

**Annual Certification Documentation
Per Texas Education Code 51.3525**

Colleges by Name (K-L)

September 2024

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Institution: Kilgore College
Date Submitted: 08/23/24
Pages: 3

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Brenda S. Kays, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.

Brenda S. Kays
Signature

8-21-24
Date

Please check one:

- President
 Board Chair

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Lon Ford, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.

Lon Ford
Signature

8-21-24
Date

Please check one:

- President
 Board Chair

Institution: Lamar Institute of Technology
Date Submitted: 08/08/24
Pages: 11

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Dr. Sidney Valentine, Lamar Institute of Technology, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.


Signature

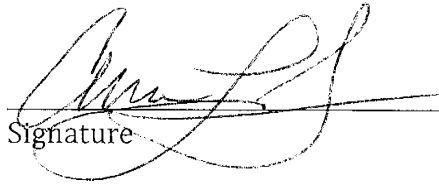
8/8/2024
Date

Please check one:

- President
 Board Chair

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Alan L. Tinsley, Texas State University System, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.


Signature

8/8/2024
Date

Please check one:

- President
- Board Chair

I certify, under penalty of perjury and the loss of funding to my institution (listed below) that my institution has complied with the requirements in Tex. Educ. Code § 51.3525:

Lamar Institute of Technology

- I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws.
- I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.
- I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.
- I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).
- I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.
- I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.
- I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

- [X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).
- [X] I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.
- [X] I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.
- [X] I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year my institution has conducted the following actions to comply with the statute:

- Prior to passage of SB 17, Lamar Institute of Technology did not have a DEI office or DEI related position, nor an individual or organization performing the duties of a DEI office or officer. Because Lamar Institute of Technology did not have any offices, officers, individuals, or organizations performing the duties of a DEI office or officer, there have been no displaced or reassigned employees or departments.
- Leadership informed their direct reports about SB 17 prohibitions.
- Conducted a self-assessment of its departments and confirmed that it did not have any DEI programs, initiatives, departments, or positions.
- Reviewed job postings and confirmed that no employee was assigned DEI duties.
- Reviewed websites and removed non-compliant SB 17 materials.
- Reviewed contracts related to Human Resources, Finance, and Procurement and confirmed such contracts did not contain any prohibited DEI activities.
- Adopted a policy that prohibits DEI offices, officers, programs, initiatives, and provides for disciplinary action, up to and including termination, against anyone who violates the policy.
- Reviewed mandatory training materials to confirm that such training does not contain prohibited DEI components.
- Imposed a high-level review and approval by the Executive Team and President for any mandatory training for students and employees.
- Lamar Institute of Technology adheres to its non-discrimination policies, which are based on state and federal law, and which prohibit consideration of race, sex, color, ethnicity, or national origin in employment decisions.
- Employee recruitment and hiring is managed through the Human Resources department, which oversees and reviews the hiring process for all departments consistent with best practices for avoiding bias and making merit-based hiring decisions.
- Complied with the directive issued by Chancellor McCall on March 2, 2023, to immediately eliminate the use or consideration of a diversity statement in all hiring practices and to review campus policies and, if necessary, modify policies to ensure compliance. Leadership, including leadership within the Human Resources department, were notified of the prohibition on the use of diversity statements. Staff and faculty job postings were and are reviewed by the Human Resources department to ensure that hiring and promotion materials do not require diversity statements. The Human

Resources department will continue to remove all unsolicited diversity statements from hiring packets before hiring packets are distributed to hiring managers or search committees.

- Reviewed scholarships and grants to ensure eligibility/award criteria did not give preference on the basis of race, sex, color, ethnicity, or national origin, and worked with donors/grantors to modify criteria or suspend awards until modifications were in place for those scholarships/grants where criteria did not comply with SB 17.
- Actively participated in the system-wide internal audit, which included:
 - reviewing policies designed to ensure compliance with SB 17,
 - determining what actions were taken to eliminate/close DEI-related programs/offices (where applicable) and analyzing resultant personnel actions,
 - reviewing the position descriptions/job duties of and interviewing personnel who transitioned from performing DEI-related activities to new roles (if applicable),
 - reviewing hiring protocols, job postings, and trainings,
 - observing campus signage,
 - performing searches of websites for potential non-compliant information,
 - reviewing departmental and program operations, and
 - testing expenditures.
- Lamar Institute of Technology remains committed to ensuring continued compliance with provisions of SB 17.

[X] I certify that all information in this submission is true, accurate, and complete.

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law.

Signature of Institution President:

Date:  8/8/24

Signature of Board Chair:

Date: 
8/8/24

Alan L. Tinsley

Office of Internal Audit

Senate Bill 17 Audit Report

August 2, 2024



Carole M. Fox, CPA
Chief Audit Executive, Texas State University System

Ramona Stricklan, CIA, CFE
System Director

Kelly Blissett, CPA, MBA
Director

Mike Miller, CIA, CGAP
Director

Marylyn Byrd, CPA, CIA, MBA
Associate Director

EXECUTIVE SUMMARY

The Office of Internal Audit has completed an audit of The Texas State University System's (TSUS) compliance with Sections 51.3525 (b)(1) and (2) of Chapter 51, Education Code, *Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives*. These sections were added to the Education Code as the result of Senate Bill 17 (SB 17), passed in the 88th Legislature, Regular Session, effective January 1, 2024. TSUS leadership began developing strategies to comply with SB 17 under the guidance of the Office of General Counsel in June 2023.

