etc. and environmental threats, such as power outages, hazardous material spills.

Other – explosions, medical emergencies, misuse of resources, etc.

Threat Source: means any circumstance or event with the potential to cause harm (intentional or unintentional) to an IT system. Common threat sources can be natural, human or environmental, which can impact the organization’s ability to protect ePHI, financial NPI, protected cardholder data, and student education records.

Threat Action: means the method by which an attack might be carried out, such as hacking or system intrusion.

Threat Actor: means any entity, nation-state actor, or hacktivist that poses a threat or seeks to exploit a vulnerability in the College’s Information Resources or Users.

Regulation(s): means standards and rules adopted by administrative agencies that govern how laws are enforced.

User(s): means an individual, automated application, or process that is authorized by the College to access an Information Resource. Includes, but is not limited to, all College students, faculty, staff, contractors, guests, departments, and any individual, application, or process that accesses and or uses the College’s Information Resources.

Vendor(s): means any third-party that contracts with San Jacinto Community College District to provide goods and/or services to San Jacinto Community College District.

Vulnerability: A weakness or flaw in an information system that can be accidentally triggered or intentionally exploited by a threat and lead to a compromise in the integrity of that system, i.e., resulting in a security breach or violation of policy.

Date of SLT Approval	February 15, 2024
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Effective Date	February 15, 2024
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Associated Policy	Policy III.3010.A, Information Resources
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Primary Owner of Policy Associated with the Procedure	Chief Technology Innovations Officer
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Secondary Owner of Chief Information Security Officer
Policy Associated
with the Procedure

Procedure III.3010.A.b, Cybersecurity Risk Management

Associated Policy

Policy III.3010.A, Information Resources

1. Purpose

The College is required to protect its Information Resources and Protected Data from unauthorized disclosure, alteration, or destruction by performing due diligence through the accomplishment of Cybersecurity Risk Assessments. Cybersecurity Security Risk Management assesses potential threats and vulnerabilities to the Confidentiality, Integrity, and Availability of the College’s Information Resources and Protected Data, and then develops and implements Risk Mitigation strategies to efficiently and effectively mitigate the Risks identified by such Risk Assessments. Furthermore, such Risk Assessments are required by [Texas Administrative Code §202](#) (TAC 202) for any on-premises or cloud-based computing services (Third-Party Applications) procured or renewed by the College.

2. Applicability

This Procedure applies to all College Information Resources and the Users of such Information Resources, in any form, and is intended to be broad enough to include all Users. This Procedure applies to Users that request the procurement or renewal of Third-Party Applications or other Information Resources for use within the College Information Resources environment. Such Third-Party Applications and Information Resources may include software and technologies installed on-premises or within a cloud environment.

3. Laws, Regulations, and Standards

The College is required to comply with Federal and State Laws and Regulations. In particular, [TAC 202.77](#) requires that state agencies only enter or renew a contractual agreement to receive cloud-computing services (Third-Party Applications) that comply with the [Texas Risk and Authorization Management Program \(TX-RAMP\)](#). As such, the Texas Department of Information Resources (Texas DIR) established a framework for collecting information about cloud services security posture and assessing responses for compliance with required controls and documentation. Furthermore, the College is required to comply with evaluation standards as set forth by the Family Educational Rights and Privacy Act (FERPA), Gram-Leach-Bliley Act (GLBA), Personal Credit Information (PCI), Health Insurance Portability and Accountability Act (HIPAA), and Children’s Online Privacy Protection Act (COPPA), and other regulatory requirements as outlined in the College’s Information Security Program Procedure.

4. Associated Program Controls

The following Program Controls associated with this Procedure are:

PM Program Management Control Family

- PM-9 Risk Management Strategy

RA Risk Assessment Control Family

- RA-1 Risk Assessment | Policy and Procedures

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- RA-2 Security Categorization
- RA-3 Risk Assessment
- RA-3(1) Risk Assessment | Supply Chain Risk Assessment
- RA-5 Vulnerability Monitoring and Scanning
- RA-5(2) Vulnerability Monitoring and Scanning | Update Vulnerabilities To Be Scanned
- RA-5(11) Vulnerability Monitoring and Scanning | Public Disclosure Program
- RA-7 Risk Response

SA System and Service Acquisition Control Family

- SA-4 Acquisition Process

5. Roles and Responsibilities

The roles and responsibilities as defined by the Information Security Program are described in Procedure III.3010.A.a, Information Security Program. Described below are additional roles and responsibilities that pertain to this Procedure.

a. **The Office of Cybersecurity (OCS)** performs the following duties:

- Schedules, prioritizes, and conducts Cybersecurity Risk Assessments.
- Requests information from College Users related to their collection and use of Protected Data.
- Processes and follows up on requested exceptions to College Policy and Procedures.
- Facilitates Risk reviews of Third-Party vendor via the Software Intake Form (SIF) process to ensure vendors adhere to CIS Benchmarks for applicable products.
- Participates in the Cybersecurity Risk Management program, including identification of assets and services, allocation of resources, risk prioritization, risk acceptance, and implementation of risk treatment plan.

b. **College Users(s)** is an individual, automated application, or process that is authorized by the College to access an Information Resource. Includes, but is not limited to, all College students, faculty, staff, contractors, guests, departments, and any individual, application, or process that accesses and or uses the College's Information Resources.

Specifically, Administrators, Faculty, and Staff that request the procurement or renewal of Third-Party Applications and are, as such, the custodian of the Third-Party Application. Such custodians are required to cooperate with the CISO and the Office of Cybersecurity to:

- Submit a Software Intake Form (SIF).
- Participate in Risk Assessments when applicable. This includes Risk Assessments as part of the SIF process and third-party assessments or audits.
- Submit exceptions to the Cybersecurity Risk Management Procedure through the Office of Cybersecurity and work with the Office of Cybersecurity through the exceptions process.

6. Cybersecurity Risk Management Schedule

Two principal components of the Cybersecurity Risk Management process are:

- Risk Assessments, and
- Risk Mitigations

These processes shall be conducted according to the following schedule to ensure the continued adequacy and continuous improvement of the College's Information Security program:

- Scheduled Basis.** An overall Risk Assessment of the College's Information System Infrastructure shall be conducted biennially, aligning with the biennial submission of the State Agency Security Plan as required by [TAC 202.73](#). The Risk Assessment process shall be completed in a timely manner to determine Risk Mitigation strategies within the College's annual budgeting process.
- Throughout a System's Development Life Cycle.** From the time that a need for a new Third-Party Application or Information Resource is identified through the time it is disposed of, ongoing assessments of the potential threats to the Information Resource and its vulnerabilities will be undertaken as a part of the maintenance of the system. Risk Assessments are conducted:
 - Before the purchase of Third-Party Applications or other Information Resources.
 - Before the integration of new Third-Party Applications or other Information Resources and before changes are made to physical safeguards.
 - While integrating Third-Party Applications or other Information Resources and making physical, technological, or administrative security changes. This includes environmental or operational changes affecting the security of ePHI, Financial NPI, PII, protected cardholder data (PCI-DSS), and student education records.
 - While sustaining and monitoring appropriate security controls. This includes performing periodic technical and non-technical security-rule requirement assessments.
- As Needed.** The Chancellor, CTIO, or CISO may call for a full or partial Risk Assessment in response to changes in business strategies, information technology, information sensitivity, threats, legal liabilities, or other significant factors that affect the College's information systems.

7. Submitting a Software Intake Form (SIF)

A key tool in conducting Cybersecurity Assessments is the Software Intake Form (SIF). College Users requesting the procurement or renewal of Third-Party Applications or other Information Resources are required to submit a SIF to the ITS Help Desk. Contact the ITS Help Desk for further instructions on submitting a SIF.

Prior to submitting a SIF, please reference **Procedures 2-13 and 2-14 (Purchasing and Bidding)**. Requestors may also seek guidance from the Office of Cybersecurity (OCS) and Information Technology Services (ITS).

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It is the responsibility of the requestor to collect and submit information for the SIF review. If the purchase or renewal is conducted by Request for Proposal (RFP), then the requestor must submit a SIF when a finalist is selected and before a contract is awarded.

Satisfactory completion and approval of the SIF is required for the purchase or renewal of the Third-Party Application or other Information Resource. On approval of the SIF, ITS provides an ITS Approval Number to Purchasing. If the SIF is not approved, then ITS will contact the requestor to discuss the reasons for denying approval and alternative solutions.

Temporary exception requests for SIF approval prior to submission or completion of a SIF must be submitted to the College's Chief Technology Information Officer (CTIO). It is at the CTIO's discretion to approve temporary exception requests. The CTIO will assess the risks associated with the request based on the information provided. If temporary exception approval is granted, then it is subject to the outcome of the SIF review process. Please note the SIF review process may identify critical issues preventing the Third-Party Application or other Information Resource from being installed or implemented. In such cases, such Third-Party application or other Information Resource will be uninstalled and/or removed.

8. Conducting Risk Assessments and Analysis

The intent of completing a Risk Assessment is to determine potential threats and vulnerabilities and the likelihood and impact should they occur. The output of this process helps to manage risks. Prior to this or in conjunction, a Business Impact Analysis, as part of the B-COOP (Business Continuity of Operations Plan) is conducted to determine critical processes and assets.

Risk Analysis is the process of identifying and analyzing potential issues that could negatively impact key business.

9. Conducting Risk Mitigation

To mitigate the Risks identified by Risk Assessments, security measures will be implemented that are sufficient to transfer, accept, or reduce risks and vulnerabilities to a reasonable and appropriate level to:

- Ensure the Confidentiality, Integrity, and Availability of all Protected Data the College creates, receives, maintains, and/or transmits,
- Protect against any reasonably anticipated threats or hazards to the security or integrity of Protected Data,
- Protect against any reasonably anticipated uses or disclosures of Protected Data that are not permitted or required, and
- Ensure compliance with Federal and State Laws and Regulations.

10. Risk Acceptance Process

Ensuring approval of the security risk acceptance, transference, or mitigation decisions shall be the responsibility of the Information Security Officer (CISO) or CISO designee(s), in

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coordination with the Information Owner for Information Resources identified with Low or Moderate residual risk as defined by [TAC 202.75](#).

The acceptance of any high-level risks that remain (residual) after other risk controls have been applied requires the approval of the Chancellor. Such approved residual risks will be recorded in the College’s Risk Register which is maintained in Texas DIR’s Archer system.

11. Risk Mitigation and Acceptance Documentation Requirements

All Cybersecurity risk management efforts, including the College’s Risk Register with decisions made regarding specific mitigation controls implemented or not implemented shall be documented and documentation maintained for seven (7) years, at which point records will be destroyed in accordance with the College’s Records Management program and industry best practices as defined by [NIST 800-53](#).

12. Definitions

The terms referenced in this Procedure are outlined in **Procedure III.3010.A.a, Information Security Program**, Section 14. Definitions.

Date of SLT Approval	February 15, 2024
Effective Date	February 15, 2024
Associated Policy	Policy III.3010.A, Information Resources
Primary Owner of Policy Associated with the Procedure	Chief Technology Innovations Officer
Secondary Owner of Policy Associated with the Procedure	Chief Information Security Officer

Procedure III.3010.A.c, Cybersecurity Incident Response

Associated Policy

Policy III.3010.A, Information Resources

1. Purpose

The Incident Response Procedure (IRP) serves as the foundation for the College’s response to cybersecurity incidents. Specifically, this Procedure grants the College’s Chief Information Security Officer (CISO) the authority to appoint a Cyber Incident Response Team (CIRT) in response to actual or suspected information privacy or security event/incidents. The CIRT then has authority to investigate, respond, mitigate, and report such incidents as required by Federal and State Laws.

2. Applicability

This Procedure applies to all College Information Resources and the Users of such Information Resources, in any form, and is intended to be broad enough to include all Users.

3. Laws, Regulations, and Standards

The College is required to comply with Federal and State Laws and Regulations. Specifically, the College’s Incident Response Procedure is required by [Texas Government Code 2054.518](#), [Texas Government Code 2054.603](#), [TAC 202.76](#), and [Texas DIR Security Controls Standard Catalog](#).

4. Associated Program Controls

The following Program Controls associated with this Procedure are:

IR Incident Response Control Family

- IR-1 Incident Response | Policy and Procedures
- IR-2 Incident Response Training
- IR-3 Incident Response Testing
- IR-4 Incident Handling
- IR-5 Incident Monitoring
- IR-6 Incident Reporting
- IR-7 Incident Response Assistance
- IR-8 Incident Response Plan
- IR-9 Information Spillage Response

5. Roles and Responsibilities

The roles and responsibilities as defined by the Information Security Program are described in Procedure III.3010.A.a, Information Security Program. Described below are additional roles and responsibilities that pertain to this Procedure.

- a. **Cyber Incident Response Team (CIRT).** This is a temporary cross-functional team appointed and led by the CISO. The creation of this team is required by Texas State Law and is described in Texas DIR Incident Response Team Redbook. The CIRT is responsible for responding to security breaches, viruses, and other discovered or suspected security incidents at the College.
- b. **College User(s)** is an individual, automated application, or process that is authorized by the College to access an Information Resource. Includes, but is not limited to, all College students, faculty, staff, contractors, guests, departments, and any individual, application, or process that accesses and or uses the College’s Information Resources.

6. College Incident Response Team Redbook

The College’s Incident Response Team Redbook describes:

- The membership, roles, and responsibilities of the CIRT, and the activities required when responding to actual or suspected information privacy or security event/incidents.
- The trigger events and process for activating a CIRT to respond to an actual or suspected event/incident. Once activated, the CIRT has the authority to request cooperation/establish event response priorities which may supersede daily business responsibilities or require attention outside normal business hours.

Resolution of a security event/incident is determined upon review by the CISO to ensure all appropriate steps were accomplished. Practices and playbooks will be created as needed within each step of the incident response process.

7. Reporting

The following mandatory reports are required as defined in the [Texas DIR Security Controls Standard Catalog \(DIR CC\)](#):

- a. **Urgent Incident Report.** Each State institution of higher education shall assess the significance of a security incident based on the business impact on the affected resources and the potential technical effect of the incident. Confirmed or suspected security incidents shall be reported to the DIR not later than 48 hours of discovery as required by [Texas SB 271](#). No later than 10 business days after incident eradication, closure, and recovery the state agency shall report to DIR, including the state agency CISO, the details and root cause of the incident as required by Texas SB 271. The College’s Office of Cybersecurity (OCS) also has the authority to require that incident reporting requirements be included in any contract where such reporting may be necessary.
- b. **Additional Reporting.** Further reporting actions may be required by Texas Government Code.

8. Definitions

The terms referenced in this Procedure are outlined in **Procedure III.3010.A.a, Information Security Program**, Section 14. Definitions.

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Note: See **Procedure III.3010.A.b, Cybersecurity Risk Management** for additional information on cybersecurity.

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Associated Policy	Policy III.3010.A, Information Resources
Primary Owner of Policy Associated with the Procedure	Chief Technology Innovations Officer
Secondary Owner of Policy Associated with the Procedure	Chief Information Security Officer

Procedure III.3010.A.d, Prohibited Technologies

Associated Policy

Policy III.3010.A, Information Resources

1. Purpose

[On December 7, 2022, the Governor of Texas required all state agencies to ban the video-sharing application TikTok](#) from all state-owned and state-issued devices and networks over the Chinese Communist Party’s ability to use the application for surveilling Texans. Governor Abbott also directed the Texas Department of Public Safety (Texas DPS) and the Texas Department of Information Resources (Texas DIR) to develop a plan providing state agencies guidance on managing Personal Devices used to conduct state business.

This Procedure refers to the College’s “Security Plan for Prohibited Technologies” and “Prohibited Technologies Security Policy” as required by Texas State Law. In addition to TikTok, the College may add other software and hardware products with security concerns to this Procedure and will be required to remove Prohibited Technologies which are on the Texas DIR Prohibited Technology list. Throughout this Procedure, "Prohibited Technologies" shall refer to TikTok and any additional hardware or software products added to this Procedure.

2. Applicability

This Procedure applies to all College Information Resources and the Users of such Information Resources, in any form, and is intended to be broad enough to include all Users.

3. Laws, Regulations, and Standards

The College is required to comply with Texas State Laws and Regulations. Specifically, Chapter 620 of Texas Government Code Title 6 Subtitle A provides specific guidance for the use of certain social medial applications and services. [Sec.620.001\(1\)\(A\)](#) specifies the social media service TikTok or any successor application or service developed or provided by ByteDance Limited, or an entity owned by ByteDance Limited.

4. List of Prohibited Technologies

Texas DIR will host a site located at located at <https://dir.texas.gov/information-security/prohibited-technologies> that lists all Prohibited Technologies including apps, software, hardware, or technology providers. The College will implement the removal and prohibition of any listed technology. The College may prohibit technology threats in addition to those identified by Texas DPS and Texas DIR.

5. Associated Program Controls

The following Program Controls associated with this Procedure are:

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RA Risk Assessment Control Family

- RA-3 Risk Assessment
- RA-3(1) Risk Assessment | Supply Chain Risk Assessment
- RA-5 Vulnerability Monitoring and Scanning
- RA-5(2) Vulnerability Monitoring and Scanning | Update Vulnerabilities to Be Scanned
- RA-7 Risk Response

6. Roles and Responsibilities

The roles and responsibilities as defined by the Information Security Program are described in Procedure III.3010.A.a, Information Security Program. Described below are additional roles and responsibilities that pertain to this Procedure.

a. **The Office of Cybersecurity (OCS)** performs the following duties:

- Schedules and prioritizes Cybersecurity Risk Assessments.
- Requests information from College Users related to their collection and use of Protected Data.
- Conducts Cybersecurity Risk Assessments.
- Processes and follows up on requested exceptions to the College's Policies and Procedures.
- Participates in the Cybersecurity Risk Management program, including identification of assets and services, allocation of resources, risk prioritization, risk acceptance, and implementation of risk treatment plan.

b. **College User(s)** is an individual, automated application, or process that is authorized by the College to access an Information Resource. Includes, but is not limited to, all College students, faculty, staff, contractors, guests, departments, and any individual, application, or process that accesses and or uses the College's Information Resources.

7. College Devices used to conduct College Business

The use or download of Prohibited Technologies is prohibited on all College-owned devices, except where approved exceptions apply. Please refer to Section 9 of this Procedure on Exceptions.

8. Personal Devices used to conduct College Business

Personal Devices may be used by all College Users to conduct College Business, and the College will include security considerations to protect the College's network and data from traffic related to Prohibited Technologies. However, the following limitations apply to this granted use:

- a. Access to Information Resources when using a Personal Device is limited to Information Resources protected by Multi-factor Authentication (MFA) and defense in depth.
- b. Students are restricted to only use a Personal Device that is privately owned or leased by the Student or a member of the Student's immediate family or the Student's ISD or Academy.

- c. Users who are employed or contracted by the College must not install or operate Prohibited Technologies on any Personal Device that is used to conduct College Business.

9. Exceptions

Exceptions to this Procedure will only be considered when the use of Prohibited Technologies is required for a specific need to conduct College Business, such as enabling criminal or civil investigations or for sharing of information to the public during an emergency.

Requests for exceptions must be submitted as a support ticket to the ITS Help Desk to the attention of the Chief Information Security Officer (CISO). Once reviewed, the request and the CISO's recommendation will be submitted to the CTIO and Strategic Leadership Team (SLT) for review. Exceptions to the ban on Prohibited Technologies may only be approved by the Chancellor. This authority may not be delegated.

All approved exceptions to the TikTok prohibition or other statewide Prohibited Technologies must be reported to Texas DIR by the CISO.

10. Implementation of the Security Plan

To protect the State's sensitive information and critical infrastructure from technology that poses a threat to the State of Texas, the security plan outlines the following objectives for each agency, which includes the College:

Objective 1: Prohibit the download or use of Prohibited Technologies on any College-issued device.

The College is required to identify, track, and control College-owned devices to prohibit the installation of or access to all prohibited applications. This includes the various prohibited applications for mobile, desktop, or other internet capable devices. Specifically, the College must manage all College-issued mobile devices by implementing the following security controls:

- a. Restrict access to "app stores" or non-authorized software repositories to prevent the installation of unauthorized applications.
- b. Maintain the ability to remotely wipe non-compliant or compromised mobile devices.
- c. Maintain the ability to remotely uninstall unauthorized software from mobile devices.
- d. Deploy secure baseline configurations for mobile devices, as determined by the College.

Objective 2: Prohibit employees and contractors from conducting College Business on Prohibited Technology enabled Personal Devices.

The College may establish a Bring Your Own Device (BYOD) program if there is a justifiable need for the use of Personal Devices to conduct College Business. Such program must consider the following:

- a. Ability to manage lost, stolen, or unauthorized devices.

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- b. Prevent the installation of banned or unauthorized software.
- c. Prevent the use of unsecure public networks.
- d. Manage open records, confidentiality, and privacy-related issues.
- e. Ability to create a guest security profile that prevents Prohibited Technologies from communicating or being downloaded while that security profile is in use; and
- f. Ability to remove all College-related business and applications from the Personal Device before removing the security profile or un-enrolling the device from the BYOD program.

Objective 3: Identify sensitive locations, meetings, and personnel within an agency that could be exposed to Prohibited Technology-enabled Personal Devices.

Sensitive locations must be identified, cataloged, and labeled by the College as soon as reasonably practicable. A sensitive location is any location, physical, or logical (such as video conferencing, or electronic meeting rooms) that is used to discuss confidential or sensitive information, including information technology configurations, criminal justice information, financial data, personally identifiable data, sensitive personal information, or any data protected by Federal and State Laws. Data rooms, data closets, emergency operations center and any other location are also regarded as sensitive locations. Exterior signage will be used to identify or label sensitive locations.

Unauthorized devices such as personal cell phones, tablets, or laptops may not enter sensitive locations, which includes any electronic meeting labeled as a sensitive location. Visitors, to include students, granted access to sensitive locations are subject to the same limitations as College Users on unauthorized personal devices when entering sensitive locations.

Objective 4: Implement network-based restrictions to prevent the use of Prohibited Technologies on the College networks by and Prohibited Technology-enabled personal device.

To ensure multiple layers of protection, the College will implement additional network-based restrictions to include:

- Configure College firewalls to block access to statewide prohibited services on all College technology infrastructures, including local networks, WAN, and VPN connections. Ensure periodic evaluation of rules as URLs, domains, and IP addresses may change frequently.
- Prohibit Personal Devices with Prohibited Technologies installed from connecting to College technology infrastructure or data.
- Provide a separate network for access to Prohibited Technologies with the approval of the Chancellor.

11. Ongoing and Emerging Technology Threats

To provide protection against ongoing and emerging technological threats to Texas State's sensitive information and critical infrastructure, Texas DPS and Texas DIR will regularly monitor and evaluate additional technologies posing concerns for inclusion in this Procedure.

12. Compliance

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All College Users shall annually confirm their understanding of this Procedure. Confirmation will be included in the College’s Annual Cybersecurity Awareness training and added to the Acceptable Use of Information Resources Procedure.

Compliance with this Procedure will be verified through various methods, including but not limited to, IT/security system reports and feedback to agency leadership.

College Users found to have violated this Procedure may be subject to disciplinary action, including termination of employment.

13. Definitions

The terms referenced in this Procedure are outlined in **Procedure III.3010.A.a, Information Security Program**, Section 14. Definitions.

Date of SLT Approval	February 15, 2024
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Associated Policy	Policy III.3010.A, Information Resources
Primary Owner of Policy Associated with the Procedure	Chief Technology Innovations Officer
Secondary Owner of Policy Associated with the Procedure	Chief Information Security Officer

Procedure III.3010.A.e, Data Security

Associated Policy

Policy III.3010.A, Information Resources

Related Policies

[Policy VI.6000.B, Confidentiality of Student Records](#)

1. Purpose

This Procedure describes these requirements and expected responsibilities for identifying, classifying, and applying the appropriate security controls to the College's data. The College's Information Resources are vital academic and administrative assets that require appropriate safeguards. Computer systems, networks, and data are vulnerable to ever-increasing cybersecurity threats. These threats have the potential to perpetrate financial fraud and compromise the Confidentiality, Integrity, and Availability of the information used to conduct its College Business. To combat these threats, Federal and State Laws require the College to take measures to protect Information Resources against unauthorized access, disclosure, modification, or destruction, whether accidental or deliberate.

2. Applicability

This Procedure applies to all Users of College Information Resources, in any form, and is intended to be broad enough to include all Users.

3. Laws, Regulations, and Standards

The College is required to comply with Federal and Texas State Laws and Regulations. In the 86th legislative session, the Texas Legislature enacted policy that requires the College to comply with state information security standards, including mandatory cybersecurity training for elected officials, employees, and contractors. Furthermore, in the 87th legislative session, the Texas Legislature enacted policy that requires the College to designate a Data Management Officer (DMO) to establish a data governance program to identify data assets, establish processes and Procedures to oversee the College's data assets, and implement practices and controls for managing and securing the College's data. The College is also required to comply with Federal Laws and Regulations that include but are not limited to, the Family Educational Rights and Privacy Act (FERPA), Gram-Leach-Bliley Act (GLBA), Personal Credit Information (PCI), Health Insurance Portability and Accountability Act (HIPAA), and Children's Online Privacy Protection Act (COPPA).