The audit determined that as of the date of this report, the TSUS and its member institutions have taken action and implemented procedures to comply with requirements outlined in Sections 51.3525(b)(1) and (2) of the Education Code. However, the audit noted that one member institution had unintentional errors in a limited number of private scholarships.

No evidence was identified or brought to our attention during the audit that would indicate systemic, deliberate non-compliance.

BACKGROUND INFORMATION

Section 51.3525(b)(1) of the Education Code requires governing boards to ensure that institutions of higher education do not, except as required by federal law:

- (A) establish or maintain a diversity, equity, and inclusion (DEI) office;
- (B) hire or assign an employee of the institution or contract with a third party to perform the duties of a diversity, equity, and inclusion office;
- (C) compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
- (D) 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; or
- (E) require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training, which:
 - (i) includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and
 - (ii) does not include a training, program, or activity developed by an attorney and approved in writing by the institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Section 51.3525(b)(2) requires governing boards to ensure that institutions adopt policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Section 51.3525(b)(1).

OBSERVATIONS

The audit determined:

- Policies required by SB 17 have been adopted by the TSUS Board of Regents and its member institutions.
- Appropriate actions were taken to eliminate/close DEI-related programs/offices at member institutions where such offices/programs existed prior to January 1, 2024.

- Except for one employee who resigned, employees affected by the elimination of DEI-related programs/offices transitioned to other positions that do not involve DEI-related activities. In cases where DEI-related duties were assigned to individuals in addition to their regular duties, DEI-related duties were eliminated and removed from job descriptions.
- Management at member institutions reviewed hiring protocols, job postings, and training courses and took appropriate actions where applicable to ensure compliance.
- Campus signage reflecting DEI offices/programs/activities was removed.
- Scholarships, grants, and donor agreements with eligibility criteria based in whole or in part on race, sex, color, ethnicity, or national origin have been modified, suspended, or opened to anyone who meets other non-prohibited eligibility criteria except as noted in this report.
- Processes were established and action taken where deemed necessary to remove references to DEI-related activities/programs from websites (unless clearly archival or related to academic course instruction, scholarly research/creative work, guest speakers/performers on short-term engagements, programs/activities to enhance student academic achievement or postgraduate outcomes, data collection, or student recruitment/admissions).
- No exceptions were noted in tests of expenditures.
- Each of the direct reports to the Presidents initiated reviews of departmental accounts to determine if scholarships, grants, and enrichment programs/stipends contained selection criteria based on (or included references to) race, sex, color, ethnicity, or national origin.
- In support of the Presidents' attestations to the Texas Higher Education Coordinating Board, executive management (Vice Presidents/direct reports to the Presidents) provided attestations (under penalty of perjury) regarding compliance with SB 17 in operations under their purview. In many instances, executive management required certain subordinates to provide similar attestations internally.

Throughout the audit, management was fully engaged, cooperative, and immediately corrected identified errors with the exception of unintentional errors occurring at one member institution relating to the award of certain private scholarships where the eligibility criteria for such awards was based on race, sex, color, ethnicity or national origin. The member institution awarded and paid eight private scholarships totaling \$12,050 for the Spring 2024 semester. This was the result of not only a lack of communication but miscommunication, as well as limitations in the member institution's automated system for disbursing aid. Management has taken corrective action to ensure future non-compliance does not occur.

We would like to thank and acknowledge leadership at System Administration and the Presidents and executive leadership at the member institutions for their assistance and the unprecedented degree of direct involvement and interaction during the audit.

APPENDIX A

OBJECTIVES & SCOPE

The overall objective of the audit was to determine if The Texas State University System (TSUS) and its member institutions are complying with Sections 51.3525 (b)(1) and (2) of Chapter 51, Education Code, *Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives*.

The audit focused on activities that occurred at member institutions to ensure compliance with Sections 51.3525 (b)(1) and (2) of Chapter 51, Education Code. The following activities were not reviewed because they are specifically excluded by statute:

- academic course instruction,
- scholarly research/creative work,
- guest speakers/performers on short-term engagements,
- programs/activities to enhance student academic achievement or postgraduate outcomes,
- data collection, and
- student recruitment/admissions.

The audit period encompassed May 23, 2023 through August 2, 2024.

The audit was conducted in accordance with the *International Standards for the Professional Practice of Internal Auditing*.