4. Associated Program Controls

The following Program Controls associated with this Procedure are:

AT Awareness and Training Control Family

- AT-2 Awareness and Training | Literacy Training and Awareness
- AT-3 Awareness and Training | Role-Based Training

- AT-4 Awareness and Training | Training Records

CM Configuration Management Control Family

- CM-10 Configuration Management | Software Usage Restrictions
- CM-11 Configuration Management | User-Installed Software

RA Risk Assessment Control Family

- RA-2 Risk Assessment | Security Categorization (Sensitivity Levels)

Media Protection Control Family

- MP-6 Media Protection | Media Sanitization
- MP-6(1) Media Protection | Media Sanitization | Review, Approve, Track, Document, And Verify-2 | Security Categorization IR-6 Incident Reporting
- MP-2 Media Protection | Media Access
- MP-7 Media Protection | Media Use

SC System and Communication Protection

- SC-5 System and Communication Protection | Denial of Service Protection
- SC-7 System and Communication Protection | Boundary Protection
- SC-8 System and Communication Protection | Transmission Confidentiality and Integrity
- SC-12 System and Communication Protection | Cryptographic Key Establishment and Management
- SC-13 System and Communication Protection | Cryptographic Protection

SI System and Information Integrity Control Family

- SI-2 System and Information Integrity | Flaw Remediation
- SI-3 System and Information Integrity | Malicious Code Protection
- SI-4 System and Information Integrity | System Monitoring
- SI-5 System and Information Integrity | Security Alerts, Advisories, And Directives
- SI-10 System and Information Integrity | Information Input Validation
- SI-12 System and Information Integrity | Information Management and Retention

5. Texas DIR Data Classification Guide

The College's Office of Cybersecurity and the Texas Department of Information Resources (Texas DIR) worked with a taskforce of agency stakeholders to develop the Texas DIR Data Classification Guide, which is a model data classification taxonomy for state agencies and institutes of higher education.

Data Classification is the process of categorizing data into various types, forms, sensitivity level, or any other grouping of similar characteristics. When a piece of information (e.g., a document, memo, or customer record) is created, the Information Owner assigns a standard classification level which defines the prescribed handling requirements for that piece of information. Such categories

dictate the controls necessary to best protect the Confidentiality, Integrity, and Availability of the data.

College data stored, processed, or transmitted using College Information Resources or other resources where College Business occurs is required to be classified into categories as described by the Texas DIR Data Classification Guide into one of the following four (4) categories:

- a. **Regulated** focuses on the types of data typically regulated by federal statute or third-party agreements. Agencies, including the College, that maintain protected health, federal tax, payment card, or certain personal information will have specific requirements placed on that data by a non-Texas regulation. Therefore, regulated data has specific handling requirements that are unique to their regulations and do not apply to all agencies. The category “Regulated” is protected specifically by Federal or State law or College Policy and Procedures, including but not limited to HIPAA, FERPA, PC-DSS, Gramm-Leach-Bliley, and the Texas Identity Theft Enforcement and Protection Act.
- b. **Confidential** is the highest level of classified data at the College. A breach of Information Resources classified as Confidential would cause exceptionally grave damage to the mission of the College. The Confidential label is used to identify information that is typically excepted from public disclosure, whether specified in law or through a decision by the Open Records division of the Texas Office of the Attorney General. Confidential data include information such as attorney-client communications, protected draft communications, and computer vulnerability reports that is typically exempted from the Public Information Act and includes the data commonly referred to as “Regulated” data. College data that are not otherwise protected by a known civil statute or regulation, but which must be protected due to contractual agreements requiring Confidentiality, Integrity, or Availability considerations (e.g., Non-Disclosure Agreements, Memoranda of Understanding, Service Level Agreements, Granting or Funding Agency Agreements, etc.). Data defined in Texas Business and Commerce Code § 521.002(a)(2) is included. Examples of Confidential data may include but not limited to:
 - Personally Identifiable Information (PII): SSN, DOB, Account Numbers
 - Intellectual property: Vendor copyrights, patents, or trade secrets.
 - Passwords
 - Network architecture schematics and diagrams.
- c. **Sensitive Data** is controlled College data that is not otherwise identified as Confidential data, but which is releasable in accordance with the Texas Public Information Act (e.g., contents of specific e-mail, date of birth, salary, etc.) Such data must be appropriately protected to ensure a controlled and lawful release. A breach of College data classified as Sensitive would cause damage to the mission of the College. Information that could be subject to release under an open records request but should be controlled to protect third parties. Examples of Sensitive Data may include but not limited to:
 - Operational information
 - Personnel records
 - Information Security procedures
 - Research

- Internal Communications
- d. **Public Data** is all other data that is not Confidential and is therefore subject to public disclosure pursuant to the Texas Public Information Act. The Public information label is used for information such as published reports, press releases, and information published to the agency’s public website. Such information requires no authentication and is freely distributable by all agency personnel. This data is not otherwise identified as Confidential or Sensitive data. Such data has no legislative requirement for confidentiality, integrity, or availability and is freely and without reservation made available to the public.

6. Roles and Responsibilities

The roles and responsibilities as defined by the Information Security Program are described in Procedure III.3010.A.a, Information Security Program. Described below are specific responsibilities that pertain to this Procedure.

a. **All College Users** are:

- Required to read and acknowledge the College’s **Procedure III.3010.A.f, Acceptable Use of Information Resources** in exchange for the User being granted access to Information Resources and Protected Data.
- Expected to fully cooperate in any investigation of Information Resource abuse. The User agrees to follow all directives from the Chancellor or Designee, whether communicated verbally, in writing, or other media.
- Must immediately report suspected breaches, theft, and incidents associated with College data to Technical Support and the CISO. Technical Support: ITS Technical Support can be contacted by email at TechSupport@sjcd.edu or by phone at (281) 998-6137.

b. **Users who are elected officials, employees, and contractors** are:

- Required to complete Annual Cybersecurity Training Program. Users who are elected officials, employees, and contractors that use a computer to complete their College job responsibilities are required to complete an annual cybersecurity training program as certified by Texas Department of Information Resources (Texas DIR). Such Users agree and understand that access to College Information Resources is subject to their completion of annual cybersecurity training.

c. **Information Owners and Information Custodians.** Based on the Data Classification determined for an Information Resource, the Information Owner and the Information Custodian of the Information Resource are required to implement:

- Appropriate security controls as defined by [Texas DIR Security Controls Standard Catalog](#).
- Records retention procedures as defined by [Texas State Library and Archives Commission’s \(TSLAC\)](#) and the Office of Records Management. Information Owners and Information Custodians may seek additional guidance from The Office of Cybersecurity (OCS) and Information Technology Services (ITS) if unsure of which controls are necessary for the data under their responsibility.

7. College data and Personal Devices

College Business related data stored, processed, or transmitted using a Personal Device is subject to College Policies and Procedures.

8. Personal Data

Personal Data, being data that is personal to the User and stored, processed, or transmitted using College Information Resources as a result of incidental personal use is not considered College data and is excluded from this Procedure.

9. Definitions

The terms referenced in this Procedure are outlined in **Procedure III.3010.A.a, Information Security Program**, Section 14. Definitions.

Note: See **Procedure III.3010.A.b, Cybersecurity Risk Management** for additional information on cybersecurity.

Date of SLT Approval	February 15, 2024
Effective Date	February 15, 2024
Associated Policy	Policy III.3010.A, Information Resources
Primary Owner of Policy Associated with the Procedure	Chief Technology Innovations Officer
Secondary Owner of Policy Associated with the Procedure	Chief Information Security Officer.

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

Associated Policy

Policy III.3010.A, Information Resources

Other Associated Procedures:

Policy VI.6000.B, Confidentiality of Student Records

Policy VI-K: Policy Regarding Appropriate Use of Copyrighted Materials

Policy VI.6004.A, Compliance with Health Insurance Portability and Accountability Act (HIPAA)

1. Purpose

The purpose of this Procedure is to describe the conditions for Acceptable Use of Information Resources provided by the College to the User. The College maintains control, insofar as is practicable, over its Information Resources to ensure a secure and efficient operation of such Information Resources to support College Business and further the College’s mission. In general, use of such Information Resources to conduct College Business is regarded as Acceptable Use.

2. Applicability

This Procedure applies to all Users of College Information Resources, in any form, and is intended to be broad enough to include all Users. Specific clauses applicable to a particular category of User are identified as such within this procedure.

3. Consent

The College provides Information Resources to the User for the purpose of conducting College Business. The User should read the terms of this Procedure carefully before using Information Resources. By using Information Resources, the User consents, accepts, and agrees to be bound and abide by the conditions of College Policy and this Procedure. The User understands that access to Information Resources is a privilege and not a right. With this privilege, the User is expected to properly use and protect Information Resources and respect the rights of other Users and third parties to their privacy, intellectual property, and other rights. Furthermore, the User understands that the College is a public junior college and governmental entity subject to specific Federal, State and Local Laws. The User agrees to be bound by and follow College Policy and this Procedure and all relevant Federal, State and Local Laws and Regulations. If warranted, the misuse of Information Resources and Digital Content by the User will result in the revocation of that User’s access to Information Resources and may include disciplinary and or legal action. For all Users, documented acknowledgement of this Procedure is accomplished by completing San Jacinto Annual Cyber Awareness Training and/or clicking the checkbox on the Notice and Consent Banner when logging-in to the College’s systems.

4. Laws, Regulations, and Standards

On hold for review based on comments from the College community

The College is required to comply with Federal and Texas State Laws and Regulations. In the 86th legislative session, the Texas Legislature enacted policy that requires the College to comply with state information security standards, including mandatory cybersecurity training for elected officials, employees, and contractors. Furthermore, Chapter 620 of Texas Government Code Title 6 Subtitle A provides specific guidance for the use of certain social medial applications and services. [Sec.620.001\(1\)\(A\)](#) specifies the social media service TikTok or any successor application or service developed or provided by ByteDance Limited, or an entity owned by ByteDance Limited. The College is also required to comply with Federal Laws and Regulations that include but are not limited to, the Family Educational Rights and Privacy Act (FERPA), Gram-Leach-Bliley Act (GLBA), Personal Credit Information (PCI), Health Insurance Portability and Accountability Act (HIPAA), and Children’s Online Privacy Protection Act (COPPA).

5. Associated Program Controls

The following Program Controls associated with this Procedure are:

PL Planning Control Family

- PL-4 Rules of Behavior
- PL-4(1) | Rules of Behavior | Social Media and External Site/Application Usage
- Restrictions

AT Awareness and Training Control Family

- AT-2 | Literacy Training and Awareness
- AT-3 | Role-Based Training
- AT-4 | Training Records

CM Configuration Management Control Family

- CM-10 | Software Usage Restrictions
- CM-11 | User-Installed Software

6. Roles and Responsibilities

The roles and responsibilities as defined by the Information Security Program are described in Procedure III.3010.A.a, Information Security Program. Described below are additional roles and responsibilities that pertain to this Procedure.

- Users Responsibility to Cooperate.** The User is expected to fully cooperate in any investigation of Information Resource abuse. The User agrees to follow all directives from the Chancellor or designee, whether communicated verbally, in writing, or other media.
- Users Responsibility to Complete Annual Cybersecurity Training Program.** Users who are elected officials, employees, and contractors that use a computer to complete their College job responsibilities are required to complete an annual cybersecurity training program as certified by Texas Department of Information Resources (Texas DIR). Such Users agree and understand

On hold for review based on comments from the College community

that access to College Information Resources is subject to their completion of annual cybersecurity training.

7. Disclaimer of Liability

The User agrees and understands that the College shall not be liable for the User's inappropriate use of Information Resources; the User's violations of Federal, State and Local Laws and Regulations, or License Agreements; and or the User's mistakes or negligence and costs as incurred by User. Furthermore, the College shall not be responsible for ensuring the availability of Information Resources or the accuracy, age appropriateness, or usability of any information found on the Internet.

8. Privacy

The College makes no warranties or representations as it relates to the User's privacy in use of Information Resources. The User should have no general expectation of privacy when using Information Resources. The User understands the following:

- a. The College routinely monitors Digital Content and Protected Data, software, and communications contained within its Information Resources.
- c. Digital Content and Protected Data stored on Technology Resources and on Personal Devices used to access Information Resources to conduct College Business, such as but not limited to email, text messages, documents, or other data relating to College Business, belongs to The College insofar as allowed by Federal, State and Local Laws or Regulations.
- d. While The College attempts to provide a secure environment for Information Resources, Digital Content and Protected Data, the User should be aware that the Internet and Personal Devices contain many security risks that the User may be exposed to when using Personal Devices and or accessing Information Resources when using Personal Devices. As such, the User should have no expectation of privacy when using the Internet and or Personal Devices to access Information Resources.

9. College-owned Devices and Prohibited Technologies

The use or download of Prohibited Technologies is prohibited on all College-owned devices, except where approved exceptions apply. Refer to **Procedure III.3010.A.d, Prohibited Technologies**.

- a. **Personal Use of Information Resources.** The User may use Information Resources to conduct limited and reasonable personal use insofar as such use does not interfere with the User's duties and or College business or pose a security risk to the College.
- b. **Personal Devices and Prohibited Technologies.** Personal Devices may be used by all College Users to conduct College Business insofar as allowed by College Policy and Procedures, Federal, State and Local Laws, Regulations, and License Agreements. The College will include

On hold for review based on comments from the College community

security considerations to protect the College’s network and data from traffic related to Prohibited Technologies. The following limitations apply to this granted use:

- Access to Information Resources when using a Personal Device is limited to Information Resources protected by Multi-factor Authentication (MFA) and defense in depth.
- Students are restricted to only use a Personal Device that is privately owned or leased by the Student or a member of the Student’s immediate family or the Student’s ISD or Academy.
- Users employed or contracted by the College must not install or operate Prohibited Technologies on any Personal Device that is used to conduct College Business.

The User understands and agrees that their Personal Devices and the Digital Content and any Data stored on such Personal Devices are subject to College Policies, Federal and State Laws, Regulations, and License Agreements.

10. Student Access to Information Resources

- Web Content Filtering.** The College considers access to Information Resources such as networks, the Internet, productivity and instructional software, and computers in lab spaces by Users who are students as an extension of the classroom environment. The College also considers all Users who are students as adults. As such, the College does not place age-based restrictions on User activities, nor does it filter web content.
- Dual Credit Students.** Access to College Information Resources is provided to Users who are High School students, including Minors, enrolled in any College sponsored class or program and who have been issued valid College login credentials. The College requires such Users to comply with applicable College Policies and Procedures. As such, Dual-Credit partner institutions and their students are responsible for ensuring compliance with their institution’s policies and procedures.
- Minors not enrolled at the College.** Minors not enrolled at the College are not authorized Users of Information Resources and therefore require parent or guardian’s consent to the College’s Policies and this Procedure to access the College’s network, computer labs or other computer use areas.

11. Unacceptable and Prohibited Use

Described as follows are activities regarded as Unacceptable and Prohibited uses of Information Resources by all Users.

- Unauthorized Access to Information Resources.** The User must not gain unauthorized access or enable or cause unauthorized access to Information Resources. The User with an authorized password or access to protected system accounts is prohibited from disclosing the User’s password and or other forms of authentication identification, or otherwise make available protected accounts to any other User both within and outside of the College. The College will

On hold for review based on comments from the College community

never ask for a User's username or password. Any issues discovered by the User with system security must be reported immediately to Technical Support.

- b. **Unauthorized Access to Digital Content.** The User must not intentionally seek or provide information on, obtain copies of, or modify data files, programs, passwords, or other digital materials protected by Federal, State and Local Laws and Regulations, License Agreements and or belonging to other Users or third parties, without the specific, written permission from those Users or third parties.
- c. **Unauthorized use of Digital Content or Data Protected by Intellectual Property and Privacy.** The User is required to comply with intellectual property and other Federal, State and Local Laws and Regulations. The User must not use peer-to-peer file sharing networks, such as but not limited to BitTorrent and Usenet, unless such use is deemed legitimate College Business and does not violate intellectual property or other laws. Any Digital Content protected by copyright may not be copied except as specifically stipulated by the owner of the copyright in writing or otherwise permitted by copyright law. Protected Digital Content may not be copied into, from, or by using any College facility or Information Resource without a valid license or as otherwise permitted by copyright law. Unauthorized duplication, distribution, or use of someone else's intellectual property, including computing software, is prohibited.
- d. **Use of College Information Resources for Personal Business.** The User must not use Information Resources for commercial purposes that are not considered College Business. The User is reminded that the "EDU" domain on the Internet has rules restricting or prohibiting most commercial use. Specifically,
 - **College email for personal business.** Users who are College employees and contractors to include persons working in an "intern" position are prohibited from using their sjcd.edu email account for personal use and business. Accounts are to be used strictly for College-related business. Examples of personal use: mailing lists/news groups, and personal purchase confirmations that are not related to College or educational price discount programs. Exceptions may be granted if specifically related to area of instruction and job function. The introduction of non-College Business-related emails increases the likelihood of SPAM and malware infected emails that pose a risk to the College's Information Resources.
 - **Advertising.** The User must not use the College's email system or any other Information Resources to transmit commercial or personal advertisements, solicitations, or promotions.
 - **Off-site Personal Use of Information Resources.** College-owned computing devices, equipment, and any other Information Resources taken by the User off-site must be used for College Business and must not be used for any personal or personal business use, including the use by family members or friends. Furthermore, the User is responsible for the protection and security of Digital Content protected by laws and regulations, that is stored on or accessed by College-owned and Personal Devices.
- e. **Non-compliance with the terms of License Agreements.** By using Information Resources, such as software and online services, the User agrees and understands the terms and conditions as described in License Agreements of the licenses that are granted for their use. The number

On hold for review based on comments from the College community

and distribution of copies and access to copyrighted software and services must be handled in such a manner that the number of simultaneous Users does not exceed the number of original copies or licenses purchased by that User, unless otherwise stipulated in the purchase contract or as otherwise permitted by Federal and State Laws and Regulations.

- f. **Theft of Computing Devices and other Information Resources.** The User must protect College-owned computing devices and any other Information Resources and equipment from theft, loss, or damage.
- g. **Modification or Removal of Information Resources.** The User is prohibited from attempting to modify Information Resources or remove equipment including but not limited to computer devices and equipment, software, or peripherals.
- h. **Use of Unauthorized or Destructive Programs and Digital Content.** The User is prohibited from intentionally using or developing programs, processes, Data or Digital Content that are disruptive to other Users, damage software or hardware components of a system, or access, store, process or transmit personal, private, or restricted information and Digital Content. The User is prohibited from breaching security, including but not limited to creating or propagating viruses or other malware, key logging, denial of service attacks, ransomware, hacking, and use of another User's password.
- i. **Threats, Harassment, Libel, or Slander.** The User must not use the College's email system or any other Information Resource to send, view, or download fraudulent, threatening, harassing, obscene, threatening, or other messages or material that are a violation of applicable College Policies and Procedures, and Federal, State and Local Laws and Regulations, such as under circumstances that might contribute to creating a hostile academic or work environment.
- j. **Mass Communications and unsolicited material.** The User must not send mass messages such as texts or emails to internal College accounts unless approved by the College. The User must not send mass messages such as texts or emails to external non-College accounts unless approved by the College's Marketing or Student Services Department. Mass communications are protected by laws and regulations. Furthermore, the User understands that subscribing to an outside electronic mailing/list will be viewed as having solicited material delivered by the list. Materials which are not consistent with conducting College Business will be considered as unsolicited material and may be restricted from delivery to the College's email system or other Information Resources.
- k. **Child Pornography.** Child pornography is material that depicts minors in a sexually explicit way. Intentionally uploading, downloading, or viewing child pornography by the User violates Laws and is explicitly forbidden.
- l. **Political Use.** The User must not use Information Resources for partisan political activities as prohibited by Federal, State and Local Laws and Regulations.
- m. **Excessive use of Information Resources.** The User must not intentionally excessively use Information Resources, including but not limited to excessive, unnecessary, or wasteful usage

On hold for review based on comments from the College community

of bandwidth, storage usage, CPU usage. Furthermore, the User must not intentionally print excessive copies of documents, files, or programs when more efficient alternatives are known. The use of College printers for personal business is prohibited.

- n. **Gambling or illegal activities.** The User must not use Information Resources for gambling or other illegal activities. The User who receives any communication or materials with illegal content from any other User or third-party should report the matter immediately to campus police, Technology Support, and their immediate leader.

12. Auditor Access

Personnel of the Internal Audit Departments have access to all College activities, records, property, and employees in the performance of their duties.

- a. For non-investigative audits, access requests for Information Resources, including information Services and data files, will be made to the User, as appropriate. Requests to access data subject to privacy laws and regulations must be submitted to the College's Chief Information Security Officer (CISO).
- b. For investigative audits, access requests for Information Resources, including information Services and data files will be made to the appropriate College leader. Requests to access data subject to privacy laws and regulations must be submitted to the College's Chief Information Security Officer (CISO).
- c. Internal Audit access to data files will be provided as specifically requested by Internal Audit; however, whenever practical, Internal Audit will utilize hard copy output or data file copies.
- d. Read-only access will be granted, unless specific instructions are provided, to ensure proper safeguards for continued integrity and availability of data files.
- e. State, Federal and Supervisory Authority auditors will be granted access to Information Services and data files on an as-needed basis after coordination with the Internal Auditors and area supervisor, and after proper training requirements are met.

13. Amendment and Complaints

Given the unique nature of Information Resources and the ever-evolving security threats that impact the College's operations related to the same, this procedure may be amended or modified at any time and will continue to apply to all Users of Information Resources. Users continued use of Information Resources consent to any modifications, but such use shall not be necessary for this policy to apply to all Users as amended. Complaints related to the application of this policy should be directed to a User's leader or the College's Chief Information Security Officer (CISO).

14. Definitions

Attachment 13 – Proposed Procedure

On hold for review based on comments from the College community

The terms referenced in this Procedure are outlined in **Procedure III.3010.A.a, Information Security Program**, Section 14. Definitions.

Date of SLT Approval	February 15, 2024
Effective Date	Anticipated April 2, 2024 To be determined
Associated Policy	Policy III.3010.A, Information Resources
Primary Owner of Policy Associated with the Procedure	Chief Technology Innovations Officer
Secondary Owner of Policy Associated with the Procedure	Chief Information Security Officer

Action Item “XI”
Regular Board Meeting, April 1, 2024
Consideration of Approval of Policy III.3007.A, Purchasing and
Policy III.3007.D, Bidding - Second Reading

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve Policy III.3007.A, Purchasing and Policy III.3007.D, Bidding.

BACKGROUND

The current policies on Purchasing and Bidding require some updates to meet the new required format and content standards, comply with Texas Education Code 51.3525, and clarify the requirements related to emergency situations.

Procedures have also been developed to guide employees as they utilize the College’s procurement process. Terminology was updated, references to legal codes were added, and more detailed guidance was provided. In addition, the PCard single item limit was raised from \$750 to \$1500, and the purchase threshold requiring one quote or bid was raised from \$5,000 to \$9,999.

IMPACT OF THIS ACTION

The updated policy and procedures were sent to the College community on March 4 through March 25, 2024. No comments were received.

The associated procedures support implementation of the policies and are attached for informational purposes and will not be voted on.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

No budgetary impact.

MONITORING AND REPORTING TIMELINE

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

ATTACHMENTS

Attachment 1 – Summary of Changes – Policy III.3007.A, Purchasing

Attachment 2 – Policy V-B: Policy on Purchasing (current policy)

Attachment 3 – Policy III.3007.A, Purchasing (proposed policy)

Attachment 4 – Procedure 2-13: Purchasing (current procedure – informational item)

Attachment 5 – Procedure III.3007.A.a, Purchasing (proposed procedure – informational item)

Attachment 6 – Summary of Changes – Policy III.3007.D, Bidding

Attachment 7 – Policy V-C: Policy on Bidding (current policy)

Attachment 8 – Policy III.3007.D, Bidding (proposed policy)

Attachment 9 – Procedure 2-14: Bidding (current procedure – informational item)

Attachment 10 – Procedure III.3007.D.a, Bidding (proposed procedure – informational item)

Action Item “XI”
Regular Board Meeting, April 1, 2024
Consideration of Approval of Policy III.3007.A, Purchasing and
Policy III.3007.D, Bidding - Second Reading

RESOURCE PERSONNEL

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Purchasing

Policies and Procedures Summary of Changes

New Policy Number: **III.3007.A**

Proposed Policy Name: **Purchasing**

Current Policy Number/Name: Policy V-B: Policy on Purchasing

New Procedure Number: **III.3007.A.a**

Proposed Procedure Name(s): **Purchasing**

Current Procedure Number(s)/Name(s): Procedure 2-13: Purchasing

Action Recommended for Policy: Revised

Action Recommended for Procedures: Revised

Web Links:

<https://www.sanjac.edu/about/policies-procedures/V-B-Policy-on-Purchasing.pdf>

<https://www.sanjac.edu/about/policies-procedures/2-13-Purchasing.pdf>

Primary Owner: Vice Chancellor, Fiscal Affairs

Secondary Owner: Chief Procurement Officer, Contracts & Purchasing Services

Summary of Changes:

Policy Changes:

- Update Policy Number.
- Correct reference of “San Jacinto College District Purchasing Guidelines Manual” to the “San Jacinto College Purchasing Handbook”.
- Add reference to Section 51.3525(b)(1)(D) of the Texas Education Code: The College shall not “give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.”

Procedure Changes:

- Update Procedure Number.
- Funding and the Requisitioning Process:
 - Remove reference pcard single item and single purchase limit. Information was duplicated and is addressed within the appropriate sections within the procedures.
 - Remove reference to Business Office approval of Requisitions to align with current processes.
 - Correct reference of the “the Purchasing Department” to “Contracts and Purchasing Services (“the Purchasing Department”)”.
 - Remove reference of accepting verbal quotes.
 - Correct title authorized to sign Purchase Orders from “Director” to “Chief Procurement Officer (CPO)”.
- Unauthorized Purchases (After the Fact Transactions):
 - Revise Unauthorized Purchases (After the Fact Transactions) for clarity of personal liability and to align procedures with the Purchasing Handbook.

Attachment 1

- Remove reference of authorized purchases requiring the Chancellor's approval for payment.
- Criminal Offense
 - Revise to clarify who has authority to issue Purchase Orders and enter into contracts.
- Procurement Methods:
 - Remove Sam's card as a Procurement Method.
- Standing Purchase Orders:
 - Revise to clarify the recommended vendors of a PO.
- Standing Purchase Orders:
 - Revise limit of standing purchaser orders from \$5,000 to \$10,000.
- PCard Purchases (Section title update)
 - Increase Pcard single item limit from \$750 to \$1,500.
- Direct Pay Request:
 - Revise Direct Pay process to align with the process as outlined by the Accounts Payable Department.
- Campus Bookstore Purchases:
 - Revise the Campus Bookstore to not list the contracted vendor by name.
 - Correct link to the Campus Bookstore details.
- Construction Contracts:
 - Correct reference of department name from "Construction Department" to "Facilities Services Department" and "Fiscal Initiatives & Capital Projects Department".
- Independent Contractors and Consultant Contracts:
 - Correct selection process of Independent Contractors and Consultant Contracts to align with the Texas Education Code, Subchapter B, Section 44.031.
- Alcohol Purchases for Instructional Purposes (Added Section)
 - Added to align with college Procedure VII.7002.A.b, Alcohol Usage in College Programs.
- Co-Operative Purchase Contracts and Inter-Local Agreements
 - Revised to align with Policy III.3007.B, Contract Authority.

Policy V-B: Policy on Purchasing

Requirements for purchasing practices are governed by the laws of the State of Texas. All District purchases will comply with state statutes as well as the requirements of the San Jacinto College District Purchasing Guidelines Manual.

All purchases must be made in the name of the San Jacinto College District. The District shall assume responsibility for debts incurred in the name of the District so long as those debts are for purchases made in accordance with adopted Board policy and current administrative procedures regarding contracting and purchasing. The District shall not be responsible for debts incurred by persons or organizations not directly under District control. The District shall not be responsible for any other unauthorized purchase or debt. All vendors are charged with the responsibility to discover an individual or an organization's authority before any purchase, contract or debt is incurred. Persons making unauthorized purchases shall assume full responsibility for all such debts.

Policy #:	V-B
Policy Name:	Policy on Purchasing
Pages:	1
Adopted Date:	
Revision/Reviewed Date:	
Effective Date:	
Associated Procedure:	2-13

Policy III.3007.A, Purchasing

Purpose

This policy will address the authority and requirements related to purchasing goods or services on behalf of San Jacinto College (College).

Policy

Requirements for purchasing practices are governed by the laws of the State of Texas. All College purchases will comply with state statutes, College policies and procedures, as well as the requirements of the San Jacinto College Purchasing Handbook.

All purchases must be made in the name of the College. The College shall assume responsibility for debts incurred in the name of the College so long as those debts are for purchases made in accordance with adopted Board policy and current administrative procedures regarding contracting and purchasing. The College shall not be responsible for debts incurred by persons or organizations not directly under College control. The College shall not be responsible for any other unauthorized purchase or debt. All vendors are charged with the responsibility to discover an individual or an organization's authority before any purchase, contract or debt is incurred. Persons making unauthorized purchases shall assume full responsibility for all such debts.

Pursuant to Section 51.3525(b)(1)(D) of the Texas Education Code, the College shall not “give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution,” including, without limitation, a participant in any purchasing/contracting function of the College.

All purchasing/contracting functions shall be conducted in a manner providing for full and open competition consistent with applicable laws, policies, and procedures. Contractors are subject to discipline, up to and including termination, for violating any provision of Texas Education Code Section 51.3525(b)(1) (relating to prohibited diversity, equity, and inclusion programs and activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation). When evaluating an alleged violation of Section 51.3525, the College Administration will consider whether the contractor’s conduct constitutes a violation or falls within an exception established in Section 51.3525 of the Texas Education Code.

Definitions

College: The San Jacinto Community College District and also referenced as San Jacinto College.

Contract: An agreement between two or more parties that is intended to have legal effect to create a financial commitment or obligation of the College. A contract may include, but is not limited to, goods and service agreements, memoranda of understanding, letters of intent, lease agreements, rental agreements, grant awards, purchase orders, sole source contracts, cooperative contracts, interlocal contracts, and job order contracts.

Attachment 3 – Proposed Policy

Employee: A full-time or part-time employee of the College as defined by Human Resources policy and procedure.

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

Associated Procedures

Procedure III.3007.A.a, Purchasing

Date of Board Approval	Anticipated April 1, 2024
Effective Date	Anticipated April 2, 2024
Primary Owner	Vice Chancellor, Fiscal Affairs
Secondary Owner	Chief Procurement Officer, Contracts & Purchasing Services

Procedure 2-13: Purchasing

Funding and the Requisitioning Process

All funds deposited with the College, regardless of source, are College funds and must be handled in accordance with State Statutes and College Policy and Procedures. Although departments are allocated funds in their budgets, this allocation is only an authority to requisition, not to purchase. Any College department having a budget allocation may request purchases be made against that allocation in accordance with the following procedure:

Purchases totaling \$5,000 or more for the purchase of all equipment, furniture, materials, supplies, and services shall be initiated through the requisition process. Small Dollar purchases for items or services in which no single item exceeds \$500 may be purchased by the procurement card method provided prior approval by the cardholder's approving authority. After entering the requisition via the Banner Financial software system, the requisition is routed to the District Business Office.

Business office personnel evaluate the requisition according to specific criteria:

- The proposed expenditure is in accordance with the purpose of the account from which it will be made;
- The amount of the expenditure is within the approved budget allocation.

After the requisition has been processed by the Business Office, it will be routed via the electronic approval process to departmental approving authorities depending on the requisition value. After the approval process is complete, it is routed to the Purchasing Department and the corresponding buyer for the commodity will:

- Verify the expenditure is for goods or services that are appropriate to the needs of the institution;
- Determine if quotes/bids are required;
- Verify/Obtain three (3) written or verbal quotes;
- Offer consulting regarding bidding/quoting procedures;
- Verify the pricing is correct;
- Verify the vendor is approved via a contract; (if applicable)
- Verify the requisition is documented properly;
- Approve the requisition and convert it to an official purchase order.

At the conclusion of the purchasing process, a purchase order is generated, printed, and signed by the Director of Contracts and Purchasing Services. Purchase orders are printed by the Purchasing Department and forwarded according to the instructions included on the Purchase Order. All terms and conditions stated on the purchase order apply.

Unauthorized the Purchases (After the Fact Transactions)

Employees who purchase goods and/or services before proper authorization has been obtained assume complete responsibility for the purchase. Any employee who places an order for goods and/or services without following the requisition process violates the College's purchasing procedures. SJCCD employees, who generate financial liability for the College without being authorized to do so, will be subject to disciplinary action, including suspension or termination.

The District Business Office is not authorized to make payment in such cases unless instructed to do so by the Chancellor or his/her designee.

Any supplier, who accepts an unauthorized order, will be advised of this policy and may jeopardize the ability to do future business with the College.

Criminal Offense

The Purchasing Department is the only authorized entity within the College to issue purchase orders or as delegated by the Chancellor or the Vice Chancellor of Fiscal Affairs to enter into a contract. All purchases shall be made in compliance with the provision listed within the Texas Education Code and College policies.

An officer, employee or agent of a school district commits an offense if the person with criminal negligence makes or authorizes separate, sequential, or component purchases to avoid the requirements of Section 44.031 (a) or (b). An offense under this subsection is a Class B misdemeanor and is an offense involving moral turpitude.

Procurement Methods

The procurement of supplies, equipment and services for the College can only be acquired by the following methods: regular purchase orders, standing purchase orders, procurement cards, Sam's Card and Direct Pay Request. A regular purchase order is the preferred method to purchase goods and services for the College while the additional methods provide increased efficiency and productivity in the purchase of small dollar repetitive purchases. The alternative methods shall not be utilized to circumvent the approval and procurement processes.

Regular Purchase Orders:

Regular Purchase Orders allow the requested product/service to be approved by the approving authorities prior to the actual purchase of the merchandise/service. Additionally, the Purchasing Department has the opportunity to source and obtain quotes to ensure a competitive environment exists for College procurements. Purchase orders are initiated by the requestor via the Banner requisitioning process. All requisitions must include the following information:

- A recommended vendor;
- A commodity code;
- A complete description of the product/service being requested including stock numbers if applicable and price;
- The appropriate FOAP code (Fund-Organization-Account-Program);
- Any other additional information in the document text section of the requisition such as bid number, quote number, do not mail instructions, confirmation only, contract information, Board approval date, etc.

When the user completes date entry of the requisition, it is processed for approvals. After the approval process is completed, the requisition is routed to the Purchasing Department for processing. **Standing Purchase Orders:**

A Standing Purchase Order is a purchase order which has been issued to a vendor where multiple purchases may be made during a specified period of time.

Conditions for use:

- For supply-type commodities and services only. (No equipment over \$5,000);
- For repetitive purchases of the same type of commodity item, services or category of items;
- Standard materials or maintenance supplies that require numerous shipments;

Attachment 4 – Current Procedure (Informational Item)

- For purchases associated by a written quote or bid awarded by the Board of Trustees.

Standing Purchase Orders should not be used when:

- No Benefit will be derived over and above use of a regular purchase order;
- As a means to provide an open line of credit with a vendor;
- Prices are unknown at ordering time, or subject to change later without notice;
- As a means to save time rather than listing description detail required by a regular purchase order.

Limits when using Standing Purchase Orders:

- Standing purchase orders not associated by a written quote, contract or a bid issued by the Purchasing Department shall not exceed \$2,500.
- Standing purchase orders exceeding \$2,500 must be associated by a written quote, contract or a bid issued by the Purchasing Department.

Procurement Card Purchases (P-card):

A Procurement Card is an alternate method of procurement utilized to purchase small dollar amounts and for travel arrangements. These purchases are governed by the procedures of the College's Procurement Card program. Employees must meet specific procurement criteria and must be approved by their approving authority prior to receiving a procurement card. Card-holders are required to use vendors approved via the bid and quoting process if applicable. The Purchasing Department is responsible for posting current vendor and contract information to assist card-holders in choosing the appropriate vendor. The monthly credit limit is established by hierarchy and need. The single item purchase limit is \$750. Exceptions to this limit include travel expenditures, utility expenditures and miscellaneous purchases as approved on a per occasion basis by the Director of Contract and Purchasing Services.

Direct Pay Request:

The Direct Pay Request method for purchasing merchandise shall only be utilized in accordance with the Direct Pay Guidelines. Direct Pay Requests are not associated with purchase orders, but an invoice must be received and approved before a payment will be issued. San Jacinto Community College District will not pay a vendor unless an invoice is received for the goods or services provided and a receiving confirmation is completed. Direct Pay Requests may be utilized during the end of the fiscal year procedures and other special requirements approved by the Director of Accounting and Financial Services.

Campus Bookstore Purchases:

The College bookstores are managed and operated by Barnes & Noble and their purpose is to sell products at retail value to generate profits. The primary customers of the bookstores are students of the College and the general public. Computer supplies and equipment purchases are prohibited purchases from the bookstore. All purchases of books and textbooks utilized by the College should be done through the bookstore unless documented that the requested title is unavailable through the bookstore. Barnes and Noble will accept purchase orders and procurement cards as a procurement method.

Receipt of Merchandise:

San Jacinto College does not have a central receiving department to receive all incoming shipments in a centralized manner. The Maintenance Department of each campus is responsible for receiving

Attachment 4 – Current Procedure (Informational Item)

merchandise and delivering of merchandise to the requesting department. It is important to specify in the requisition the building, room number, contact person and telephone number to assist the vendor with proper shipping arrangements and for Maintenance personnel to know where to deliver the goods.

When the goods or services listed on the purchase order are received by the College, the person initiating the request is responsible for verifying that the goods or services received meet the conditions and requirements stated in the purchase order.

The receiver should have a copy of the purchase order for comparison of material ordered and material being received. If a discrepancy is discovered or the product is damaged, the Maintenance Department and the vendor should be notified expeditiously. Payment should not be initiated until the discrepancy or damaged item is corrected.

The requesting department is responsible for final verification of incoming merchandise received and initiating the receiver in the Banner Financial software system.

Payment of Purchase Orders:

All invoices should be mailed to the District Business Office. The business office will forward the invoice to the originating department for approval. When the person responsible for the purchase receives the invoice for the goods or services listed on the purchase order, he or she approves the invoice for payment and promptly forwards the invoice to the District Business Office for payment. If the invoice total differs from the original purchase order total, the originator of the purchase order must be able to justify and explain the price difference. After comparing the invoice against the purchase order and any subsequent adjustments, the District Business Office personnel will process the invoice for payment.

Sole Source Purchases

Single source - The practice of using one source, among others in the competitive market, which for justifiable reason, is found to be most advantageous for the purpose of fulfilling a given purchasing need.

Sole source - This may exist when there is only one known source of supply available. An example would be a product that has a copyright, trademark or patent. SJCCD recognizes that there may be instances when proprietary or sole source purchases must be made, but such purchases must be appropriately justified. The justification for such purchases must be in writing and must be based upon a need for a specific feature of characteristic (specification) that is unique to the requested product or service that cannot be provided by any other product or service. The Purchasing Department shall provide a form for written justification. It must be signed by the requestor and other authorized individuals listed on the form and forwarded to the Purchasing Department. The explanation criteria must contain the following elements:

- Identification of the unique feature(s) or character(s)/specification(s) of the requested product that will serve as the basis for the proprietary/sole justification;
- An explanation of the need for the unique specifications. This explanation must address the critical importance of the unique specifications to the intended use of the product or service;
- A reason stating why a competitor's product is not satisfactory. This section must relate to the explanation of need for the unique specifications and should serve to support a finding that the stated need cannot be met with competing products. **Sufficient detail must be included to show that the marketplace has been canvassed to locate acceptable competitive products.**

If there are two or more products that are acceptable, preserving the competitive bidding environment will help ensure that SJCCD receives the best price. The use of proprietary/sole source purchase procedure is an overt act that must withstand critical scrutiny. Justifications must be objective and must avoid

statements that cannot be substantiated. The justification cannot be that competing products are not satisfactory. Statements regarding product quality that may be subjective should not be used. It is important to note that the price of a product is not acceptable justification for a proprietary purchase. It is recognized that many purchases are based upon extensive investigative work done by the end-user before submitting the purchase request and that there are good reasons why one product will work and another may not. Remember, however, that the proprietary/sole source purchase procedure is an exception to the competitive bidding requirements to be used only whenever appropriate. The Purchasing Department has final authority to determine if a product or service meets the sole source criteria as specified in the Texas Education code 44.031(j) (k).

Because of patent expirations, new technologies and new companies entering the market place, justification on all sole source purchases shall be reviewed on an annual basis. In addition, annual justification is not required for software or products that would require a significant financial investment by the College to replace the major component of the item/service that is considered a sole source.

Professional Services

Professional services are defined as customized services consisting of specialized intellectual or creative expertise based on personal skills or ideas of an individual(s) that are provided for a fee, which may be determined individually with each customer for each service contract.

The purchasing requirements of Education Code Section 44.031 do not apply to professional services including the services rendered by architects, fiscal agents, or attorneys. The College may contract for professional services rendered by a financial consultant or a technology consultant or a technology consultant in the manner provided by Government Code 2254.003, in lieu of the methods provided by Education Code 44.031.

Competitive bids shall not be solicited for professional services of any license or registered certified public accountant, architect, landscape architect, land surveyor, physician, optometrist, professional engineer, state-certified or state-licensed real estate appraiser, or registered nurse. Contracts for these professional services shall be made on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price. Whenever applicable, a Request for Qualifications process should be initiated to determine the overall best value for the College.

The Attorney General has provided guidance to governing bodies by opining that professional services are those that:

- Require predominantly mental or intellectual, rather than physical or manual skills;
- Require years of education and service for one to attain competence and call for a high-order of intelligence, skill and learning; and
- Has widely accepted standards of required study or specified attainments in a special knowledge as distinguished from mere skill.

The Texas Attorney General generally has refrained from making factual determinations about whether particular services are properly classified as professional services. Instead, the Attorney General generally has stated that such factual determinations should be made by the governing body of a government entity such as the College. See, E.G., Attorney General Opinion DM-418 (1996).

Standardization

All employees are encouraged to purchase standardized products established by the College. The benefits from standardization include reduced transaction cost, reduced support cost, improved communication, enhanced buying power and district-wide uniformity. The Purchasing Department is responsible for providing information to all employees regarding product standards.

Construction Contracts

All solicitations for construction services and resulting contracts shall be completed in coordination with the purchasing department. All construction contracts will be awarded in compliance with the College's purchasing policies and procedures. The most common methods of procuring construction services are:

- Competitive Bidding;
- Competitive Sealed Proposals
- Design-Build
- Construction Manager at Risk
- Construction Manager - Agent
- Job Order Contracts

The Construction Department will work in conjunction with the Purchasing Department for initiating the competitive solicitation process and maintaining the records from the results that of that process. A contract for construction services shall be issued upon approval of award by the Board of Trustees if required. The College shall award competitively bid contracts to the firm(s) offering the best value to the College according to the selection criteria established by the College and in accordance with Section 2267 of the Texas Education Code.

Independent Contractors and Consultant Contracts

Independent contractors and consultants are individuals engaged by the College to perform specific functions or tasks at his or her own discretion with respect to the means and methods used to accomplish the assignment.

Contracts for these services shall be issued prior to services rendered and submitted to the Purchasing Department for approval. In selecting a consultant or independent contractor, the responsible budget head shall base the choice on demonstrated competence, knowledge, qualifications, and on the reasonableness of the proposed fee. All contracts shall specify the nature of the service, deliverables, dollar amount, and any special payment requirements. An authorization for payment will be issued by the requestor upon satisfactory completion of the work. The requestor shall contact the Purchasing Department to communicate any changes and /or problems during the process of completing the project. Payments should be directed to the Accounts Payable Department. A copy of the Agreement should be retained in the Purchasing Department.

Grant Purchases

Grant purchases will follow the same process established for requisitioning other goods and services. Quote thresholds to procure goods and services will be in accordance with the strictest parameters established by College polies and procedures, grant provisions, funding agency requirements, Uniform Guidance rules and state procurement statutes.

Educational Agreements and Revenue Generating Agreements

Educational agreements refer to agreements between the College and a third party for establishing the terms for the sharing or use of facilities, staff or other educational resources in which no funds are exchanged between the parties. Revenue generating contracts refer to training programs and auxiliary enterprise.

Training programs provide customized or specialized training to area companies. These agreements generally identify the services to be provided, the fee for services, and the reimbursable cost associated with supplies and other expenses. Auxiliary enterprise contracts refer to purchases for the sole purpose of generating a profit through products or service sales.

Departments responsible for educational agreements and revenue generating contracts are responsible for initiating competitive quotes and maintaining records for their areas of responsibility. The Purchasing Department will offer assistance in establishing guidelines and contract retention.

Co-Operative Purchase Contracts and Inter-Local Agreements

San Jacinto College may participate in an inter-local agreement with another local government agency, educational institution or a purchasing cooperative organization. Upon approval by the Board of Trustees, the College may sign an agreement with another participating local government, education institution or a cooperative program which satisfies the law requiring it to seek competitive bids as stated in the Texas Education Code, Subchapter B, Section 44.031, as provided by Section 791 of the Government Code, and Sections 271.082 - 083 of the Local Government Code.

Contract Retention

The Purchasing department is the central repository for all contracts which provide goods or services to the College which financially impact the College. All contracts will be retained in accordance with the College's record retention procedures.

Procedure #:	2-13
Procedure Name:	Purchasing
Pages:	6
Adopted Date:	
Revision/Reviewed Date:	April 7, 2017
Effective Date:	April 7, 2017
Associated Policy:	V-B and VI-AA

Procedure III.3007.A.a, Purchasing

Associated Policy

Policy III.3007.A, Purchasing

Procedures

Funding and the Requisitioning Process

All funds deposited with San Jacinto College (College), regardless of source, are College funds and must be handled in accordance with State statutes and the College policies and procedures. Although departments are allocated funds in their respective budgets, this allocation is only an authority to requisition, not to purchase. Any College department having a budget allocation may request purchases be made against that allocation. The proper method of procurement will depend on the anticipated expenditure amounts and the type of service and materials being procured in accordance with the following requirements below:

When a request for purchase is initiated through the Banner Financial software system, a requisition is created and is routed via the electronic approval process to departmental approving authorities depending on the requisition value. After the approval process is complete, it is routed to Contracts and Purchasing Services (“the Purchasing Department”) and the corresponding buyer for the commodity will:

1. Verify the expenditure is for goods or services that are appropriate to the needs of the institution;
2. Determine if quotes/bids are required in accordance with the Policy and Procedure on Bidding;
3. Offer consulting regarding bidding/quoting process;
4. Verify the pricing is correct;
5. Verify the vendor is approved via a contract; (if applicable)
6. Verify the requisition is documented properly;
7. Approve the requisition and convert it to an official purchase order.

At the conclusion of the purchasing process, a purchase order is generated, printed, and signed by the Chief Procurement Officer (CPO) of Contracts and Purchasing Services. Purchase orders are printed by the Purchasing Department and forwarded according to the instructions included on the purchase order. All terms and conditions stated on the purchase order apply.

Unauthorized Purchases (After the Fact Transactions)

Employees who purchase goods and/or services before proper authorization has been obtained assume complete responsibility for the purchase and may be held personally liable for all costs and any damages associated with the unauthorized purchase. This personal liability includes paying for the purchase with personal funds or personally reimbursing the College for any expenses incurred. Any employee who places an order for goods and/or services without following the approved procurement methods violates the College’s purchasing procedures.

Employees, who generate financial liability for the College without being authorized to do so, will be subject to disciplinary action, including suspension or termination.

Any supplier, who accepts an unauthorized order, will be advised of this policy and may jeopardize the ability to do future business with the College.

Criminal Offense

The Purchasing Department is the only authorized entity within the College to issue purchase orders. In accordance with Policy III.3007.B, Contract Authority, only the Chancellor, the Vice Chancellor of Fiscal Affairs, or individuals with delegated signature authority may sign contracts, changes orders, addenda, and amendments. Depending on the type of contract or procurement used, the Purchasing Department will incorporate the required revisions and standards within the contract or agreement and manage the execution of the contract. All purchases shall be made in compliance with the provision listed within the Texas Education Code and College policies.

An officer, employee or agent of a school district commits an offense if the person with criminal negligence makes or authorizes separate, sequential, or component purchases to avoid the requirements of Section 44.031 (a) or (b). An offense under this subsection is a Class B misdemeanor and is an offense involving moral turpitude.

Procurement Methods

The procurement of supplies, equipment and services for the College can only be acquired by the following methods: regular purchase orders, standing purchase orders, PCards, and Direct Pay Request. A regular purchase order is the **preferred** method to purchase goods and services for the College while the additional methods provide increased efficiency and productivity in the purchase of small dollar repetitive purchases. The alternative methods shall not be utilized to circumvent the approval and procurement processes.

Regular Purchase Orders

Regular purchase orders allow the requested product/service to be approved by the approving authorities prior to the actual purchase of the merchandise/service. Additionally, the Purchasing Department has the opportunity to source and obtain quotes to ensure a competitive environment exists for College procurements. Purchase orders are initiated by the requestor via the Banner requisitioning process. All requisitions must include the following information:

1. A recommended vendor or awarded vendor as a result of a competitive solicitation, quote process, sole source or other approved exemption;
2. A commodity code;
3. A **complete** description of the product/service being requested including stock numbers if applicable and price;
4. The appropriate FOAP (Fund-Organization-Account-Program) code;

5. Any other additional information in the document text section of the requisition such as bid number, quote number, do not mail instructions, confirmation only, contract information, Board approval date, etc.

When the user completes data entry of the requisition, it is processed for approvals. After the approval process is completed, the requisition is routed to the Purchasing Department for processing.

Standing Purchase Orders

A standing purchase order is issued to a vendor where multiple purchases may be made during a specified period of time.

Conditions for use:

1. For supply-type commodities and services only. (No equipment over \$5,000);
2. For repetitive purchases and/or numerous shipments of the same type of commodity item, services or category of items;
3. For purchases with known pricing determined by a written quote, contract, or awarded bid.

Standing purchase orders should not be used when:

1. No benefit will be derived over and above use of a regular purchase order;
2. As a means to provide an open line of credit with a vendor;
3. Prices are unknown at ordering time, or subject to change later without notice;
4. As a means to save time rather than listing description detail required by a regular purchase order.

Limits when using standing purchase orders:

1. Standing purchase orders not associated by a written quote, contract or a bid issued by the Purchasing Department shall not exceed \$10,000.
2. Standing purchase orders exceeding \$10,000 must be associated by a written quote, contract or a bid issued by the Purchasing Department.

PCard Purchases

A PCard is an alternate method of procurement utilized to purchase small dollar amounts and for travel arrangements. These purchases are governed by the procedures of the College's PCard program. Employees must meet specific procurement criteria and must be approved by their approving authority prior to receiving a PCard. Cardholders are required to use vendors approved via the bid and quoting process if applicable. The Purchasing Department is responsible for posting current vendor and contract information to assist card-holders in choosing the appropriate vendor. The monthly credit limit is established by hierarchy and need. The single item purchase limit is \$1,500. Exceptions to this limit include travel expenditures, utility expenditures and miscellaneous purchases as approved on a per occasion basis by the CPO.

Direct Pay Request

The Direct Pay Request method for purchasing merchandise shall only be utilized in accordance with the Direct Pay Guidelines. Direct Pay Requests are not associated with purchase orders, but an invoice must be received and approved before a payment will be issued. The College will not pay a vendor unless an invoice is received for the goods or services provided and a receiving confirmation is completed. Direct Pay Requests may be utilized in accordance with Direct Pay process as outlined by the Accounts Payable Department.

Campus Bookstore Purchases

The College bookstores' purpose is to sell products at retail value to generate profits. The primary customers of the bookstores are students of the College and the general public. Computer supplies and equipment purchases are prohibited College purchases from the bookstore. All purchases of books and textbooks utilized by the College should be done through the bookstore unless documented that the requested title is unavailable through the bookstore. The College bookstores will accept purchase orders and PCards as a procurement method.

The following is a link to the Campus Bookstore details:

<https://www.sanjac.edu/support/academic-support/textbook-support>

Receipt of Merchandise

The College does not have a central receiving department to receive all incoming shipments in a centralized manner. The Maintenance Department of each campus is responsible for receiving merchandise and delivering merchandise to the requesting department. It is important to specify in the requisition the building, room number, contact person and telephone number to assist the vendor with proper shipping arrangements and for Maintenance personnel to know where to deliver the goods.

When the goods or services listed on the purchase order are received by the College, the person initiating the request is responsible for verifying that the goods or services received meet the conditions and requirements stated in the purchase order.

The receiver should have a copy of the purchase order for comparison of material ordered and material being received. If a discrepancy is discovered or the product is damaged, the Maintenance Department and the vendor should be notified expeditiously. Payment should not be initiated until the discrepancy or damaged item is corrected.

The requesting department is responsible for final verification of incoming merchandise received and initiating the receiver in the Banner Financial software system.

Payment of Purchase Orders

All invoices should be mailed or emailed to the District Business Office. The business office will forward the invoice to the originating department for review and approval. When the budget authority responsible for the purchase receives the invoice for the goods or services listed on the purchase order, he or she shall review, approve and sign the invoice after verifying the invoiced

amount is in accordance with the contracted rate(s) [The College contract, co-op contract, supplier contract] and promptly forward the invoice to the District Business Office for payment. If the invoice total differs from the original purchase order total or the contracted rate, the originator of the purchase order must contact the supplier to correct the error or be able to explain, in writing, the price difference. After comparing the invoice against the purchase order and any subsequent adjustments, the District Business Office personnel will process the invoice for payment.

Sole Source Purchases

Single source is the practice of using one source, among others in the competitive market, which for justifiable reason, is found to be most advantageous for the purpose of fulfilling a given purchasing need.

Sole source may exist when there is only one known source of supply available. An example would be a product that has a copyright, trademark or patent. SJCCD recognizes that there may be instances when proprietary or sole source purchases must be made, but such purchases must be appropriately justified. The justification for such purchases must be in writing and must be based upon a need for a specific feature of characteristic (specification) that is unique to the requested product or service that cannot be provided by any other product or service. The Purchasing Department shall provide a form for written justification. It must be signed by the requestor and other authorized individuals listed on the form and forwarded to the Purchasing Department. The explanation criteria must contain the following elements:

1. Identification of the unique feature(s) or character(s)/specification(s) of the requested product that will serve as the basis for the proprietary/sole justification;
2. An explanation of the need for the unique specifications. This explanation must address the critical importance of the unique specifications to the intended use of the product or service;
3. A reason stating why a competitor's product is not satisfactory. This section must relate to the explanation of need for the unique specifications and should serve to support a finding that the stated need cannot be met with competing products. **Sufficient detail must be included to show that the marketplace has been canvassed to locate acceptable competitive products.**

If there are two or more products that are acceptable, preserving the competitive bidding environment will help ensure that the College receives the best value. The use of proprietary/sole source purchase procedure is an act that must withstand critical scrutiny. Justifications must be objective and must avoid statements that cannot be substantiated. The justification cannot be that competing products are not satisfactory. Statements regarding product quality that may be subjective should not be used. It is important to note that the price of a product is not acceptable justification for a proprietary purchase. It is recognized that many purchases are based upon extensive investigative work done by the end-user before submitting the purchase request and that there are good reasons why one product will work, and another may not. Remember, however, that the proprietary/sole source purchase procedure is an exception to the competitive

bidding requirements to be used only whenever appropriate. The Purchasing Department has final authority to determine if a product or service meets the sole source criteria as specified in the Texas Education code 44.031(j) (k).

Because of patent expirations, new technologies and new companies entering the marketplace, justification on all sole source purchases shall be reviewed on an annual basis. In addition, annual justification is not required for software or products that would require a significant financial investment by the College to replace the major component of the item/service that is considered a sole source.

Professional Services

Professional services are defined as customized services consisting of specialized intellectual or creative expertise based on personal skills or ideas of an individual(s) that are provided for a fee, which may be determined individually with each customer for each service contract.

The purchasing requirements of Education Code Section 44.031 do not apply to professional services including the services rendered by architects, fiscal agents, or attorneys. The College may contract for professional services rendered by a financial consultant or a technology consultant or a technology consultant in the manner provided by Government Code 2254.003, in lieu of the methods provided by Education Code 44.031.

Competitive bids shall not be solicited for professional services of any license or registered certified public accountant, architect, landscape architect, land surveyor, physician, optometrist, professional engineer, state-certified or state-licensed real estate appraiser, or registered nurse. Contracts for these professional services shall be made on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price. Whenever applicable, a Request for Qualifications process should be initiated to determine the overall best value for the College.

Standardization

All employees are encouraged to purchase standardized products established by the College. The benefits from standardization include reduced transaction cost, reduced support cost, improved communication, enhanced buying power and district-wide uniformity. The Purchasing Department is responsible for providing information to all employees regarding product standards.

Construction Contracts

All solicitations for construction services and resulting contracts shall be completed in coordination with the Purchasing Department. All construction contracts will be awarded in compliance with the College's purchasing policies and procedures. The most common methods of procuring construction services are:

1. Competitive Bidding;
2. Competitive Sealed Proposals
3. Design-Build

4. Construction Manager at Risk
5. Construction Manager – Agent
6. Job Order Contracts

The Facilities Services Department and Fiscal Initiatives & Capital Projects Department will work in conjunction with the Purchasing Department for initiating the competitive solicitation process and maintaining the records from the results that of that process. A contract for construction services shall be issued upon approval of award by the Board of Trustees, when required. The College shall award competitively bid contracts to the firm(s) offering the best value to the College according to the selection criteria established by the College and in accordance with Section 2269 of the Texas Government Code.

Independent Contractors and Consultant Contracts

Independent contractors and consultants are individuals engaged by the College to perform specific functions or tasks at his or her own discretion with respect to the means and methods used to accomplish the assignment.

Contracts for these services shall be requested prior to services rendered and submitted to the Purchasing Department for review, negotiations, and routing of final signature approval. The selection of a consultant or independent contractor shall be based on demonstrated competence, knowledge, qualifications, and on the reasonableness of the proposed fee in accordance with the Texas Education Code, Subchapter B, Section 44.031. All contracts shall specify the nature of the service, deliverables, dollar amount, and any special payment requirements. An authorization for payment will be issued by the requestor upon satisfactory completion of the work. The requestor shall contact the Purchasing Department to communicate any changes and /or problems during the process of completing the project. Payments should be directed to the Accounts Payable Department. A copy of the Agreement should be retained in the Purchasing Department.

Grant Purchases

Grant purchases will follow the same process established for requisitioning other goods and services. Quote thresholds to procure goods and services will be in accordance with the strictest parameters established by College policies and procedures, grant provisions, funding agency requirements, the standards established to the formal adoption of the Uniform Guidance rules and state procurement statutes.

Alcohol Purchases for Instructional Purposes

The College may only purchase alcohol in accordance with the college Procedure VII.7002.A.b, Alcohol Usage in College Programs.

Educational Agreements and Revenue Generating Agreements

Educational agreements refer to agreements between the College and a third party for establishing the terms for the sharing or use of facilities, staff or other educational resources in which no funds are exchanged between the parties.

Revenue generating contracts refer to training programs and auxiliary enterprise.

Training programs provide customized or specialized training to area companies. These agreements generally identify the services to be provided, the fee for services, and the reimbursable cost associated with supplies and other expenses. Auxiliary enterprise contracts refer to purchases for the sole purpose of generating a profit through products or service sales.

Departments responsible for educational agreements and revenue generating contracts are responsible for initiating competitive quotes and maintaining records for their areas of responsibility. The Purchasing Department will offer assistance in establishing guidelines and contract retention.

Co-Operative Purchase Contracts and Inter-Local Agreements

The College may participate in an inter-local agreement with another local government agency, educational institution or a purchasing cooperative organization. In accordance with Policy III.3007.B, Contract Authority, the College may sign an agreement with another participating local government, education institution or a cooperative program which satisfies the law requiring it to seek competitive bids as stated in the Texas Education Code, Subchapter B, Section 44.031, as provided by Section 791 of the Government Code, and Sections 271.082 – 083 of the Local Government Code.

Contract Retention

The Purchasing department is the central repository for all contracts which provide goods or services to the College that financially impact the College. All contracts will be retained in accordance with the College's record retention procedures.

Definitions

Alcohol: A controlled substance to include liquor, beer, or wine.

College: The San Jacinto Community College District and also referenced as San Jacinto College.

Contract: An agreement between two or more parties that is intended to have legal effect to create a financial commitment or obligation of the College. A contract may include, but is not limited to, goods and service agreements, memoranda of understanding, letters of intent, lease agreements, rental agreements, grant awards, purchase orders, sole source contracts, cooperative contracts, interlocal contracts, and job order contracts.

Employee: A full-time or part-time employee of the College as defined by Human Resources policy and procedure.

Pcard: A purchasing card utilized and approved by the San Jacinto College Business Office.

Purchasing Contract: Any contract that requires an expenditure of College funds, regardless of the funding source.

Purchase Order: A contract that legally binds the College to purchase goods and services.

Student: A currently enrolled student of the San Jacinto Community College District as defined by instruction policy and procedure.

Trustee: Persons who are elected in accordance with the State statute and collectively comprise the governing body of the College.

Work Order: A work order is a discrete task or a job request for a client, which can be scheduled or assigned to department resources for execution. Facilities Services utilizes a computerized maintenance management software application to aid in the backlog, planning, and scheduling of work orders.

Date of SLT Approval	February 21, 2024
Effective Date	Anticipated April 2, 2024
Associated Policy	Policy III.3007.A, Purchasing
Primary Owner of Policy Associated with the Procedure	Vice Chancellor, Fiscal Affairs
Secondary Owner of Policy Associated with the Procedure	Chief Procurement Officer, Contracts & Purchasing Services

Bidding

Policies and Procedures Summary of Changes

New Policy Number: **III.3007.D**

Proposed Policy Name: **Bidding**

Current Policy Number/Name: Policy V-C: Policy on Bidding

New Procedure Number: **III.3007.D.a**

Proposed Procedure Name(s): **Bidding**

Current Procedure Number(s)/Name(s): Procedure 2-14: Bidding

Action Recommended for Policy: Revised

Action Recommended for Procedures: Revised

Web Links:

<https://www.sanjac.edu/about/policies-procedures/V-C-Policy-on-Bidding.pdf>

<https://www.sanjac.edu/about/policies-procedures/2-14-Bidding.pdf>

Primary Owner: Vice Chancellor, Fiscal Affairs

Secondary Owner: Chief Procurement Officer, Contracts & Purchasing Services

Summary of Changes:

Policy Changes:

- Update Policy Number.
- Clarify emergency situation requirements.

Procedure Changes:

- Update Procedure Number.
- Formal Solicitations:
 - Correct reference of the “the Purchasing Department” to “Contracts and Purchasing Services (“the Purchasing Department”)”.
- Purchasing Thresholds:
 - Increase one quote or bid required limit from \$5,000 to \$9,999. Change made in all references within procedures.
 - Revised three written quotes requirements: \$10,000 - \$49,999.99 - Three written quotes required., and an SJC Quote# must be assigned by the Purchasing Department and noted on the requisition in Banner.
- Purchases Valued at \$50,000 or More
 - Revised list of competitive methods from eight items down to six items to be in alignment with the Texas Education Code Section 44.031 and the Texas Government Code Chapter 2269.
- Timetable for Formal Procurement Procedures:
 - Revised timeline for accuracy and additional details.

Attachment 6

- Awarding Contracts:
 - Revised to align with the Texas Education Code Section 44.031 and federally funded projects.
- Evaluation of Responses:
 - Added reference to Section 2269.055 of the Texas Government Code
 - Removed reference to MWBE certification as a factor of consideration.
 - Added: Contracts less than \$100,000 per year do not require Board approval.
- Tie Bids; Tie Ranking based on Evaluations (section title revised)
 - Added clarification regarding the College' taxing district.
- Out-of-State Vendors
 - Added clarification regarding federal funded projects.
- Vendor / Provider List (Section title revised)
 - Revised for additional clarification.
- Emergency Purchases
 - Removed references of Texas Education Code.
 - Corrected reference of Campus "President" to "Provost".
 - Revised the Board of Trustees for approval limit from \$50,000 to \$100,000 to align with Policy III.3007.B.
- Vendor Protest and Dispute Resolution
 - Corrected title dealing with Protests/Disputes from "Director" to "Chief Procurement Officer (CPO)".
 - Added clarification regarding final protest process (line #3) declaring the contract void or terminating the contract.
- Contract Cancellation/Termination (section title revised)
 - Added clarification regarding cancellation or termination of a contract.
- Vendor Non-Performance and Debarment
 - Correct "bidding document" to "solicitation documents".
 - Corrected title dealing with debarment process from "Director" to "Chief Procurement Officer (CPO)".

Policy V-C: Policy on Bidding

The College follows state regulations in processing bids for the purchase of goods and services. The college Chancellor is responsible for securing bids according to state law and Board of Trustees policy. In emergency situations, as defined in the Rules, Regulations, Procedures and Interpretations, the formal competitive bidding process need not be followed. The general procedures for such an emergency are in the Rules, Regulations, Procedures and Interpretations.

Policy #:	V-C
Policy Name:	Policy on Bidding
Pages:	1
Adopted Date:	
Revision/Reviewed Date:	
Effective Date:	
Associated Procedure:	2-14

Policy III.3007.D, Bidding

Purpose

This policy will address the legal requirements related to bidding goods or services on behalf of San Jacinto College (College).

Policy

The San Jacinto College (College) follows state regulations in processing bids for the purchase of goods and services. The College Chancellor is responsible for securing bids according to state law and Board of Trustees policy. In emergency situations, as defined in the Texas Education Code 44.031(h), the formal competitive bidding process need not be followed. The procurement process for such situations will follow the emergency purchases section of the associated procedure.

Definitions

College: The San Jacinto Community College District and also referenced as San Jacinto College.

Emergency Incident: An emergency incident is defined as any event that is outside of normal College operations and has the potential of affecting the business functions of the College or the life and safety of the College community.

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

Associated Procedures

Procedure III.3007.D.a, Bidding

Date of Board Approval	April 1, 2024
Effective Date	Anticipated April 2, 2024
Primary Owner	Vice Chancellor, Fiscal Affairs
Secondary Owner	Chief Procurement Officer, Contracts & Purchasing Services

Procedure 2-14: Bidding

Formal Solicitations

Prior to any request for bid or proposal being prepared, advertised and disseminated to prospective bidders, a solicitation request must be completed and approved by all respective budget authorities for all procurements in which funding has not already been appropriated. The requesting department should indicate how the item or service will be used, the anticipated number of individuals who will use the item or service, the expected length of existence, the initial cost, and any future costs associated with the request. After approval is obtained, the requesting parts should forward the approval form to the Purchasing Department to initiate the procurement process.

Purchasing Thresholds

The following purchasing thresholds apply to any single purchase or series of purchases of related items within a fiscal year.

Purchases Within a Fiscal Year

Amount of Purchase	Purchase Procedure
\$4,999.99 or less	One quote or bid required
\$5,000.00 - \$9,999.99	Three quotes required. All quotes must be noted on the requisition in Banner. Quotes may be obtained by the requesting department or the Purchasing Department.
\$10,000 - \$49,999.99	Three written quotes required. All quotes must be noted on the requisition in Banner. Quotes may be obtained by the requesting department or the Purchasing Department. The quotes must be forwarded to the purchasing department via email, fax, interoffice mail, etc.
\$50,000.00 and above	Requires formal bidding procedures and Board approval. Contact the Purchasing Department for details.

Purchases Valued at \$50,000 or More

All College purchasing contracts, except contracts for the purchase of produce or vehicle fuel, valued at \$50,000 or more in the aggregate for each 12-month period shall be made by one of the following methods that provide the best value to the College:

1. Competitive Bidding;
2. Competitive Sealed Proposals;
3. Requests for Proposals, for services other than construction services;
4. Inter-local Contracts
5. Design/Build Contracts
6. Contract to construct, rehabilitate, alter, or repair facilities that involve using a construction manager;
7. Job order contract for the minor, repair, rehabilitation, or alteration of a facility;
8. The reverse auction procedure as defined by Section 2155.062 (D), Government Code.

Timetable for Formal Procurement Procedures

1. Solicitation packet preparation: 1 week
2. Solicitation advertisement: fourteen (14) calendar days
3. Solicitation opening, evaluation, award preparation: 1 week
4. Prepare and submit contract award recommendation for Board approval (1-3 weeks)
5. Contract award by Board of Trustees: (scheduled board meeting following Solicitation opening date)
6. Total: Minimum 7-8 weeks

Specifications should be clearly written by the requesting department in conjunction with the buyer with the goal of obtaining the best value. The purchasing office will work with the requesting department to prepare the solicitation specifications, and a preferred vendor list, at least 60 days prior to the Board of Trustees meeting at which the contract will be awarded.

Public Notification of Solicitations

Notice of the time by when and place where the bids or proposals, or the responses to a request for qualifications, will be received shall be published in the paper of general circulation in the county in which the College's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualification.

Awarding Contracts

In awarding a contract, the College shall consider:

1. Purchase price;
2. The reputation of the vendor and of the vendor's goods and services;
3. The quality of the vendor's goods or services;
4. The extent to which the goods or services meet the College's needs;
5. The vendor's past relationship with the College;
6. The impact on the ability of the College to comply with laws relating to historically underutilized businesses;
7. The total long-term cost to the College to acquire the goods or services;
8. Any other relevant factor that a private business entity would consider in selecting a vendor.

Evaluation of Responses

When bids or proposals are received, the evaluation method stated in the solicitation will be employed. Following are several examples of methods that may be utilized:

1. The Purchasing Department will evaluate the offers and recommend the offer which provides the best overall value to the department;
2. A committee comprised of several individuals associated with the procurement will evaluate the responses utilizing a quantitative and/or qualitative scoring process;
3. An independent consultant hired by the College will evaluate the responses and recommend a vendor for award.

The bid or proposal will be awarded in accordance with the criteria listed in the solicitation document and State laws.

When the apparent “low-bidder” or highest ranked vendor is not recommended, written justification must be furnished to support the alternate selection. Written justification utilizes the criteria listed in Section 44.031 of the Texas Education Code. Brand preference, additional features or personal preference is not justification for awarding a contract. The justification document will be maintained in the Solicitation file.

After the bids or proposals are opened, tabulation sheets shall be compiled and an award recommendation shall be submitted to the Board of Trustees for approval at the next regularly scheduled Board meeting.

Tie Bids

If the College receives two or more bids from responsible bidders that are identical in nature and amount as the lowest and best bids, it shall select only one bidder from the identical bids with preference given to the bidder (if applicable) who is a resident of the District.

If two or more such bidders are residents of the District, one shall be selected by the casting of lots. The Director of Contracts and Purchasing Services shall prescribe the manner of casting lots and shall be present when the lots are cast.

Out-of-State Vendors

The Board shall not award a contract for general construction, improvements, services, or public works projects or for the purchase of supplies, materials, or equipment to a vendor whose principal place of business is not in this state, unless the non-resident underbids the lowest bid submitted by the responsible bidder by an amount that is not less than the amount which the resident bidder would be required to underbid a non-resident bidder to obtain a comparable contract in the state in which the non-resident's principal place of business is located.

Bidders List

The College's Purchasing Department will compile, and periodically review of list of vendors who have expressed an interest in providing goods or services to the College in their specific commodity grouping. The list will be updated and reviewed in order to maintain a current list of qualified vendors for all commodities.

Emergency Purchases

Emergency purchases shall comply with the Texas Education Code 44.031 (h). Contracts for the repair or replacement of a school facility or school equipment that has been destroyed, severely damaged or experiences a major unforeseen operational or structural failure may be made by other means than those required in Section 44.031 of the Texas Education Code if the Board determines that the time delay posed by adhering to those requirements would prevent or substantially impair the conduct of classes or other essential school activities.

Emergency situations are those in which facilities, equipment or other property is damaged or destroyed and in which the time delay posed by the competitive bidding process would prevent or substantially impair the conduct of classes or other essential district activities. Emergency situations include, but are not limited to, broken water pipes, electrical power outages or shortages, air-conditioning and heating failures, damage to buildings which, if not repaired expeditiously, would disrupt classes or the operation of the building or would lead to further damage to the building. In emergency situations where bidding would otherwise be required, the competitive bidding requirements stated above shall not apply. The following procedure will prevail:

1. If an emergency situation arises on a campus, the employee discovering the problem will notify his or her supervisor, who will, in turn, notify the President of the campus or his/her designee;
2. If an emergency situation is declared, the college may contract for the necessary services without the necessity of obtaining competitive bids. Bids or phone quotations should be obtained if time permits.
3. Any person or company appropriate for the job may be utilized in emergency situations;
4. All contracts in excess of \$50,000 entered into under these provisions shall be presented to the Board of Trustees for approval and ratification at their next meeting.

Vendor Protest and Dispute Resolution

In the event a vendor wishes to contest a contract awarded under the provisions of the Texas Education Code, Subchapter B, Section 44.031– 44.044, or the Texas Government Code, Section 2269, the protests must be in writing and received in the Director of Contracts & Purchasing Services office within ten (10) working days after such aggrieved person knows, or should have known, of the occurrence of the action which is protested.

In the event of a timely protest or appeal, the College may elect to postpone making an award of the contract unless the Director of Contracts & Purchasing Services – after consultation with the using department – determines the award or contract without delay is necessary to protect the interests of the San Jacinto Community College District.

A formal protest must contain:

1. A specific identification of the statutory or regulatory provisions(s) that the action complained of is alleged to have violated;
2. A specific description of each act alleged to have violated the statutory or regulatory provision(s) identified above;
3. A precise statement of the relevant facts;
4. An identification of the issue or issues to be resolved;
5. Argument and authorities in support of the protest.

The Director of Contracts & Purchasing Services shall have the authority, prior to referral to the Vice Chancellor of Fiscal Affairs, to settle and resolve the dispute concerning the solicitation or award of a contract. The Purchasing Director may solicit written responses to the protest from other interested parties.

If the protest is not resolved by mutual agreement, the Director of Contracts & Purchasing Services will refer the protest to the Vice Chancellor of Fiscal Affairs.

1. If the Vice Chancellor of Fiscal Affairs determines that no violation of rules or statutes has occurred, the Vice Chancellor Fiscal Affairs shall so inform the protesting party, the using units, and other interested parties by letter that sets forth the reasons for the determination.
2. If the Vice Chancellor of Fiscal Affairs determines that a violation of the rules or statutes has occurred in a case where a contract has not been awarded, the Vice Chancellor of Fiscal Affairs shall so inform the protesting party, the using unit, and other interested parties by letter which sets forth the reasons for the determination and the appropriate remedial actions.
3. If the Vice Chancellor of Fiscal Affairs determines that a violation of the rules or statutes has occurred in a case where a contract has been awarded, the Vice Chancellor of Fiscal Affairs shall so inform the

protesting party, the using unit, and other interested parties by letter which sets forth the reasons for the determination, which may include ordering the contract void.

The Vice Chancellor of Fiscal Affairs' decision will be final.

Unless good cause for delay is shown or the College determines that a protest or appeal raises issues significant to procurement practices or procedures, a protest or appeal that is not filed timely will not be considered.

Contract Cancellation

The following procedures shall be followed when a vendor is not performing according to the specifications, terms, conditions and performance measures of the contract or bidding document. These procedures shall be followed for an ongoing contract arrangement. The performance measures must have been communicated to the vendor in the bidding document or resulting contract or attachments thereto.

1. In the event the vendor fails to perform in accordance with the instructions, conditions, and specifications set forth in the bidding document, or the provisions contained in the accepted responses as incorporated in a resulting contract, and/or under the terms of the contract, the contract will provide for the College to give written notice of the non-performance to the vendor with an opportunity to cure the problem. Responsible party shall document the complaint by using the Vendor Performance Form and notifying the Purchasing Department of the complaint. This form shall be maintained in the Purchasing Department
2. If the non-performance issue is continued past the allotted period and is properly documented, the Director of Contracts & Purchasing Services shall contact the vendor as stated in the contract and inform them that due to their failure to cure the non-performance, the Purchasing Department is recommending the College initiate contract cancellation procedures. The vendor shall be given an opportunity to dispute the non-performance issue with a face-to-face meeting with all responsible parties. This meeting shall be documented and filed along with the vendor performance form. Subject to results of the meeting, the Director of Contract & Purchasing Services has the authority to rescind the recommendation or continue with the contract cancellation process.
3. If the contract cancellation process is continued, the Director of Contracts & Purchasing Services will cancel the contract.
4. If the vendor does not agree with the Director's decision, the vendor may appeal the decision to the Vice Chancellor of Fiscal Affairs whose decision is final.
5. Failure to provide a satisfactory remedy or cure the non-performance within the cure window will constitute cause for immediate termination of the contract. Notwithstanding the foregoing, the College reserves the right to terminate the contract immediately if the vendor fails to perform to the satisfaction of the College if the College determines, in its sole discretion that termination is in the best interest of the College. In either case, whether notice is given and the opportunity to cures is granted, in the event that the contract is terminated for convenience, the College has no further obligations or liabilities to the vendor; shall not be subject to any penalties as a result of termination, and the College shall be entitled to any and all remedies available at law or in equity, including any and all types of damages and costs, from the vendor.

Vendor Non-Performance & Debarment

The following procedures shall be followed for situations in which the vendor grossly failed to meet or perform according to the specifications, terms, conditions and performance measures of the contract or bidding document. The performance measures must have been communicated to the vendor in the bidding document or contract.

1. Responsible party shall document the complaint by using the Vendor Performance Form and notifying the Purchasing Department of the complaint. This form shall be maintained in the Purchasing Department.
2. After the non-performance has been confirmed, the Purchasing Department shall contact the vendor by mail and inform them that due to their non-performance, the Purchasing Department is recommending the College initiate debarment procedures. The vendor shall be given an opportunity to dispute the non-performance issue with a face to face meeting with all responsible parties. This meeting shall be documented and filed along with the Vendor Performance Form. Subject to results of the meeting, the Director of Contracts & Purchasing services has the authority to rescind the recommendation or continue with the department process.
3. If the debarment process is continued, the Director of Contracts & Purchasing Services will debar the vendor from participating in any Solicitations or financial transactions with the College for a period not to exceed two years.
4. If the vendor does not agree with the Director's decision, the vendor may appeal the decision to the Vice Chancellor of Fiscal Affairs whose decision is final.
5. If the Vice Chancellor of Fiscal Affairs determines debarment is warranted, the vendor will be prevented from participating in any financial transactions with the San Jacinto Community College District and shall be removed from the bidders list for a minimum of two years. The vendor will be notified in writing by the Director of Contracts & Purchasing Services. Thereafter, they may make reapplication. Approval will be subject to the vendor's ability to demonstrate that similar problems in a contractual relationship are not likely to recur.

Procedure #:	2-14
Procedure Name:	Bidding
Pages:	7
Adopted Date:	
Revision/Reviewed Date:	May 2016
Effective Date:	May 2016
Associated Policy:	V-C

Procedure III.3007.D.a, Bidding

Associated Policy

Policy III.3007.D, Bidding

Procedures

Formal Solicitations

Prior to any request for bid or proposal being prepared, advertised and disseminated to prospective bidders and respondents, a solicitation request must be completed and approved by all respective budget authorities for all procurements in which funding has not already been allocated. The requesting department should indicate how the item or service will be used, the anticipated number of individuals who will use the item or service, the expected length of existence, the initial cost, and any future costs associated with the request. After approval is obtained, the requesting parties should forward the approval form to Contracts and Purchasing Services (the Purchasing Department) to initiate the procurement process.

Purchasing Thresholds

The following purchasing thresholds apply to any single purchase or series of purchases of related items within a fiscal year (September 1 – August 31).

Purchases within a Fiscal Year

<u>Amount of Purchase</u>	<u>Purchasing Procedure</u>
\$9,999.99 or less	One quote or bid required.
\$10,000 - \$49,999.99	Three written quotes required, and a SJC Quote# must be assigned by the Purchasing Department and noted on the requisition in Banner. Quotes may be obtained by the requesting department or the Purchasing Department. The quotes must be forwarded to the Purchasing Department via email, interoffice mail, or other approved method.
\$50,000 and above	Requires formal competitive procurement procedures and Board Approval, if over \$100,000. Contact the Purchasing Department for details.

Purchases Valued at \$50,000 or More

All San Jacinto College (College) purchasing contracts, except contracts for the purchase of produce or vehicle fuel, valued at \$50,000 or more in the aggregate for each 12-month period shall be made by one of the following methods that provide the best value to the College:

1. Competitive Bidding;
2. Competitive Sealed Proposals;
3. Requests for Proposals;
4. Interlocal Contracts;
5. The reverse auction procedure as defined by Section 2155.062 (D), Government Code; or
6. For constructions services, refer to methods as defined by Chapter 2269 of the Texas Government Code.

Timetable for Formal Procurement Procedures

1. Solicitation packet preparation (varies due to priority, research, size, and complexity):
 - 1-4 weeks
2. Solicitation advertisement:
 - 2 weeks (fourteen (14) calendar days)
3. When required, solicitation site visit/pre-bid meeting, Q&A, and submissions:
 - 1-2 weeks
4. Solicitation opening, evaluations, award preparation:
 - 1-3 weeks (add additional time for presentations, financial reviews, etc.)
5. Prepare and submit contract award recommendation for approval by Board of Trustees, if needed for contracts over \$100k:
 - 3-4 weeks
6. After contract award is approved, a contract is negotiated and executed:
 - 1-2 weeks
7. **Total:** 2-4 months on average (closer to 4 months if Board approval is required)

Specifications should be clearly written by the requesting department in conjunction with the buyer with the goal of obtaining the best value. The Purchasing Department will work with the requesting department to prepare the solicitation specifications, and a vendor list, at least 60 days prior to the Board of Trustees meeting at which the contract will be awarded.

Public Notification of Solicitations

Notice of the deadline and place where the bids or proposals, or the responses to a request for qualifications, will be received shall be published in a newspaper of general circulation in the county in which the College's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualification.

Awarding Contracts

In awarding a contract, the College shall consider:

1. Purchase price;
2. The reputation of the vendor and of the vendor's goods and services;
3. The quality of the vendor's goods or services;

4. The extent to which the goods or services meet the College’s needs;
5. The vendor’s past relationship with the College;
6. The total long-term cost to the College to acquire the goods or services;
7. For a contract for goods and services, other than goods and services related to telecommunications and information services, building construction and maintenance, instructional materials, or federally funded, whether the vendor or the vendor's ultimate parent company or majority owner:
 - (A) has its principal place of business in this state; or
 - (B) employs at least 500 persons in this state; and
8. Any other relevant factor specifically listed in the request for bids or proposals.

Evaluation of Responses

When bids or proposals are received, the evaluation method stated in the solicitation will be employed. All employees shall conduct evaluations in an ethical and fair manner. Following are several examples of methods that may be utilized:

1. The Purchasing Department will evaluate the offers and recommend the offer which provides the best overall value to the department;
2. A committee comprised of several individuals associated with the procurement will evaluate the responses utilizing a quantitative and/or qualitative scoring process;
3. An independent consultant hired by the College will evaluate the responses and recommend a vendor for award.

The College will always seek to award the contract to the supplier offering the Best Value in accordance with the criteria listed in the solicitation document and State laws, including, but not limited to, factors listed in Section 44.031 of the Texas Education Code and Section 2269.055 of the Texas Government Code, as applicable. Any reasonable factors related to value may be considered in determining Best Value, including, but not limited to, the total life cycle cost of the item, the time to complete the procurement, cost of the method of procurement, anticipated quality of goods or services likely obtained, warranty, location of vendor, qualifications and reputation of the vendor, and the limitations of the various goods or services being procured.

Recommendation to select a particular supplier is based on Best Value to the College with the appropriate documented justification for the recommendation. Justification utilizes the criteria listed in Section 44.031 of the Texas Education Code or Section 2269.055 of the Texas Government Code, as applicable, as well as criteria listed in the solicitation. Brand preference, additional features not specified in the solicitation, or personal preference is not justification for awarding a contract.

After the bids or proposals are opened, tabulation sheets shall be compiled and an award recommendation shall be submitted to the Board of Trustees, if needed, for approval at the next regularly scheduled Board meeting and retained in the solicitation file. Contracts less than \$100,000 per year do not require Board approval.

Tie Bids; Tie Ranking based on Evaluations

If the College receives two or more bids from responsible bidders that are identical in nature and amount as the lowest and best bids, it shall select only one bidder from the identical bids with the first preference will be given to the bidder (if applicable) who is a resident of the College's taxing district. Likewise, if the College receives two or more proposals receiving the same number of points based on the evaluation in the solicitation, preference will be given to the offeror (if applicable) who is a resident of the College's taxing district.

If two or more such bidders or offerors are residents of the College's taxing district, preference shall be given to the bidder whose product is a Texas produced product (if applicable) or in the case of services, the offeror maintains an office in the College's (1) taxing district; (2) service area; or (3) the greater Houston area. If no distinction can be made based on the above process, award shall be made by drawing lots. The Purchasing Director shall prescribe the manner of drawing lots and shall be present when the lots are drawn.

Out-of-State Vendors

The Board shall not award a contract for general construction, improvements, services, or public works projects or for the purchase of supplies, materials, or equipment to a vendor whose principal place of business is not in this state, unless the non-resident underbids the lowest bid submitted by the responsible bidder by an amount that is not less than the amount which the resident bidder would be required to underbid a non-resident bidder to obtain a comparable contract in the state in which the non-resident's principal place of business is located. This process is not applicable for federally funded projects.

Vendor / Provider List

The College's Purchasing Department will compile, and periodically review of list of vendors and providers who have expressed an interest in providing goods or services to the College in their specific commodity or service grouping. The list will be updated and reviewed in order to maintain a current list of qualified vendors for all commodities and providers for regularly used services.

Emergency Purchases

Contracts for the repair or replacement of a school facility or school equipment that has been destroyed, severely damaged, or experiences a major unforeseen operational or structural failure may be made by other means than those required in Section 44.031 of the Texas Education Code if the Board determines that the time delay posed by adhering to those requirements would prevent or substantially impair the conduct of classes or other essential school activities.

Emergency situations are those in which facilities, equipment, or other property is damaged or destroyed and in which the time delay posed by the competitive bidding process would prevent or substantially impair the conduct of classes or other essential district activities. Emergency situations include, but are not limited to, broken water pipes; electrical power outages or shortages; unanticipated air-conditioning and heating failures; damage to buildings which, if not

repaired expeditiously, would disrupt classes or the operation of the building or would lead to further damage to the building; damages and losses caused by an unanticipated casualty such as a fire or weather event. In emergency situations where bidding or competitive procurement would otherwise be required, the competitive procurement requirements stated above shall not apply. The following procedure will prevail:

1. If an emergency situation arises on a campus, the employee discovering the problem will notify his or her supervisor, who will, in turn, notify the Provost of the campus or his/her designee;
2. If an emergency situation is declared, the College may contract for the necessary services without the necessity of normal competitive procurement. Bids or phone quotations should be obtained if time permits;
3. Any person or company appropriate for the job may be utilized in emergency situations; and
4. All contracts and amendments to contracts not previously approved by the Board of Trustees in excess of \$100,000 entered into under these provisions shall be presented to the Board of Trustees for approval and ratification at the next Board meeting or earliest opportunity.

Vendor Protest and Dispute Resolution

In the event a vendor wishes to contest a contract awarded under the provisions of the Texas Education Code, Subchapter B, Section 44.031– 44.044, or the Texas Government Code, Section 2269, the protests must be in writing and received in the Contracts and Purchasing Services office within ten (10) working days after such aggrieved person knows, or should have known, of the occurrence of the action which is protested.

In the event of a timely protest or appeal, the College may elect to postpone making an award of the contract unless the Chief Procurement Officer (CPO) of Contracts and Purchasing Services – after consultation with the using department – determines the award or contract without delay is necessary to protect the interests of the College.

A formal protest must contain:

1. A specific identification of the statutory or regulatory provisions(s) that the action complained of is alleged to have violated;
2. A specific description of each act alleged to have violated the statutory or regulatory provision(s) identified above;
3. A precise statement of the relevant facts;
4. An identification of the issue or issues to be resolved;
5. Argument and authorities in support of the protest.

The CPO of Contracts and Purchasing Services shall have the authority, prior to referral to the Vice Chancellor of Fiscal Affairs, to settle and resolve the dispute concerning the solicitation or

award of a contract. The CPO may solicit written responses to the protest from other interested parties.

If the protest is not resolved by mutual agreement, the CPO of Contracts and Purchasing Services will refer the protest to the Vice Chancellor of Fiscal Affairs.

1. If the Vice Chancellor of Fiscal Affairs determines that no violation of rules or statutes has occurred, the Vice Chancellor Fiscal Affairs shall so inform the protesting party, the using units, and other interested parties by letter that sets forth the reasons for the determination.
2. If the Vice Chancellor of Fiscal Affairs determines that a violation of the rules or statutes has occurred in a case where a contract has not been awarded, the Vice Chancellor of Fiscal Affairs shall so inform the protesting party, the using unit, and other interested parties by letter which sets forth the reasons for the determination and the appropriate remedial actions.
3. If the Vice Chancellor of Fiscal Affairs determines that a violation of the rules or statutes has occurred in a case where a contract has been awarded, the Vice Chancellor of Fiscal Affairs shall so inform the protesting party, the using unit, and other interested parties by letter which sets forth the reasons for the determination, which may include declaring the contract void or terminating the contract, as may be applicable.

The Vice Chancellor of Fiscal Affairs' decision will be final.

Unless good cause for delay is shown or the College determines that a protest or appeal raises issues significant to procurement practices or procedures, a protest or appeal that is not filed timely will not be considered.

Contract Cancellation/Termination

The following procedures shall be followed when a vendor is not performing according to the specifications, terms, conditions, and performance measures of the contract or bidding document. These procedures shall be followed for an ongoing contract arrangement. The performance measures must have been communicated to the vendor in the bidding document or resulting contract or attachments thereto.

1. In the event the vendor fails to perform in accordance with the instructions, conditions, and specifications set forth in the bidding document, or the provisions contained in the accepted responses as incorporated in a resulting contract, and/or under the terms of the contract, the contract will provide for the College to give written notice of the non-performance to the vendor with an opportunity to cure the problem. The responsible party shall document the complaint by using the Vendor Performance Form and notifying the Purchasing Department of the complaint. This form shall be maintained in the Purchasing Department.
2. If the non-performance issue continues past the allotted cure period and is properly documented, the CPO of Contracts and Purchasing Services shall contact the vendor as

stated in the contract and inform them that due to their failure to cure the non-performance and/or default, the Purchasing Department is recommending that the College initiate contract cancellation or termination procedures. The vendor shall be given an opportunity to dispute the non-performance issue or default with a face-to-face meeting with all responsible and interested parties. This meeting shall be documented and filed along with the vendor performance form. Subject to results of the meeting, the CPO of Contract and Purchasing Services has the authority to rescind the recommendation or continue with the contract cancellation / termination process.

3. If the contract cancellation / termination process is continued, the CPO of Contracts and Purchasing Services will cancel or terminate the contract.
4. If the vendor does not agree with the CPO's decision, the vendor may appeal the decision to the Vice Chancellor of Fiscal Affairs whose decision is final.
5. Failure to provide a satisfactory remedy or cure the non-performance within the cure window will constitute cause for immediate termination of the contract. Notwithstanding the foregoing, the College reserves the right to terminate the contract immediately if the vendor fails to perform to the satisfaction of the College and the College determines, in its sole discretion, that termination is in the best interest of the College. In either case, whether notice is given and the opportunity to cures is granted or in the event that the contract is terminated for convenience, the College shall have no further obligations or liabilities to the vendor; shall not be subject to any penalties as a result of termination; and if the vendor has defaulted, the College shall be entitled to any and all remedies available at law or in equity, including any and all types of damages and costs, from the vendor.

Vendor Non-Performance and Debarment

The following procedures shall be followed for situations in which the vendor grossly failed to meet or perform according to the specifications, terms, conditions, and performance measures of the contract or solicitation documents. The performance measures must have been communicated to the vendor in the bidding document or contract.

1. Responsible party shall document the complaint by using the Vendor Performance Form and notifying the Purchasing Department of the complaint. This form shall be maintained in the Purchasing Department.
2. After the non-performance has been confirmed, the Purchasing Department shall contact the vendor by mail and inform them that due to their non-performance, the Purchasing Department is recommending the College initiate debarment procedures. The vendor shall be given an opportunity to dispute the non-performance issue with a face-to-face meeting with all responsible parties. This meeting shall be documented and filed along with the Vendor Performance Form. Subject to results of the meeting, the CPO of Contracts and Purchasing Services has the authority to rescind the recommendation or continue with the department process.

3. If the debarment process is continued, the CPO of Contracts and Purchasing Services will debar the vendor from participating in any solicitations or financial transactions with the College for a period not to exceed two years.
4. If the vendor does not agree with the CPO's decision, the vendor may appeal the decision to the Vice Chancellor of Fiscal Affairs whose decision is final.
5. If the Vice Chancellor of Fiscal Affairs determines debarment is warranted, the vendor will be prevented from participating in any procurement and financial transactions with SJCCD and shall be removed from the vendors' list for a minimum of two years. The vendor will be notified in writing by the CPO of Contracts and Purchasing Services. Thereafter, they may make reapplication. Approval will be subject to the vendor's ability to demonstrate that similar problems in a contractual relationship are not likely to recur.

Definitions

College: The San Jacinto Community College District and also referenced as San Jacinto College.

Contract: An agreement between two or more parties that is intended to have legal effect to create a financial commitment or obligation of the College. A contract may include, but is not limited to, goods and service agreements, memoranda of understanding, letters of intent, lease agreements, rental agreements, grant awards, purchase orders, sole source contracts, cooperative contracts, interlocal contracts, and job order contracts.

Emergency Incident: An emergency incident is defined as any event that is outside of normal College operations and has the potential of affecting the business functions of the College or the life and safety of the College community.

Employee: A full-time or part-time employee of the College as defined by Human Resources policy and procedure.

Ethical conduct: Honesty, transparency, personal accountability, and an appreciation that trustees and employees are stewards of the public trust.

Purchasing Contract: Any contract that requires an expenditure of College funds, regardless of the funding source.

Trustee: Persons who are elected in accordance with the State statute and collectively comprise the governing body of the College.

Attachment 10 – Proposed Procedure (Informational Item)

Date of SLT Approval	February 21, 2024
Effective Date	Anticipated April 2, 2024
Associated Policy	Policy III.3007.D, Bidding
Primary Owner of Policy Associated with the Procedure	Vice Chancellor, Fiscal Affairs
Secondary Owner of Policy Associated with the Procedure	Chief Procurement Officer, Contracts & Purchasing Services

Action Item “XII”
Regular Board Meeting, April 1, 2024

Consideration of Approval of Rescission of Policy IV-C-4: Policy for Interviewing and Recommending Full-time Contracted Personnel - First Reading (Informational Item)

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees rescind Policy IV-C-4: Policy for Interviewing and Recommending Full-Time Contracted Personnel. The Board of Trustees will not vote on this item but is creating awareness that the rescission is being considered and input is being gathered.

BACKGROUND

This action requests rescission of Policy IV-C-4 as the content is addressed in the College’s current Policy IV.4003.A, Filling Vacancies and referenced in other associated procedures.

The associated Procedure 5-1: Faculty Recruitment was approved by the Strategic Leadership Team for rescission and is being provided to the Board of Trustees as an informational item. The content of the procedure is also included in the College’s current Policy IV.4003.A, Filling Vacancies and referenced in other associated procedures. The rescission of this Procedure will become effective when the Board approves the rescission of the Policy.

IMPACT OF THIS ACTION

This policy rescission recommendation will be sent to the College community for review on April 1, 2024. Comments will be reviewed and any changes, if appropriate, will be addressed prior to the Board’s second reading and approval of this policy which is anticipated on May 6, 2024.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

No budgetary impact.

MONITORING AND REPORTING TIMELINE

No monitoring and reporting.

ATTACHMENTS

- Attachment 1 – Summary of Changes
- Attachment 2 - Policy IV C-4: Policy for Interviewing and Recommending Full-Time Contracted Personnel (rescission)
- Attachment 3 - Procedure 5-1: Faculty Recruitment (rescission - informational item)

RESOURCE PERSONNEL

Sandra Ramirez	281-991-2648	sandra.ramirez@sjcd.edu
Vickie Del Bello	281-998-6357	vickie.delbello@sjcd.edu

Policies and Procedures Summary of Changes

New Policy Number: *N/A*

Proposed Policy Name: **N/A**

Current Policy Number/Name: **Policy IV C-4: Policy for Interviewing and Recommending Full-Time Contracted Personnel**

New Procedure Number: *N/A*

Proposed Procedure Name(s): **N/A**

Current Procedure Number(s)/Name(s): **Procedure 5-1: Faculty Recruitment**

Action Recommended for Policy: **Rescind**

Action Recommended for Procedures: **Rescind**

Web Links:

<https://www.sanjac.edu/about/policies-procedures/5-1-Faculty-Recruitment.pdf>

<https://www.sanjac.edu/about/policies-procedures/IV-C-4-Policy-on-Interviewing-and-Recommending-Full-time-Contracted-Personnel.pdf>

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

Secondary Owner: Vickie Del Bello, Vice President, Human Resources

Summary of Changes:

- Rescind Policy IV C-4 and Procedure 5-1 as the content in both is discussed in the Colleges current Policy IV.4003.A, Filling Vacancies and referenced in other associated procedures.

Policy IV-C-4: Policy for Interviewing and Recommending Full-Time Contracted Personnel

Policy for Interviewing and Recommending Full-Time Contracted Personnel

There shall be on each campus of the college, a personnel committee charged with the responsibility of interviewing qualified applicants for full-time contracted personnel vacancies for the purpose of formulating a recommendation to the district office.

Policy #:	IV-C-4
Policy Name:	Policy for Interviewing and Recommending Full-Time Contracted Personnel
Pages:	1
Adopted Date:	March 2, 1981
Revision/Reviewed Date:	June 5, 1984, and February 3, 1992
Effective Date:	March 2, 1981; June 5, 1984, and February 3, 1992
Associated Procedure:	

Procedure 5-1: Faculty Recruitment

The College describes appointment and recruitment procedures in the faculty handbook and other published documents. Appointment procedures are described in detail in the Board of Regents Policy Manual under Policy IV-C-3. Each full-time faculty member should have access to the electronic version of the policy manual. The procedures are also listed on the Internet under the College homepage. Any individual interested in acquiring this information may do so by requesting it from the Human Resources Office.

The dean notifies the campus president of a vacancy/new faculty position who in turn notifies the Human Resources Office to post a position announcement. Faculty positions are advertised on the College employment web site. In addition, faculty postings may be advertised in a major newspaper (Houston Chronicle) or on various websites dedicated to recruiting potential employees. These advertisements contain, among other details, information regarding job description, minimum degree requirements, position availability, contract length and the equal opportunity employer statement.

Procedure #:	5-1
Procedure Name:	Faculty Recruitment
Pages:	1
Adopted Date:	
Revision/Reviewed Date:	June 2, 2008
Effective Date:	June 2, 2008
Associated Policy:	

Action Item “XIII”
Regular Board Meeting, April 1, 2024

Consideration of Approval of Policy #, Prohibited Use of Drugs and Alcohol - First Reading
(Informational Item)

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve a new policy on Prohibited Use of Drugs and Alcohol. The Board of Trustees will not vote on this item but is creating awareness that the policy is being considered and input is being gathered. New numbering will be added prior to the second reading.

BACKGROUND

This action is being requested to create a new policy on Prohibited Use of Drugs and Alcohol. This policy and associated procedure apply to employees and students. Based on legal guidance and to reflect the College’s current practices, this policy is in alignment with Board Policy 7002.A, Alcohol Usage at Events on College Property.

According to the Drug-Free Schools and Communities Act Amendment of 1989, Public Law 101-226, the College will notify employees and students in writing of College standards of conduct, possible legal sanctions and penalties, health risks associated with alcohol and drug abuse, the College’s programs, and disciplinary sanctions for violations.

IMPACT OF THIS ACTION

This policy will be sent to the College community on April 1, 2024, and any comments will be reviewed and addressed prior to the second reading of the policy by the Board which is anticipated on May 6, 2024.

Procedure 3-2, Drug-free Workplace is being rescinded and replaced with a new procedure on Prohibited Use of Drugs and Alcohol. Procedures are provided for informational purposes and will not be voted on.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

No budgetary impact.

MONITORING AND REPORTING TIMELINE

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

ATTACHMENTS

- Attachment 1 – Summary of Changes
- Attachment 2 – Policy #, Prohibited Use of Drugs and Alcohol (proposed new policy)

Informational Items:

- Attachment 3 – Procedure 3-2, Drug-free Workplace (current procedure - rescission)
- Attachment 4 – Procedure #, Prohibited Use of Drugs and Alcohol Procedures (proposed new procedure)

Action Item “XIII”
Regular Board Meeting, April 1, 2024
Consideration of Approval of Policy #, Prohibited Use of Drugs and Alcohol - First Reading
(Informational Item)

RESOURCE PERSONNEL

Laurel Williamson	281-998-6182	laurel.williamson@sjcd.edu
Sandra Ramirez	281-991-2648	sandra.ramirez@sjcd.edu

Policies and Procedures Summary of Changes

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

Proposed Policy Name: **Prohibited Use of Drugs and Alcohol**

Current Policy Number/Name: **N/A**

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

Proposed Procedure Name(s): **Prohibited Use of Drugs and Alcohol**

Current Procedure Number(s)/Name(s): **Procedure 3-2, Drug-free Workplace**

Action Recommended for Policy: **New**

Action Recommended for Procedures: **New; Rescind Procedure 3-2, Drug-free Workplace**

Web Links: <https://www.sanjac.edu/about/policies-procedures/3-2-Drug-free-Workplace.pdf>

Primary Owner: Laurel Williamson, Deputy Chancellor, and President

Secondary Owner: Sandra Ramirez, Vice Chancellor, Human Resources and Organizational Talent and Effectiveness

Summary of Changes:

- Created a new policy and procedure on prohibited use of drugs and alcohol that applies to both employees and students.
- This policy and procedure were created in conjunction with legal guidance and reflects the College's current practices. It also aligns with Board Policy 7002.A, Alcohol Usage at Events on College Property.
- Rescind Procedure 3-2, Drug-free Workplace.

Policy #, Prohibited Use of Drugs and Alcohol

Purpose

This policy prohibits the use of drugs and alcohol on campus or at College activities, and it directs students and employees to College resources related to conduct standards, reporting complaints, and applicable complaint procedures.

Policy

The use or ingestion of alcoholic beverages and illicit drugs is prohibited on property and in buildings owned, leased, or controlled by the San Jacinto College District. This policy also prohibits the unlawful manufacture, distribution, dispensation, sale, or possession of controlled substances/illicit drugs or alcohol. This policy applies to students, employees, trustees, contractors, and visitors.

In addition, occupants of motor vehicles shall not consume, possess, or transport any alcoholic beverages or illegal substances. This applies to motor vehicles owned or rented by the College but also applies to private vehicles that are used in the course and scope of one's employment, while on duty for the College, or during the course of a student activity sponsored by the College.

Students and employees who report to work, class or a College activity (including College athletics) while under the influence of controlled substances, illicit drugs, or alcohol are subject to discipline, including termination or expulsion.

Prescription and over-the-counter drugs are permitted only when taken in standard dosage or according to a physician's prescription.

Notwithstanding these prohibitions, the Chancellor is authorized to permit the use, service or consumption of alcohol for persons older than 21 at certain events sponsored by the College or the San Jacinto College Foundation. An event is sponsored by the College if a budgeted office, department, or division of the College is responsible for organizing the event, inviting attendees, and paying expenses related to the event, except that such an event is considered to be sponsored even if an outside entity pays for the food and beverages at the event. Meetings or events organized and presented by registered faculty, staff, or student organizations are not considered events sponsored by San Jacinto College.

In addition, nothing in this policy precludes employees older than 21 from consuming alcohol at off-campus education conferences, golf tournaments, or similar activities.

Employees who consume alcohol at approved events shall conduct themselves responsibly and professionally.

Employees who receive College funds for travel may not use the funds to buy alcoholic beverages. For more information on College standards of conduct regarding drugs and alcohol, refer to the following related resources, which are available on the College website: Student

Attachment 2 – Proposed New Policy

Handbook and Code of Conduct (applicable to all students), the Athletic Handbook (applicable to student athletes), Policy VI-HH: Policy on Drugs and Testing for Student Athletes; and Policy VII.7002.A, Alcohol Usage at Events on College Property.

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

Associated Procedures

Procedure #, Prohibited Use of Drugs and Alcohol

Date of Board Approval	Anticipated May 6, 2024
Effective Date	Anticipated May 7, 2024
Primary Owner	Deputy Chancellor & President Vice Chancellor, Human Resources, Organizational and Talent Effectiveness
Secondary Owner	Associate Vice Chancellor, Student Services Vice President, Human Resources

Procedure 3-2: Drug-free Workplace

It is the declared policy of the United States Government to create a Drug-Free America by 1995. College policies relating to the use of illegal drugs and alcoholic beverages have been established by the Board of Trustees of San Jacinto College in compliance with state and federal law.

College policy prohibits all employees (full-time and adjunct personnel and staff) for engaging in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcoholic beverage in the workplace, or reporting to work or class under the influence of alcoholic beverages or illegal drugs. None of the funds awarded or reimbursed for travel expenses may be for alcoholic beverages.

Procedure #:	3-2
Procedure Name:	Drug-free Workplace
Pages:	1
Adopted Date:	
Revision/Reviewed Date:	
Effective Date:	
Associated Policy:	

Procedure #, Prohibited Use of Drugs and Alcohol

Associated Policy

Policy #, Prohibited Use of Drugs and Alcohol

Procedures

The use of controlled substances and alcohol on campus subjects the College, its students, and employees to unacceptable risks of injury, interferes with the learning and working environments, and is inconsistent with the behavior expected of persons associated with the College.

The College firmly supports remedial assistance and education and, when necessary, disciplinary action for those individuals who violate conduct expectations, including those related to the use, possession, distribution or possession for purposes of distribution, of any controlled substances, illegal drugs, or alcohol on College property or at College-sponsored activities at off-campus locations.

Alcohol: State law prohibits individuals under 21 years of age from possessing, consuming, or serving alcoholic beverages. Therefore, no person under the age of 21 may possess, consume, or serve alcohol while on campus or at any College-related program or activity. Additionally, San Jacinto College is designated as an alcohol-free institution. Therefore, individuals who are 21 and older are prohibited from consuming, possessing, serving, and/or using alcohol on campus or at any College-related program or activity, except as may be authorized by [College Policy VII.7002.A](#).

Controlled Substances: The consumption, possession, or distribution of controlled substances is prohibited on College property and at any College-related program or activity. Prescription and over-the-counter drugs are permitted only when taken in a standard dosage or according to a physician's prescription.

Resources for Employees and Students:

Resources

Student Handbook: The College's on-line Student Handbook and Code of Student Conduct contains educational information about the health risks associated with use of alcohol and controlled substances, treatment options, and disciplinary processes for students who violate college rules or policies. [Student Handbook](#)

College Response to Alleged Violations by Students and Employees: The College will investigate reported, alleged violations of the College's policies and procedures regarding alcohol and controlled substances and will exercise professional judgement in the imposition of sanctions or discipline in accordance with the College's prescribed disciplinary procedures. Disciplinary and remedial options include, but are not limited to, counseling/education, community service, reprimand, probation, suspension/expulsion (students), and discipline for employees, up to and including termination. In addition, depending on the facts and

Attachment 4 – Proposed New Procedure

circumstances, the College also may seek criminal charges through the Harris County District Attorney’s Office.

Athletic Handbook: Student athletes are subject to the standards and procedures addressed in the Athletic Handbook. [Student-Athlete Handbook](#)

Amnesty for Students Who Report Medical Emergencies: Alcohol poisoning and drug overdose are serious and life-threatening medical emergencies. Sometimes students may be afraid to seek emergency medical care when alcohol poisoning or drug overdose is suspected because of concern over negative consequences for themselves or others.

A student should seek help immediately if they are concerned about someone experiencing a medical emergency. A current student can avoid formal disciplinary action when they seek emergency medical assistance for themselves or others experiencing a medical emergency due to drug or alcohol consumption. Students who are granted amnesty may still receive communication and resources from departments on campus to support their well-being and reduce risk in the future.

Date of SLT Approval	March 19, 2024
Effective Date	Anticipated May 7, 2024
Associated Policy	Policy #, Prohibited Use of Drugs and Alcohol
Primary Owner of Policy Associated with the Procedure	Deputy Chancellor & President Vice Chancellor, Human Resources, Organizational and Talent Effectiveness
Secondary Owner of Policy Associated with the Procedure	Associate Vice Chancellor, Student Services Vice President, Human Resources

Action Item “XIV”
Regular Board Meeting April 1, 2024

Consideration of Rescission of Policy IV-E-14, Policy on Intellectual Property Rights and Honoraria and Approval of Policy #, Intellectual Property Rights - First Reading (Informational Item)

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees rescind Policy IV-E-14, Policy on Intellectual Property Rights and Honoraria and approve Policy #, Intellectual Property Rights. The Board of Trustees will not vote on this item but is creating awareness that the policy is being considered and input is being gathered. New numbering will be added prior to the second reading.

BACKGROUND

The current Policy on Intellectual Property Rights has been updated to address items identified for inclusion in [Texas Education Code Subchapter O Section 51.680](#) and general updates to cover ownership, licensing, and use of College intellectual property. Significant legal guidance was obtained in developing the new policy. References to honoraria were removed as Honoraria guidelines will be available in the Faculty Handbook in May 2024 and are available on the Center for Excellence in Teaching and Learning (CETL) SharePoint Site. The Honoraria guidelines are also distributed annually to all employees when the request for applications is sent out College-wide.

IMPACT OF THIS ACTION

This policy will be sent to the College community on April 1, 2024, and any comments will be reviewed and addressed prior to the second reading of the policy by the Board which is anticipated on May 6, 2024.

The procedure is provided for informational purposes and will not be voted on.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

No budgetary impact.

MONITORING AND REPORTING TIMELINE

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

ATTACHMENTS

Attachment 1 – Summary of Changes

Attachment 2 – Current Policy IV-E-14: Policy on Intellectual Property Rights and Honoraria (Rescind)

Attachment 3 – Proposed Policy #, Intellectual Property Rights (New)

Informational Item Only:

Attachment 4 – Current Procedure 5-14, Professional Publishing (Rescind)

Attachment 5 – Procedure #, Request Transfer of Intellectual Property (New)

Attachment 6 – Procedure #, Agreements for Works for Hire of Instructional Content and

Consideration of Rescission of Policy IV-E-14, Policy on Intellectual Property Rights and Honoraria and Approval of Policy #, Intellectual Property Rights - First Reading (Informational Item)

Other Intellectual Property (New)

RESOURCE PERSONNEL

Laurel Williamson	281-998-6182	laurel.williamson@sjcd.edu
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Policies and Procedures Summary of Changes

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

Proposed Policy Name: **Intellectual Property Rights**

Current Policy Number/Name: Policy IV-E-14 Policy on Intellectual Property Rights and Honoraria

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

Proposed Procedure Name(s): **Request Transfer of Intellectual Property**

Contract for Works for Hire of Instructional Content

Current Procedure Number(s)/Name(s): 5-15 Professional Publishing

Action Recommended for Policy:

New policy and Rescind Policy IV-E-14, Policy on Intellectual Property Rights and Honoraria

Action Recommended for Procedures: **New procedures and Rescind Procedure 5-15, Professional Publishing**

Web Links:

[IV-E-14-Policy-on-Intellectual-Property-Rights-and-Honoraria.pdf \(sanjac.edu\)](#)

[5-15-Professional-Publishing.pdf \(sanjac.edu\)](#)

Primary Owner: Deputy Chancellor/President

Secondary Owner: Provosts

Summary of Changes:

Policy Changes

- New policy to focus on intellectual property rights.
- Addresses items identified for inclusion in [Texas Education Code Subchapter O Section 51.680](#) and general updates to cover ownership, licensing, and use of College intellectual property.
- Honoraria guidelines will be available in the Faculty Handbook in May 2024 and are available on the Center for Excellence in Teaching and Learning (CETL) SharePoint Site. The Honoraria guidelines are also distributed annually to all employees when the request for applications is sent out College-wide.

Procedure Changes

- New procedure to allow employees to request transfer of intellectual property rights from San Jacinto College.
- New procedure to explain process for works for hire in the development of instructional content by non-contract employees.
- Honoraria guidelines will be available in the Faculty Handbook in May 2024 and are available on the Center for Excellence in Teaching and Learning (CETL) SharePoint Site. The Honoraria guidelines are also distributed annually to all employees when the request for applications is sent out College-wide.

Policy IV-E-14: Policy on Intellectual Property Rights and Honoraria

Policy on Intellectual Property Rights and Honoraria

The San Jacinto College District may ask a full-time employee to write a book to be used as the adopted text for a course of study. If the employee agrees to write the book, the college will publish it, and the faculty member will be paid a royalty to be mutually agreed upon.

The Board of Trustees shall own the copyright of all materials, including computer software programs, produced within an employee's scope of employment or in which San Jacinto College District supplies or equipment played a dominant role. Works authored or created by an employee on his or her own time, without expense to the Board of Trustees and without instruction, direction, or control of the employee's superiors, are owned by the employee.

Copyrights of the Board of Trustees may be waived in favor of or assigned to the employee upon approval of an application submitted to the Board through the Chancellor.

The college district may pay an honorarium to full-time employees for appropriate scholarly accomplishments, including but not limited to books written and published by a commercial publisher other than San Jacinto College District.

Policy #:	IV-E-14
Policy Name:	Policy on Intellectual Property Rights and Honoraria
Pages:	1
Adopted Date:	June 3, 1985
Revision/Reviewed Date:	May 2, 1994, October 7, 2002, October 8, 2007
Effective Date:	June 3, 1985, May 2, 1994, October 7, 2002, October 8, 2007
Associated Procedure:	5-15

Policy #, Intellectual Property Rights

Purpose

This policy provides guidance for intellectual property rights of employees and students of San Jacinto College. The revised policy aligns with requirements of [Texas Education Code Subchapter O, Section 51.680](#).

Policy

This policy applies to all full-time and part-time San Jacinto College ("College") employees, students working with or without compensation on any project under the direction and control of the College, and anyone using College facilities or conducting activities under the supervision of College personnel.

This policy shall apply to intellectual property of all types regardless of whether subject to protection under patent, trademark, copyright, or other laws. Intellectual property includes, but is not limited to, books, course material, dramatic works, and other written material, software, music composition, artwork, graphics, photography, video and film, and scientific or technological inventions.

Classification of Property.

- A. Intellectual property created with no College resources, labor, materials, facilities or equipment.
- B. Intellectual property created in whole or in part with College resources, labor, materials, facilities, or equipment.
- C. Intellectual property that results from any activity supported by a grant or contract with federal, state, or local government, or any agency thereof, a nonprofit or for-profit nongovernmental entity, or by a private gift to the College.
- D. A "work made for hire" as defined in [17 U.S.C.101](#).

Property Rights and Obligations.

- A. When an individual creates intellectual property without College resources, labor, materials, facilities or equipment, the individual is the exclusive owner of the property.
- B. Intellectual property created in whole or in part with College resources, labor, materials, facilities or equipment is subject to ownership by the College. The creator(s) may request transfer of ownership of intellectual property through the Chancellor or designee.
- C. Intellectual property that results from any activities supported by a grant or a contract with federal, state or local government, or any agency thereof, a

Attachment 3 - Proposed Policy

non-profit or for-profit nongovernmental entity, or by private gift to the College shall be subject to ownership by the College unless superseded by the specific terms of the agreement.

D. When a work is made for hire, the College is the legal owner of the work. This rule applies to employees who created the work in the course and scope of their employment. This rule also applies to an independent contractor who is not an employee but is engaged to create a work and is subject to the specific terms of a work- made-for-hire agreement between the College and the contractor.

E. **Use of Copyrighted Material.** Unless the proposed use of a copyrighted work is an exception under the “fair use” guidelines maintained by the Chancellor or designee, the College shall require an employee or student to obtain a license or permission, or work with the College to obtain such 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.

1. All persons are prohibited from using College technology in violation of any law including copyright law. Only appropriately licensed programs or software may be used with College technology resources. No person shall use the College’s technology resources to post, publicize, or duplicate information in violation of copyright law. The Chancellor or designee shall employ all reasonable measures to prevent the use of College technology resources in violation of the law. All persons using College technology resources in violation of law shall lose user privileges in addition to other sanctions.
2. Unless any license or permission obtained provides otherwise, lawfully 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.
3. The College 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 shall include on its website information on how to contact the College’s designated agent and a copy of the College’s copyright policy. Upon notification, the College’s designated agent shall take all actions necessary to remedy any violation. The College shall provide the designated agent appropriate training and resources necessary to protect the College.

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

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

1. The College may grant permission to College-approved student organizations the use of College trademarks in furtherance of school-related business or activity. The Chancellor or designee shall determine what constitutes use in furtherance of school-related business or activity and is authorized to revoke permission if the use is improper or does not conform to administrative regulations.
2. Members of the general public, outside organizations, vendors, commercial manufacturers, wholesalers, and retailers shall not use College trademarks without the written permission of the Chancellor or designee. Any production of merchandise with College trademarks for sale or distribution must be pursuant to a trademark licensing agreement and may be subject to the payment of royalties.
3. Any individual, organization, or business that uses College trademarks without appropriate authorization may be subject to legal action.

Property Rights and Responsibilities by Role

A. Full and part-time employees shall disclose scientific and technological developments, including inventions, discoveries, trade secrets, and computer software supported by College resources. Upon disclosure, the Chancellor or designee will direct a review for evaluation and determination of ownership, legal protection, licensing actions, and/or compensation.

Upon the termination of any person's association with the College, all permission to access, possess, receive, or modify the College's intellectual property shall also immediately be terminated. All such persons shall return to the College all physical and digital intellectual property, including but not limited to any copies, no matter how kept or stored and whether directly or indirectly possessed by such person, and the College shall have rights to continue to use the materials as deemed appropriate by College leadership in the future.

B. Students shall retain their intellectual property rights on projects produced as a result of their individual initiative (e.g., course assignments, artwork) and that involve only incidental use of College facilities and resources unless an exception is noted in College policy. If the student is working on a project initiated and funded by San Jacinto College, ownership resides with the College.

Attachment 3 - Proposed Policy

C. 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.

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

Associated Procedures

Procedure #, Request Transfer of Intellectual Property

Procedure #, Contract for Works for Hire of Instructional Content

Date of Board Approval	Anticipated May 6, 2024
Effective Date	Anticipated May 7, 2024
Primary Owner	Deputy Chancellor/President
Secondary Owner	Provosts

Procedure 5-15: Professional Publishing

The procedures to be followed concerning faculty publications of books are as follows:

- As a part of their duties, faculty members will prepare class syllabi, as needed, without additional salary, honorarium or royalty.
- The district will pay an honorarium for appropriate books and other scholarly accomplishments including poetry, short stories, music and/or articles published, choreography performed and art shown at galleries.
- A district-wide honorarium review committee composed of faculty will review books, laboratory manuals and other scholarly accomplishments submitted to The San Jacinto College District for a possible honorarium.
- The district can publish any textbook it desires, and will do so only through a written contract with the author.
- The district will pay a royalty to authors of books the college chooses to publish. The amount of the royalty is to be mutually agreed upon.
- The district will pay no honorarium to any author to which it pays a royalty.
- The college bookstore will make no private arrangements with individuals to distribute unauthorized textbooks or syllabi.

The following definitions are offered for the purpose of clarification:

- The textbook is the primary source of information for a given course. Textbooks are selected by the faculty and approved by the campus vice-president of instruction.
- Syllabus is an outline of subject matter to be taught according to a specified time schedule. The syllabus lists textbooks and other materials, weekly assignments, course objects and bibliographies, and it summarizes evaluation methods.
- Honorarium is a financial remuneration awarded by the Board of Trustees to full-time employees for the authorship of a book or textbook published by a commercial publisher other than the college and for other scholarly accomplishments. The honorarium is awarded to the author or authors of a book or textbook that relates to instruction, education or the author or authors' professional field of study or research. Where books or textbooks are co-authored, the honorarium is divided equally among the authors and paid only to San Jacinto College employees. An honorarium of \$500 is paid for books and \$250 for laboratory manuals, workbooks and study guides. A honorarium \$50 is paid for the publication of poetry, \$100 for the publication of a short story, \$100 for the articles published, \$250 for plays published, \$250 for choreography performed and up to \$500 for art shown at art galleries during the employees tenure at the college.

- Royalty is a percentage of sales earned by the author or authors of books or textbooks published by The San Jacinto College District. Royalties are awarded under terms of a written contractual agreement between the college district as publisher and an author or authors.

Procedure #:	5-15
Procedure Name:	Professional Publishing
Pages:	1
Adopted Date:	
Revision/Reviewed Date:	
Effective Date:	
Associated Policy:	IV-E-14

Procedure #, Request Transfer of Intellectual Property

Associated Policy

Policy #, Intellectual Property Rights

Procedures

San Jacinto College recognizes the talent and hard work of faculty in preparing materials that are used to teach our students. We recognize that there may be occasions when a faculty member desires to acquire ownership of materials that they have prepared or to make available to others, including as Open Educational Resources (OER). Under College policy, an individual employee may request the assignment of intellectual property or copyright by [submitting an application](#) to the Chancellor or designee. Upon receipt of the application, the Chancellor or designee will direct a review of the request.

- A. If the College does not assert its right to ownership of the intellectual property, the creator(s) shall be notified that they are free to obtain and exploit intellectual property protection in their own right and the College shall not have any further rights, obligation, or duties with respect thereto except that, in some instances, the College may elect to:
 - 1. retain a non-exclusive, non-revocable, non-transferable, perpetual, royalty-free license to use the intellectual property;
 - 2. impose certain limitations or obligations; or
 - 3. retain certain income rights, depending upon the degree of College support involved in the creation of the intellectual property.
- B. With respect to intellectual property in which the College asserts its ownership, the College shall decide how, when, and where the intellectual property is to be protected, and may proceed through its own efforts or those of counsel, or an appropriate private firm to obtain protection and manage the intellectual property.

Date of SLT Approval	March 19, 2024
Effective Date	Anticipated May 7, 2024
Associated Policy	Policy #, Intellectual Property Rights
Primary Owner of Policy Associated with the Procedure	Deputy Chancellor/President
Secondary Owner of Policy Associated with the Procedure	Provosts

Procedure #, Agreements for Works for Hire of Instructional Content and Other Intellectual Property

Associated Policy

Policy #, Intellectual Property Rights

Procedures

When employees create intellectual property in the course and scope of their employment, the College is the owner of the intellectual property, and no additional agreement is required. In some instances, however, the College may request an employee to create a work beyond the course and scope of their regular duties.

A part-time employee who is a subject matter expert (SME) may be requested to create instructional content beyond the course and scope of their regular employment. Such work will be performed pursuant to an SME Agreement, and any additional compensation will be paid in accordance with regular payroll processes as set forth in the SME Agreement. An SME Agreement may also be used with a contracted faculty member for work performed outside the contract period.

A full-time, contracted employee who provides services beyond the scope of their regular duties pursuant to an Extra Services Agreement will receive additional compensation which will be paid in accordance with regular payroll processes.

The College may also hire an independent contractor for specially commissioned work(s). An independent contractor will perform the work pursuant to a signed written work-made-for-hire agreement. Such agreements will specify that the College is the owner of the work product, as permitted by copyright law. The independent contractor will be compensated in accordance with the College's procedures for paying third-party vendors.

Upon the termination or ending of any person's association with the College, all permission to possess, receive, or modify the College's intellectual property shall also immediately terminate. All such persons shall return to the College all intellectual property, including but not limited to any drafts or copies, no matter how kept or stored, and whether directly or indirectly possessed by such person. Such agreements will be managed by the instructional department in collaboration with Instructional Innovation & Support (IIS).

This Procedure does not impair, limit, or affect the College's rights in relation to any work(s) made by College employees in the course and scope of their employment.

Steps for Entering into a Work-Made-for-Hire Agreement/SME Agreement with A Non-Contract Employee

1. Department Chair will meet with Instructional Innovation & Support to discuss the scope and learning outcomes for project deliverables and agree to a timeline and deadlines.

Attachment 6 - Proposed Procedure

2. The College contract for the development of instructional content will be routed for signatures and Chancellor approval prior to Subject Matter Expert (SME) commencing work.
3. IIS will coordinate with the instructional department point of contact and Blackboard Support for the creation of a Blackboard development site.
4. An initial meeting with the IIS, the instructional department point of contact, and the SME to begin the project.
5. IIS will work with the Department Chair to review the content submitted and verify acceptance for each phase of the project.

Definitions

A “work made for hire” is:

1. A work prepared by an employee within the scope of his or her employment; or
2. A work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire.

A “supplementary work” is a work prepared for publication as a secondary adjunct to a work by another author for the purpose of introducing, concluding, illustrating, explaining, revising, commenting upon, or assisting in the use of the other work, such as forewords, afterwards, pictorial illustrations, maps, charts, tables, editorial notes, musical arrangements, answer material for tests, bibliographies, appendixes, and indexes.

An “instructional text” is a literary, pictorial, or graphic work prepared for publication and with the purpose of use in systematic instructional activities.

Date of SLT Approval	March 19, 2024
Effective Date	Anticipated May 7, 2024
Associated Policy	Policy #, Intellectual Property Rights
Primary Owner of Policy Associated with the Procedure	Deputy Chancellor/President
Secondary Owner of Policy Associated with the Procedure	Assistant Vice Chancellor, Instructional Innovation and Support

**SAN JACINTO COMMUNITY COLLEGE DISTRICT
PURCHASE RECAP
April 1, 2024**

PURCHASE REQUESTS AND CONTRACT RENEWALS

<i>Purchase Requests</i>	<i>Amounts</i>
Purchase Request #1	
Consideration of Delegation of Authority to Contract for Central Campus C.12 Slocomb Auditorium HVAC Replacement	\$ 865,000
Purchase Request #2	
Consideration of Approval of Additional Funds for Architectural Services	150,000
Purchase Request #3	
Consideration of Approval to Contract for Geofencing Services	300,000
Purchase Request #4	
Consideration of Approval to Purchase Police Responder Trucks	225,000
Purchase Request #5	
Consideration of Approval to Amend the Contract for Collection of Delinquent Ad Valorem Taxes	-
Purchase Request #6	
Consideration of Approval to Purchase Property Insurance	4,874,010
Purchase Request #7	
Consideration of Approval to Purchase Casualty Insurance	233,943
TOTAL OF PURCHASE REQUESTS	\$ <u>6,647,953</u>

Purchase Request #1
Regular Board Meeting April 1, 2024
Consideration of Delegation of Authority to Contract for Central Campus
C.12 Slocomb Auditorium HVAC Replacement

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees authorize the Chancellor or her designee to approve a contract for the Building C12 Slocomb auditorium HVAC replacement project at the Central Campus.

BACKGROUND

In February 2021, the Board authorized the delegation of authority to approve the method of procurement best suited for each construction or renovation project. On January 22, 2024, the Chancellor's designee approved the competitive sealed proposal (CSP) solicitation method for this project. Detailed project plans and specifications developed by ACR Engineering, Inc. are being used as part of the documentation package required for public solicitation of construction proposals in accordance with the Texas Government Code §2269.151.

CSP #24-19 was issued on January 26, 2024, to procure construction services for this project with proposals due to the College on March 26, 2024. Each response received will be evaluated by a team comprised of representatives from capital projects, facilities services, and ACR Engineering, Inc. Evaluation and ranking of the submittals will be based on criteria published in the solicitation.

IMPACT OF THIS ACTION

Approval of this action will authorize the Chancellor or her designee to contract with the highest ranked respondent, so that construction can be expedited to minimize adverse impacts on the Fall semester student experience.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

The cost of this project is not expected to exceed \$865,000. The project will be funded from the 2015 Bond Program Deferred Maintenance budget.

MONITORING AND REPORTING TIMELINE

This project will be managed by capital projects staff and is expected to be completed by April 2025.

ATTACHMENTS

None.

Purchase Request #1
Regular Board Meeting April 1, 2024
Consideration of Delegation of Authority to Contract for Central Campus
C.12 Slocomb Auditorium HVAC Replacement

RESOURCE PERSONNEL

Chuck Smith	281-998-6341	charles.smith@sjcd.edu
Genevieve Scholes	281-998-6349	genevieve.scholes@sjcd.edu

Purchase Request #2
Regular Board Meeting April 1, 2024

Consideration of Approval of Additional Funds for Architectural Services

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve the expenditure of additional funds to provide architectural services from Huitt-Zollars, Inc. (Huitt-Zollars) for the capital projects department.

BACKGROUND

The College has utilized Huitt-Zollars to provide roofing design services, which originated with re-roofing as part of the Jones capital renewal project. The College continued to engage Huitt-Zollars for roofing services needed within other projects in order to be more efficient in streamlining similar work through the same firm. In addition, Huitt-Zollars was selected to provide remodeling design services for the North Campus Welcome Center, since the building was originally designed by Morris Architects, which was acquired by Huitt-Zollars during construction.

Request for qualifications #23-26 was issued on April 18, 2023, to procure architectural services, which complies with the competitive procurement requirements per Texas Education Code §44.031(a). The Board approved a contract with Huitt-Zollars, Inc. on August 7, 2023.

IMPACT OF THIS ACTION

A large number of roof condition assessments have been conducted this year, in addition to the other design work scheduled, which has led to more design work than originally planned. The interests of the College are best served by increasing the budget to complete the roof repairs. Approval of additional design funds will allow re-roofing packages for buildings C-3 and S-11, as well as re-modeling plans for building N-6 to be developed this fiscal year.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

In August 2023, the Board approved an annual expenditure of \$200,000 for architectural services from Huitt-Zollars for 2023-2024. This request will increase the annual approved amount by \$150,000 to a total of \$350,000. This expenditure will be funded from the Deferred Maintenance and Earned Interest budgets.

MONITORING AND REPORTING TIMELINE

These projects are being managed by capital projects staff.

ATTACHMENTS

None

RESOURCE PERSONNEL

Chuck Smith	281-998-6341	charles.smith@sjcd.edu
Genie Freeman-Scholes	281-998-6349	genevieve.scholes@sjcd.edu

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve a contract with VisionPoint Marketing for geofencing services for the external relations department.

BACKGROUND

The College uses a wide variety of advertising and outreach initiatives, including several digital tactics. Geofencing campaigns are a type of digital tactic well-suited to community colleges because of the ability to target and track ad performance. The ads are served on mobile phone, tablets, and computers at targeted addresses.

Request for proposals #24-14 was issued on January 29, 2024, to procure geofencing services, which complies with the competitive procurement requirements per Texas Education Code §44.031(a). Seventeen responses were received and evaluated by a team comprised of representatives from external relations who determined the proposal submitted by VisionPoint Marketing will provide the best value to the College.

IMPACT OF THIS ACTION

Geofencing campaigns are a strategic form of advertising that work well for specific lists of well-defined targets, such as applicants in the enrollment funnel, to remind them of the next step, and to ultimately enroll in classes. Geofencing allows the College to utilize an efficient and effective outreach method instead of solely relying on broader digital methods of outreach.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

The estimated annual expenditure is \$300,000 and will be funded from the external relations department's 2023-2024 operating budget and subsequent year budgets.

MONITORING AND REPORTING TIMELINE

The initial one-year award term will commence on or after April 2, 2024, with four one-year renewal options.

ATTACHMENTS

Attachment 1 - Tabulation

RESOURCE PERSONNEL

Janet Cowey	281-991-2603	janet.cowey@sjcd.edu
Melissa Fuqua	281-998-6378	melissa.fuqua@sjcd.edu

RFP #24-14
Geofencing Ad Services
Attachment 1 – Tabulation

QUALIFICATIONS

#	Vendors	Section 1: Qualifications	Section 2: Scope / Project	Section 3: Sample Media Plan	Section 4: References	Section 5: Exceptions	Qualification Score
	<i>Total Points</i>	<i>15</i>	<i>25</i>	<i>15</i>	<i>10</i>	<i>5</i>	<i>70</i>
1	Q1Media, Inc	13.88	23.44	14.25	9.38	5.00	65.94
2	Mason Interactive Inc.	14.25	24.06	14.25	8.00	5.00	65.56
3	VisionPoint Marketing	14.63	24.38	13.88	8.63	4.00	65.50
4	Recon Digital Media	12.38	23.13	13.13	7.13	5.00	60.75
5	Carnegie Dartlet LLC	14.81	23.13	13.13	3.50	5.00	59.56
6	25th Hour Communications, Inc.	13.31	21.56	10.50	8.38	5.00	58.75
7	Phame Marketing, Inc.	11.63	20.00	12.19	6.88	5.00	55.69
8	Winstar Interactive Media	11.25	18.13	11.44	9.13	5.00	54.94
9	Townsquare Media San Angelo	11.63	19.06	11.06	7.38	5.00	54.13
10	Smart1Marketing	10.88	18.44	11.06	7.75	4.56	52.69
11	San Antonio Television, LLC DB	10.88	18.75	12.00	6.50	4.50	52.63
12	Higher Ed Marketing, LLC	11.44	21.25	10.69	3.75	5.00	52.13
13	Advantage Marketing	11.06	16.88	10.31	8.50	4.75	51.50
14	Mediawrkz Inc.	10.13	20.31	9.19	6.88	5.00	51.50
15	AlwaysOn Digital, LLC	10.69	17.50	10.13	6.63	5.00	49.94
16	Versa Creative	9.00	11.88	6.56	6.50	5.00	38.94
17	Creative Direct Marketing Group	7.50	11.25	5.44	0.00	5.00	29.19

FINAL SCORES

#	Vendors	Qualification Score	Price Score	Final Score
	<i>Total Points</i>	<i>70</i>	<i>30</i>	<i>100</i>
1	VisionPoint Marketing	65.50	24.64	90.14
2	Q1Media, Inc	65.94	23.84	89.78
3	Higher Ed Marketing, LLC	52.13	30.00	82.13
4	Mason Interactive Inc.	65.56	12.47	78.03
5	Smart1Marketing	52.69	25.33	78.02
6	Winstar Interactive Media	54.95	22.31	77.26
7	25th Hour Communications, Inc.	58.75	17.95	76.70
8	AlwaysOn Digital, LLC	49.94	25.10	75.04
9	Carnegie Dartlet LLC	59.56	15.44	75.00
10	Phame Marketing, Inc.	55.69	18.75	74.44
11	San Antonio Television, LLC DB	52.63	21.54	74.17
12	Recon Digital Media	60.75	12.67	73.42
13	Townsquare Media San Angelo	54.13	17.54	71.67
14	Mediawrkz Inc.	51.50	14.22	65.72
15	Versa Creative	38.94	18.10	57.04
16	Advantage Marketing	51.50	0.40	51.90
17	Creative Direct Marketing Group	29.19	11.12	40.31

Purchase Request #4
Regular Board Meeting April 1, 2024
Consideration of Approval to Purchase Police Responder Trucks

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve a contract with Chastang Enterprises Houston LLC to purchase police responder trucks for the campus police department.

BACKGROUND

The police department maintains a fleet of police vehicles utilized for campus patrol and official police transportation functions. The purchase of police responder trucks will assist officers in patrolling and evaluating college property during inclement weather. This purchase will also alleviate the constant use of the current inventory of vehicles. Continuous use of vehicles quickly increases mileage, causing an increase in maintenance, and greatly reduces their overall lifespan.

Chastang Ford has a contract through the BuyBoard purchasing cooperative, contract 724-23, for police vehicles. This contract complies with competitive procurement requirements in Texas Education Code §44.031 and is permitted through Texas Government Code §791.001(g).

IMPACT OF THIS ACTION

Approval of this purchase will provide the police department with four new Ford F-150 4x4 police responder trucks. When received, these vehicles will be added to the police department's current fleet inventory and three older, lightly used vehicles will be sent to auction. This will allow these and other vehicles to have rest periods during the twenty-four-hour, seven day a week, operation cycle. Also, as the department is approaching full staff status, these will help address the additional patrol needed.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

The estimated expenditure is \$225,000 and will be funded from the police department's 2023-2024 operating budget.

MONITORING AND REPORTING TIMELINE

None

ATTACHMENTS

None

RESOURCE PERSONNEL

Teri Zamora	281-998-6306	teri.zamora@sjcd.edu
Sabrina Naulings	281-998-6151	sabrina.naulings@sjcd.edu
Melissa Fuqua	281-998-6378	melissa.fuqua@sjcd.edu

Purchase Request #5
Regular Board Meeting April 1, 2024
Consideration of Approval to Amend the Contract for
Collection of Delinquent Ad Valorem Taxes

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve an amendment to the contract with Danny J. Snooks, Attorney at Law, to collect delinquent ad valorem taxes, penalties, and interest on behalf of the College. The term of the contract shall be extended through June 30, 2025.

BACKGROUND

In accordance with Section 6.30 of the Texas Property Tax Code, San Jacinto Community College District has contracted with Danny Snooks, Attorney at Law, to collect its delinquent taxes since 2007. In accordance with the Texas Property Tax Code, Mr. Snooks' services are compensated by the delinquent taxpayer based on an additional penalty of twenty percent (20%) of the taxes, penalty and interest paid. Mr. Snooks is responsible for all collection and processing expenses. Additionally, he has invested resources in technology, staff, and other systems to perform these collection efforts.

IMPACT OF THIS ACTION

It is recommended that the contract for collection of delinquent taxes be amended and extended pursuant to the terms of the contract approved by the Board in April 2007.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

Continuation of these services will result in the recovery of additional delinquent ad valorem taxes and the related penalty and interest which are general revenue of the College.

MONITORING AND REPORTING TIMELINE

Performance under this contract will continue to be monitored throughout the term of the contract.

ATTACHMENTS

None

RESOURCE PERSONNEL

Teri Zamora	281-998-6306	teri.zamora@sjcd.edu
Damon Harris	281-998-6103	damon.harris@sjcd.edu

Purchase Request #6
Regular Board Meeting April 1, 2024
Consideration of Approval to Purchase Property Insurance

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve the purchase of property insurance coverage for the College through McGriff Insurance Services (McGriff).

BACKGROUND

The proposed insurance package for the policy year beginning May 1, 2024, will utilize the current underwriters for coverage of physical structures and contents. The College has increased its insured building values by \$9,222,019 (0.86%) over 2023. The renewal Total Insured Values (TIV) is \$1,077,986,595.

The property insurance marketplace continues to recoil from the impact of severe weather-related damage on other buildings in Texas and the Gulf Coast region. Such weather-related events continue to drive insurance premium rates higher, making the marketplace extremely volatile.

The College continues to enlist the consulting services of Pozmantier, Williams & Stone insurance consultants to review its property insurance coverages. The firm assists in the overall review of the College's insurance policies, specifically related to property, to ensure the property coverage is adequate and meets or exceeds the needs of the College.

At the time of this submission, a firm renewal proposal package had not been received from McGriff, due to the aforementioned volatility in the property insurance marketplace. However, the firm has provided a not-to-exceed value of \$4,874,010 as compared to the current cost of \$4,630,920. This value would provide coverage at \$0.452 per hundred dollars of insured value. The final cost will be determined approximately 30 days before binding the renewal date of May 1.

McGriff has a contract through Omnia Partners/Region 4 ESC TX cooperative contracts program to provide insurance and risk management services, contract number R191502, that complies with competitive procurement requirements in Texas Education Code §44.031 and is permitted through Texas Government Code §791.001(g).

IMPACT OF THIS ACTION

McGriff has worked on behalf of the College to provide a property insurance package that protects the College's physical assets. The Board's approval will ensure continuity of property insurance coverage for the College.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

The estimated expenditure will not exceed \$4,874,010 and will be funded from the safety, health, environmental and risk management department's 2023-2024 and 2024-2025 operating budgets.

Purchase Request #6
Regular Board Meeting April 1, 2024
Consideration of Approval to Purchase Property Insurance

MONITORING AND REPORTING TIMELINE

The new insurance policy period will be May 1, 2024 through April 30, 2025.

ATTACHMENTS

None

RESOURCE PERSONNEL

Susana Gonzalez	281-998-6129	susana.gonzalez@sjcd.edu
Karen Allen	281-998-6106	karen.allen@sjcd.edu

Purchase Request #7
Regular Board Meeting April 1, 2024
Consideration of Approval to Purchase Casualty Insurance

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve the purchase of casualty insurance coverage for the College through USI Southwest Services Insurance (USI). It is further recommended that the Board of Trustees approve a change in policy period for the multiple lines of liability coverage provided by USI to coincide with the College's fiscal year. This change will have policy periods effective from September 1 through August 31.

BACKGROUND

USI has historically provided liability and casualty coverage which includes automobile liability (including physical damage), general liability, umbrella liability, law enforcement liability, educators' legal liability (ELL), crime, cyber liability, international travel coverage, environmental pollution policy, and an active shooter / malicious attack liability policy.

Each of the policy periods for the casualty lines will be re-written to coincide with the College's fiscal year. The main reasons for this change are improved budget forecasting and increased timing between property and casualty Request for Proposals (RFP) and renewals.

Due to different underwriters' proposals, some policies will extend current coverage for an additional four-months of coverage (May 1, 2024, through September 1, 2024) which will then be renewed as an annual policy on September 1. Other policies will have a 16-month coverage (from May 1, 2024, through September 1, 2025). A subsequent purchase request will be submitted for those policies renewing on September 1, 2024.

USI has a contract through the ESC Region 19 Allied States Cooperative contracts program to provide supplemental insurance, products, brokerage, and consulting services, contract #19-7337, that complies with competitive procurement requirements in Texas Education Code §44.031 and is permitted through Texas Government Code §791.001(g).

IMPACT OF THIS ACTION

Approval of this purchase will continue the existing liability and casualty insurance coverage for the College. Further, each of our casualty lines will coincide with the College's fiscal year: September 1 through August 31. The main reasons for this change are improved budget forecasting and increased timing between property and casualty RFPs and renewals.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

The estimated expenditure for this request will not exceed \$233,943 and will be funded from the safety, health, environmental and risk management department's 2023-2024 and 2024-2025 operating budgets.

MONITORING AND REPORTING TIMELINE

Purchase Request #7
Regular Board Meeting April 1, 2024
Consideration of Approval to Purchase Casualty Insurance

The new insurance policy period will be May 1, 2024, through September 1, 2024, for automobile liability (including physical damage), general liability, umbrella liability, law enforcement liability, educators' legal liability (ELL), international travel coverage, and environmental pollution policy. The new insurance policy period for crime, cyber liability, and active shooter / malicious attack will be May 1, 2024, through September 1, 2025.

ATTACHMENTS

Attachment 1 - 2024-2025 Premium Summary

RESOURCE PERSONNEL

Susana Gonzalez	281-998-6129	susana.gonzalez@sjcd.edu
Karen Allen	281-998-6106	karen.allen@sjcd.edu

2024-2025 Premium Summary

Coverage	Expiring Annual Term Premium 2023-2024	Short Term (05/01/24 to 09/01/24) Premium Offers	Long Term (05/01/24 to 09/01/25) Premium Offers	Total Premiums Due May 1st
	Trident Travelers United Educators Chubb U.S. Risk/Admiral Cowbell Markel	Trident United Educators Chubb U.S. Risk	Travelers Cowbell Markel	
General Liability	\$17,326	\$67,185.80		\$67,185.80
Automobile	\$93,760			
Law Enforcement Liability	\$25,610			
Excess Liability	\$7,750			
Crime	\$9,729		\$13,007.00	\$13,007.00
Educator's Legal Liability	\$158,764	\$58,157.00		\$58,157.00
Foreign Package	\$2,500	\$775.00		\$775.00
Environmental	\$4,073.19	\$1,227.22		\$1,227.22
Cyber Liability (\$3M)	\$38,682.70		\$52,257.25	\$52,257.25
Active Assailant/Active Shooter	\$25,811.55		\$41,334.00	\$41,334.00
TOTAL ESTIMATED PREMIUMS	\$384,006.44	\$127,345.02	\$106,598.25	\$233,943.27



Item "A"
Regular Board Meeting April 1, 2024

Approval of the Minutes for the March 4, 2024, Workshop and Regular Board Meeting

RECOMMENDATION

The Chancellor requests that the Board of Trustees approve the minutes for the March 4, 2024, Workshop and Regular Board Meeting.

San Jacinto College District Board Workshop March 4, 2024

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

MINUTES

	Board Workshop Attendees:	Board Members: Dr. Michelle Cantú-Wilson (arrived during closed session), Erica Davis Rouse, Marie Flickinger, Dan Mims, John Moon, Jr. (arrived during closed session), Keith Sinor, Larry Wilson Chancellor: Brenda Hellyer Other: Sandra Ramirez, Mandi Reiland, Rob Stanicic, Laurel Williamson, Teri Zamora
	Agenda Item:	Discussion/Information
I.	Call the Meeting to Order	Chair Flickinger called the workshop to order at 4:47 p.m.
II.	Roll Call of Board Members	Board Chair Flickinger conducted a roll call of the Board members: Dr. Michelle Cantú-Wilson (arrived during closed session) Erica Davis Rouse, Assistant Secretary Marie Flickinger, Chair Dan Mims John Moon, Jr., Vice Chair (arrived during closed session) Keith Sinor, Secretary Larry Wilson
III.	Adjournment to closed or executive session pursuant to Texas Government Code Section 551.071 and 551.074 of the Texas Open Meetings Act, for the following purposes: Legal	Chair Flickinger adjourned to closed session at 4:48 p.m. The Board members listed above as attending and Chancellor Brenda Hellyer were present for the closed session. a. Legal Matters - For the purpose of a private consultation with the Board's attorney on any or all subjects or matters authorized by law. It was determined after the time of posting that a consultation with an attorney was not needed.

	Matters and Personnel Matters	<p>b. Personnel Matters - For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee.</p> <ul style="list-style-type: none"> • Review Results from the Board Self-Assessment Process
IV.	Reconvene in Open Meeting	<p>Chair Flickinger reconvened to open meeting at 5:57 p.m.</p> <p>Sandra Ramirez, Mandi Reiland, Rob Stanicic, Laurel Williamson, Teri Zamora joined the workshop.</p>
V.	Discuss Action Steps from the Board Self-Assessment Process	<p>Keith Sinor reported out on the action steps from the Board Self-Assessment. He stated the Board felt they are operating well but two key issues were identified: Board attendance at community events and Board attendance at College events. Their recommendation is to work with the Chancellor to emphasize important events for the Board to be present at and putting a priority list together to be able to know which events they should attend.</p>
VI.	Review 2023-2024 Administrator Salary Schedule	<p>Sandra Ramirez provided an overview of the 2023-2024 administrator salary schedule including background on the goals, methodology, administrator pay plan, and next steps. The goals are to review current administrator salary structure and compensation for alignment with staff and faculty compensation plans and recommend an administrator compensation plan that allows for internal equity and attracts and retains administrators.</p> <p>The administrator solution covers current salary grades 34 – 44 (Directors through Provosts) and will cost approximately \$370,000 for the remainder of Fiscal Year (FY) 24. The adjustments were calculated using the same formula that Evergreen Solutions, LLC developed for the staff solution; equitable distribution of the target cost based on current comparatio and new proposed salary range. Placement for each grade was based on the review of each position. A scale was developed for a factor based on the performance average for the last three years. The factor was used in the calculation of the increase amount. Administrators who were hired in Fiscal Year 2024 (or who were hired in FY 2023 and did not receive a performance evaluation in 2023) received an adjustment</p>

		<p>equal to the percentage factor for Valuable (except to move to the range minimum).</p> <p>Sandra reviewed the proposed administrator pay plan, which includes 20 new pay grades. The recommendations are to adopt a new responsive compensation structure and place individual salaries within ranges based on the comparatio implementation model and performance history.</p> <p>She explained that the individual administrator salaries will not be below the minimum and adjustments will not exceed the maximum of the new ranges. The number of employees for proposed adjustments is 81. She provided a timeline of the communication plan.</p> <p>Keith Sinor asked how many employees’ salary ranges were looked at. Sandra responded all 81 employees who are within the salary grades 34-44 had their position and salary ranges reviewed.</p> <p>Erica Davis Rouse questioned who each individual will need to speak to if they have questions regarding their salary change. Sandra responded the communication will have an email address for them to contact the compensation team with any questions. This is the same process that was used for staff and faculty when they went through their job evaluation process.</p>
VII.	Update on Enrollment	<p>Teri Zamora provided an update on spring enrollment. The College is up 3.7 percent in headcount and 5.4 percent in contact hours compared to Spring 2023. She explained when looking at the trends, the College has increased a tenth of a percent each week compared to spring 2020 and contact hours are the highest they have been since before COVID.</p>
VIII.	Review Proposed Change to Tuition Discount for Employee Dependents and Spouses	<p>Teri provided an overview of the proposed change to the tuition discount for employee dependents and spouses including the background of the proposal and how it went into effect last summer. The College budgeted \$100,000 for this proposal and \$20,000 has been utilized for this discount. Tonight’s recommendation is for the Board to approve an increase in the percentage tuition discount for</p>

		<p>the dependents and spouses of full-time employees. The percentage will approximate a dollar discount from \$30 per semester credit hour (SCH) to \$60 SCH, beginning Fall 2024.</p>
IX.	<p>Review Sidewalk Project Partnership with Harris County Precinct 2</p>	<p>Dr. Brenda Hellyer explained a request for approval of the sidewalk project partnership with Harris County Precinct 2 is an action item on tonight’s Board agenda. This is at North Campus, where no sidewalks on Uvalde Road have been an issue for several years. Dr. Alexander Okwonna and Chuck Smith have been meeting with Commissioner Adrian Garcia’s office and have come forward with a matching grant to install sidewalks on each side of Uvalde aligning with the College property.</p> <p>Teri expanded on the grant. Harris County has a federal grant and are allocating the dollars to different types of mobility and drainage improvements. The College submitted a grant application but needs to submit a resolution saying the Board supports the grant by March 15 in order to complete the application. The estimated cost of this sidewalk project is \$890,000. The College would fund half of this project and the grant would fund the remaining half.</p> <p>A map of Uvalde Road to illustrate the project was provided to the Board. Teri explained what portions of the sidewalk will be affected by the project. Installing these sidewalks will not only help students on campus but will also help those who utilize the Harris Country transit service.</p> <p>Brenda explained that Chuck and Teri are working through this contract with the County. They are also looking at how the project will be managed. We are hoping the College will be designated to manage the construction side of the project.</p>
X.	<p>Review Recommendation for Contract with Barnes & Noble College Booksellers, LLC</p>	<p>Teri provided an overview of the recommendation for a contract with Barnes & Noble College Booksellers, LLC. The College has a contract with Barnes & Noble with two years remaining on that contract. A request for proposal (RFP) went out to see if there might be other options for vendors and/or construction of a new contract back in November 2023. Three respondents replied to all aspects of both the request for a full bookstore setup and the request</p>

		<p>for a hybrid bookstore. Two additional respondents responded for the hybrid model only. Barnes & Noble scored the highest overall on evaluations of the full bookstore set up and the hybrid model proposals. They also produced the highest financial return based on a consistent assumption of average sale projections.</p> <p>She provided commissions from the bookstore dating back to when the College implemented the Open Books Program in FY18. Student Savings from FY17 through Spring 2023 is estimated at \$32.3 million. The current proposal is to maintain a full bookstore set-up on the campuses and includes the following components: \$300,000 signing bonus, \$25,000 annual donation to scholarships, and \$300,000 facility investment. The total compensation will be \$4.9 million for five years. She provided an illustration of how the future bookstores will look. The proposed store fronts will not need as much space as the current bookstores occupy, so space will be given back to the College to reutilize.</p> <p>The Board discussed the need for continuing to have storefront bookstores on campus and was supportive of the renewing the contract with Barnes & Noble.</p>
<p>XI.</p>	<p>Discuss Recommendation for Memorandums of Understanding with School Districts for College Transfer Math and English Courses</p>	<p>Dr. Laurel Williamson provided an overview of the recommendation for Memorandums of Understanding (MOU) with school districts for college transfer Math and English courses. To meet the requirement of House Bill 5, there was a need to develop a course to be delivered by high school teachers that would serve as a waiver for Texas Success Initiative (TSI), which indicates college readiness for Math and English for high school students. We currently have two independent school districts (ISD), Galena Park and Deer Park, who are interested in using this course. Galena Park ISD has decided to implement it for the next year. We believe there will be more interest once other ISD's see the efficacy of this. Currently, all of the ISD's are using Texas Bridge, which serves as a waiver for TSI, but has a lower success rate than other college readiness tests. This may provide a better option.</p> <p>Dr. Michelle Cantú-Wilson asked if the College Prep faculty were involved in the work on the English course development.</p> <p>Laurel responded they were included.</p>

		<p>Michelle asked if the College is capturing data around the population of developmental education (dev-ed) students because of the pandemic.</p> <p>Laurel explained the College is seeing an increase in college preparatory (developmental education) students since fall 2020, with an overall increase of approximately 41% from fall 2020 to fall 2021, with a 5.5% increase from fall 2021 to fall 2022. However, from fall 2022 to fall 2023, we saw a 9.4% decrease.</p> <p>Erica Davis Rouse asked if the Board could receive a report on the progress of how students perform with the new course implementation.</p> <p>Laurel asked to provide this report next year due to the State coming out with a new program called College Connect. In this program, will allow dual credit students to be non-degree seeking, so they do not have to be college ready and take 15 credits before they declare degree seeking which has changes the landscape for our current model.</p> <p>Michelle asked if Texas Higher Education Coordinating Board (THECB) still provides its Almanac.</p> <p>Brenda believes the Almanac is now electronic and offered to send it to Michelle.</p> <p>Brenda stated an update on the new MOU and College Connect will be provided to the Board at a later date.</p> <p>Opportunity High School is also another item that was included in HB8. This is a high school which will provide a General Education Development (GED) program that will align with college credits, so students earn their GED and college certificate. San Jacinto College is one of the pilot colleges in this program, so we are working through that as well.</p>
XII.	Discuss Policy on Information Resources	<p>Brenda explained that a summary of changes for the procedures associated with the first reading of the policy on information resources was provided to the Board.</p> <p>Brenda stated the policy was already put into place with the Chancellor authority provision, but she wanted to determine if the Board has any questions.</p> <p>Rob Stanicic explained Senate Bill 64 has required the College to be part of an information security program which required us to implement policies and procedures.</p>

		<p>He provided a diagram to show the federal rules, state laws, and other stakeholders required to comply with this mandate. He explained the need is to have an official policy and procedure that demonstrates the College is complying with the information security program. Other components around cybersecurity incident response, data security, and prohibited technologies are also required and audited.</p> <p>Brenda explained the procedure for acceptable use of information and resources has gone out to the College employees for comment. The procedure for the use of artificial intelligence is being drafted. Rob has formed a taskforce with faculty and other employees throughout the College so that one is being worked differently.</p> <p>John Moon, Jr. asked for an example of prohibited technology and if it applies to the Board. Rob responded there is a very specific list of prohibited technologies from the State.</p> <p>The Board thanked Rob for his work on these requirements.</p>
XIII.	Review of Calendar	Brenda reviewed the calendar and asked the Board members to let Mandi Reiland know if they would like to attend any events.
XIV.	General Discussion of Meeting Items a. Additional Purchasing Support Documents	The Board members had no other questions and no additional purchasing support documents were provided.
XV.	Adjournment	Chair Flickinger adjourned the meeting at 6:58 p.m.

San Jacinto Community College District
Regular Board Meeting Minutes
March 4, 2024

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

Attendance

Present:

Members: Dr. Michelle Cantú-Wilson, Marie Flickinger, John Moon, Jr., Dan Mims, Erica Davis Rouse, Keith Sinor, Larry Wilson

Chancellor: Brenda Hellyer

Others Present: Iliana Aguilar, Robert Aguilar, Tanesha Antoine, Amy Axtell, Lindsay Banks, Rhonda Bell, Vickie Del Bello, Jesse Bernal, Darrell Burns, Robert Cage, David Castillo, Jacquelynn Conger, Janet Cowey, Teri Crawford, Matt Crow, Kim DeLauro, Darryl Dement, Shanna Dement, Destry Dokes, Teddy Farias, Amanda Fenwick, Rachel Garcia, Allatia Harris, Damon Harris, Mary Hind, Darrell Hollie, Amanda Horton, Carin Hutchins, Sallie Kay Janes, Matt Keim, Kara Kennebrew, Aaron Knight, Yvette Ledesma, Nick Ledesman, Robert Mark Lloyd, Kevin McKisson, DeRhonda McWaine, Lamar McWaine, Jalissa Medellin, Julianna Medellin, Jose Medrano, Courtney Morris, Kevin Morris, Gregory Mumphrey, Ra'Shonda Mumphrey, Ryan Navejar, Lambrini Nicopoulos, Alexander Okwonna, Ann Pearson, Donnie Pearson, Joe Pena, JoEllen Price, Markel Price, Jimmy Quinn, JR Ragaisis, Sandra Ramirez, Mandi Reiland, Heather Rhodes, Shelley Rinehart, Chuck Smith, Danny Snooks, Rob Stanicic, Tanya Stanley, Ken Tidwell, Sonia Townsend, Jose Valentine, David White, Niki Whiteside, Van Wigginton, Vershonda Williams, Laurel Williamson, Michael Yates, Teri Zamora, Joanna Zimmermann

I. Call the Meeting to Order

Chair Flickinger called the regular meeting of the Board of Trustees to order at 7:06 p.m.

II. Roll Call of Board Members

Chair Flickinger conducted a roll call of the Board members.

Dr. Michelle Cantú-Wilson
Erica Davis Rouse, Assistant Secretary
Marie Flickinger, Chair
Dan Mims
John Moon, Jr., Vice Chair
Keith Sinor, Secretary
Larry Wilson

III. Invocation and Pledge to the Flags

The invocation was given by Destry Dokes. The pledges to the American and Texas flags were led by Keith Sinor.

IV. Special Announcements, Recognitions, Introductions, and Presentations

1. Chair Flickinger introduced Harris County Precinct 2 Director of External Affairs, Jose Medrano.
2. Sandra Ramirez, Laurel Williamson, and Amanda Fenwick recognized the Fall 2023 Monument Award Recipients. Teams recognized: Website Rebuild, Excellence Awards Coordination Council, and Job Evaluation Study – Compensation Team.
3. Van Wigginton recognized Tanya Stanley for being named a delegate for the United Nations: We the Future Summit.
4. John Moon, Jr. provided highlights from the Board of Trustees Institute.

V. Student Success Presentations

Joanna Zimmermann and JoEllen Price provided an update on Financial Aid and Scholarships.

VI. Communications to the Board of Trustees

The following items were reviewed and distributed to the Board as communication items.

1. February Opportunity News
2. March Opportunity News
3. Letter from the U.S. Department of Transportation confirming the designation for San Jacinto College District as a 2024 Center of Excellence for Domestic Maritime Workforce Training and Education.

VII. Public Comment

There were no citizens desiring to speak before the Board.

VIII. Informative Reports to the Board

Chair Marie Flickinger indicated such reports were available in the Board documents and online.

- A. San Jacinto College Financial Statements
 1. San Jacinto College Monthly Financial Statements January 2024
 2. San Jacinto College Monthly Investment Report January 2024
- B. San Jacinto College Foundation Financial Statements
- C. Capital Improvement Program
- D. San Jacinto College Building Committee Minutes
- E. San Jacinto College Finance Committee Minutes

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

Motion 10338:

Motion moved by Larry Wilson and motion seconded by Erica Davis Rouse. Motion carried.

Yeas: Cantú-Wilson, Davis Rouse, Mims, Moon, Jr., Sinor, Wilson

Nays: None

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

Motion 10339:

Motion moved by Keith Sinor and motion seconded by John Moon, Jr. Motion carried.

Yeas: Cantú-Wilson, Davis Rouse, Mims, Moon, Jr., Sinor, Wilson

Nays: None

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

Motion 10340:

Motion moved by Dr. Michelle Cantú-Wilson and motion seconded by Erica Davis Rouse. Motion carried.

Yeas: Cantú-Wilson, Davis Rouse, Mims, Moon, Jr., Sinor, Wilson

Nays: None

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

Motion 10341:

Motion moved by Dan Mims and motion seconded by John Moon, Jr. Motion carried.

Yeas: Cantú-Wilson, Davis Rouse, Mims, Moon, Jr., Sinor, Wilson

Nays: None

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

Motion 10342:

Motion moved by Larry Wilson and motion seconded by Dr. Michelle Cantú-Wilson. Motion carried.

Yeas: Cantú-Wilson, Davis Rouse, Mims, Moon, Jr., Sinor, Wilson
Nays: None

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

Motion 10343:

Motion moved by Keith Sinor and motion seconded by Erica Davis Rouse. Motion carried.

Yeas: Cantú-Wilson, Davis Rouse, Mims, Moon, Jr., Sinor, Wilson
Nays: None

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

Motion 10344:

Motion moved by Dr. Michelle Cantú-Wilson and motion seconded by Larry Wilson. Motion carried.

Yeas: Cantú-Wilson, Davis Rouse, Mims, Moon, Jr., Sinor, Wilson
Nays: None

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

Motion 10345:

Motion moved by Dan Mims and motion seconded by John Moon, Jr. Motion carried.

Yeas: Cantú-Wilson, Davis Rouse, Mims, Moon, Jr., Sinor, Wilson
Nays: None

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

Motion 10346:

Motion moved by John Moon, Jr. and motion seconded by Keith Sinor. Motion carried.

Yeas: Cantú-Wilson, Davis Rouse, Mims, Moon, Jr., Sinor, Wilson
Nays: None

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

Motion 10347:

Motion moved by Dr. Michelle Cantú-Wilson and motion seconded by Keith Sinor. Motion carried.

Yeas: Cantú-Wilson, Davis Rouse, Flickinger, Mims, Moon, Jr., Sinor, Wilson
Nays: None

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

No vote required.

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

No vote required.

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

No vote required.

XXII. Consideration of Purchasing Requests

Purchase Request #1

Consideration of Additional Funding for Generation Park Infrastructure 1,900,000

Purchase Request #2

Consideration of Delegation of Authority to Contract for Building C-26 Transformer 200,000

Purchase Request #3

Consideration of Approval to Contract for Campus Store Retail Services 30,000,000

Purchase Request #4

Consideration of Approval to Renew the Contract for Plumbing Services 500,000

Purchase Request #5

Consideration of Approval to Contract for Direct Mail Magazine Services 400,000

Purchase Request #6

Consideration of Approval to Purchase Graduation Event License 165,000

Regular Board Meeting Minutes

March 4, 2024

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Purchase Request #7
Consideration of Approval to Contract for Snack Vending
Services

-

TOTAL OF PURCHASE REQUESTS

\$ 33,165,000

Motion 10348:

Motion moved by Dan Mims and motion seconded by Dr. Michelle Cantú-Wilson. Motion carried.

Yeas: Cantú-Wilson, Davis Rouse, Mims, Moon, Jr., Sinor, Wilson

Nays: None

XXIII. Consent Agenda

- A. Approval of the Minutes for the January 29, 2024, Workshop and Regular Board Meeting
- B. Approval of the Budget Transfers
- C. Approval of Personnel Recommendations
- D. Approval of the Affiliation Agreements
- E. Approval of the Next Regularly Scheduled Meeting on April 1, 2024

Motion 10349:

Motion moved by Larry Wilson and motion seconded by John Moon, Jr. Motion carried.

Yeas: Cantú-Wilson, Davis Rouse, Mims, Moon, Jr., Sinor, Wilson

Nays: None

XXIV. Items for Discussion/Possible Action

There were no additional items discussed.

XXV. Adjournment

Chair Flickinger adjourned the meeting at 7:55 p.m.

Item "B"
Regular Board Meeting April 1, 2024
Approval of the Minutes for the March 7, 2024, Board Strategic Planning Retreat

RECOMMENDATION

The Chancellor requests that the Board of Trustees approve the minutes for the March 7, 2024, Board Strategic Planning Retreat.

SAN JACINTO COLLEGE DISTRICT
Board of Trustees Strategic Planning Retreat Minutes
March 7, 2024

The Board of Trustees of the San Jacinto Community College District met at 8:15 a.m., Thursday, March 7, 2024, in room A-2.203 of the Administration Building, 4620 Fairmont Parkway, Pasadena, Texas for a strategic planning retreat.

Attendance

Present:

Members: Dr. Michelle Cantú-Wilson, Marie Flickinger, John Moon, Jr., Dan Mims, Erica Davis Rouse, Keith Sinor, Larry Wilson

Chancellor: Brenda Hellyer

Others Present: Sandra Ramirez, Mandi Reiland, Laurel Williamson, Teri Zamora

I. Call the Meeting to Order

The retreat was called to order at 8:18 a.m. by Chair Marie Flickinger.

II. Roll Call of Board Members

Chair Flickinger conducted a roll call of the Board members:

Dr. Michelle Cantú-Wilson
Erica Davis Rouse
Marie Flickinger
Dan Mims
John Moon, Jr.
Keith Sinor
Larry Wilson

III. Review Employee Demographic Report

Sandra Ramirez provided an overview of the employee demographics report which included the affirmative action plan, recruitment sources, demographic data on new hires, retirements, and employee pool.

1. Erica Davis Rouse commented about different approaches being employed at the College in purchasing efforts. She said she has seen positive results from these efforts at the College. She inquired about changes to the College's employee recruiting efforts.
2. Sandra explained Wayne Wauters role as Manager of Talent Acquisition and the growth there, including his network, which is significant.
3. Larry Wilson asked what the legal consequences of not meeting the Affirmative Action goals are.
4. Sandra responded that the College has to show that we are making improvements. There would be fines if we were not making any improvements or putting in efforts to improve.

5. Sandra clarified that the data in the reports regarding race classification is that individuals have to self-identify the race they identify as. The College does not have a part in that.
6. Dr. Michelle Cantú-Wilson noted that the College is pushing for our students to pursue jobs in educations.
7. Erica thought that the education degree would be good for an Opportunity News. We could highlight more faculty members that started at San Jac and went through additional degrees then came back to teach here.

Sandra reviewed the data sheet on separations.

1. Group discussed.
2. Michelle asked for next year to review year to year. Sandra will provide that information to Michelle.

IV. Review Financial Comparison to Peers

Teri Zamora reviewed the 2023 and 2022 financial comparison to peers data. Brenda Hellyer added that last night we received an update on the College's bond rating which is "AA" now and went from stable to positive outlook. San Jacinto College has higher debt than other colleges, but the rating agencies are not looking at how we are using that to handle deferred maintenance. She also stated that we will be issuing a press release on this new rating.

V. Introduce 5-year Financial Model from Anaplan

Teri reviewed the summary of the 5-year financial model from Anaplan. She went into to detail on the likely, best, and worst scenarios. She also reviewed the various strategic initiatives and operating scenarios built into the plans.

VI. Discuss Moving Forward on Property Insurance and Liability Insurance

Teri provided an overview of a plan for obtaining the College's property insurance and liability insurance. She explained the process for how we obtain insurance coverage currently and how a Request for Proposals (RFP) for brokers will be developed over the summer in order to prepare for the solicitation for coverage effective May 1, 2025. The group discussed and is comfortable with the move forward plan. The final proposal for upcoming renewals will be brought to the Board at the April 1, 2024, Board meeting.

VII. Discuss Master Plan Process

Teri reviewed the master plan process which is underway. The current process will take approximately two years. An important component underway is interviewing students to understand their needs.

The group discussed the process and were comfortable.

Also, discussed the shift to a larger online population. Brenda said there will be more information coming to the Board at the next retreat on our online population.

VIII. Update on Signage for Board Room

Due to time limitations, this item was tabled until a future retreat or workshop.

IX. Discuss Athletic Fields

Brenda provided an overview of athletics and timing of the interim Baseball coach role and job posting.

She also provided background on the research and analysis from the architect on needs for the athletic fields. She reviewed the documentation which provided improvement packages for the Softball and Baseball facilities.

John Moon, Jr. asked about tournaments. He thinks that would help make the deferred maintenance more justifiable.

Brenda said she agreed we need to host more, but we will need to develop a plan to manage these tournaments.

Brenda explained that we are working on building relationships within our community and our local and regional school district programs.

The group discussed.

The Board members were comfortable with allocations of \$2.4 million to cover the six packages of the plan. These improvements will be funded from the deferred maintenance fund that has been designated by the Board. Brenda explained that we will continue to modify plans and timeline as needed.

X. Review Business Program Redesign

Dr. Laurel Williamson reviewed the Business Program redesign. She reviewed the proposed business pathways maps and the program closure process and timeline.

The Board members were supportive of the proposal.

XI. Discuss Strategic Planning Process

Due to time limitations, this item was tabled until a future retreat or workshop.

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

Chair Flickinger adjourned to closed session at 10:48 a.m.

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

It was determined after the time of posting that a consultation with an attorney was not needed.

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

The Board members listed above as attending, Chancellor Brenda Hellyer, and Sandra Ramirez were present for the closed session.

XIII. Reconvene in Open Meeting

Chair Flickinger reconvened to open meeting at 11:17 a.m.

XIV. Wrap-up with Summary and Follow-up

Nothing additional was discussed.

XV. Adjournment

The retreat was adjourned at 11:18 a.m.

ADMINISTRATION RECOMMENDATION/REPORT

The administration recommends that the Board of Trustees approve budget transfers for February 2024 which have been made in accordance with appropriate accounting procedures.

BACKGROUND

Adoption of the budget by the Board of Trustees prior to September 1 of each year serves as the authorization to expend funds for the next fiscal year. The budget is adopted by functional classification (or cost elements: Instruction, Public Service, Academic Support, Student Services, Institutional Support, and Operation and Maintenance of Plant) as defined by the National Association of College and University Business Officers (NACUBO). Realizing that the budget is a living document that reflects the evolving needs of the College in terms of meeting goals and objectives, occasional movement of budgeted funds between cost elements is desirable and warranted. The budget transfers under consideration represent previously authorized expenditures that are requested to be reclassified from one cost element to another cost element.

IMPACT OF THIS ACTION

Approval of the budget transfers allows the College to more effectively utilize existing resources in fulfilling its instructional objectives.

BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)

This request is a reclassification of existing authorizations.

MONITORING AND REPORTING TIMELINE

None

ATTACHMENTS

Attachment 1 –February Budget Transfers

RESOURCE PERSONNEL

Teri Zamora	281-998-6306	teri.zamora@sjcd.edu
Carin Hutchins	281-998-6109	carin.hutchins@sjcd.edu
Dianne Duron	281-998-6347	dianne.duron@sjcd.edu

SAN JACINTO COLLEGE DISTRICT
 Budget Transfers Related to Fiscal Year 2023-24
 for February 2024

ELEMENT OF COST	DEBIT	CREDIT
INSTRUCTION	\$ 8,011	\$ 248,408
PUBLIC SERVICE	\$ -	\$ -
ACADEMIC SUPPORT	\$ 10,618	\$ 16,398
STUDENT SERVICES	\$ 2,589	\$ 147,349
INSTITUTIONAL SUPPORT	\$ 215,849	\$ 2,163
PHYSICAL PLANT	\$ 177,251	\$ -
AUXILIARY ENTERPRISES	\$ -	\$ -
	\$ 414,319	\$ 414,319

RECOMMENDATION

The administration recommends that the Board of Trustees approve the following Affiliation Agreements:

North Campus

Department

Nursing

Affiliation Entity

The Methodist Hospital dba Houston
Methodist Hospital

Medical Assisting

First Family Medicine Association

Medical Assisting and Nursing

Sheldon ISD

RATIONALE

The Affiliation Agreements were reviewed by the College’s external legal counsel.

FISCAL IMPLICATIONS TO THE COLLEGE

N/A

CONTACT PERSONNEL

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Item “F”
Regular Board Meeting April 1, 2024
Approval of the Next Regularly Scheduled Meeting

RECOMMENDATION

The next regularly scheduled meeting of the Board of Trustees will be Monday, May 6, 2024.