METHODOLOGY

Generally, the audit included, but was not limited to, reviewing institutional responses to self-assessment rubrics developed by the Office of General Counsel; administering and evaluating responses to questionnaires developed specifically for the audit; conducting interviews; observing processes and data contained in automated systems; reviewing donor agreements, grants, and scholarship criteria; reviewing supporting documents and other evidentiary matter; reviewing applicable policies and procedures; evaluating processes related to monitoring websites and social media; and performing keyword searches on websites for non-compliant information.

Specifically, a standard audit program that could be tailored to circumstances at each member institution was developed and deployed; the program included, but was not limited to, gathering sufficient evidence to:

- Determine the instructions provided to institutional executive leadership, faculty, and staff regarding implementation of SB 17 and the communication(s) to departments regarding their responsibilities for ensuring full compliance with SB 17.
- Determine the steps taken to identify and discontinue the activities of any DEI office or contracts with third-party vendors that previously performed the duties of a DEI office.
- Determine the steps taken to reassign or eliminate employee positions that were responsible for performing DEI duties or services. For employee positions that were reassigned (or in cases where DEI-related duties were added to employees' area of responsibility and then removed), determine whether job duties or job descriptions were updated accordingly.

- Determine whether member institutions were not compelling, requiring, inducing, or soliciting individuals to provide a DEI statement and to confirm that member institutions were not giving preferential consideration to any person based on the person's (unsolicited) provision of a DEI statement.
- Determine whether preference was not being given on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant (including students) in any function of the member institutions, including receipt of scholarships, grants, and/or stipends or other benefits.
- Determine whether individuals were required to participate in DEI training as a condition of enrolling at the member institutions or performing any institutional function except training developed and approved by the TSUS Office of General Counsel in accordance with a court order or state or federal law.
- Determine whether documented policies and procedures were reviewed and updated as necessary to remove references to prohibited activities and that they aligned with Education Code 51.3525 requirements.
- Determine whether member institutions adopted a policy and implemented a procedure to ensure compliance with provisions in the TSUS *Rules and Regulations*, Chapter VII, Paragraph 5, including procedures for disciplining, including by termination, employees or contractors who violate Education Code 51.3525 requirements.
- Determine the procedures/activities performed to remove references related to prohibited activities on institutional websites (including documents) and social media accounts and to verify that remaining website content is compliant.
- Determine whether action was taken to ensure signage (office titles, building/elevator directories, printed materials such as flyers) referencing prohibited activities has been removed.
- Determine whether the expenditures tested were compliant with applicable provisions of the statute.
- Determine that no instances of non-compliance were reported by executive management in attestations provided during the audit.

DISTRIBUTION LIST

Presidents:

Dr. Jaime Taylor, Lamar University
Dr. Alisa White, Sam Houston State University
Dr. Carlos Hernandez, Sul Ross State University
Dr. Kelly Damphousse, Texas State University
Dr. Sidney Valentine, Lamar Institute of Technology
Dr. Thomas Johnson, Lamar State College Orange
Dr. Betty Reynard, Lamar State College Port Arthur

Texas State University System:

Dr. Brian McCall, Chancellor
Nelly Herrera, Vice Chancellor and General Counsel
Ramona Stricklan, System Audit Director
Kelly Blissett, Audit Director
Mike Miller, Audit Director
Marylyn Byrd, Associate Audit Director

Texas State University System Board of Regents:

Alan L. Tinsley, Chairman
Stephen Lee, Chair of the Finance & Audit Committee
Duke Austin, Member of the Finance & Audit Committee
Tom Long, Member of the Finance & Audit Committee
William F. Scott, Member of the Finance & Audit Committee

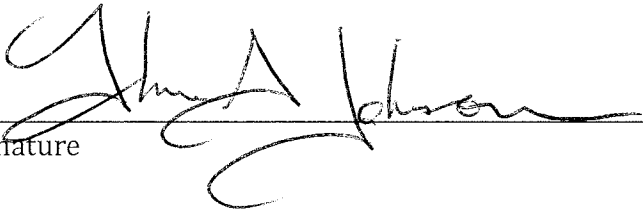
State of Texas:

Governor's Office
Legislative Budget Board
State Auditor's Office

Institution: Lamar State College Orange
Date Submitted: 08/08/24
Pages: 11

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Dr. Thomas Johnson, Lamar State College Orange, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.



Signature

8/8/2024

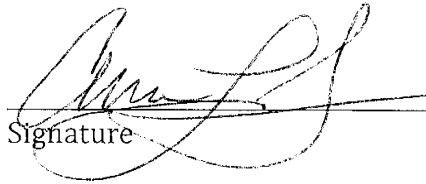
Date

Please check one:

- President
- Board Chair

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Alan L. Tinsley, Texas State University System, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.


Signature

8/8/2024
Date

Please check one:

- President
- Board Chair



Office of the President

I certify, under penalty of perjury and the loss of funding to my institution (listed below) that my institution has complied with the requirements in Tex. Educ. Code § 51.3525:

Lamar State College Orange

- [X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws.
- [X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.
- [X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law, or
- [X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.
- [X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).
- [X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.
- [X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.

- [X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).
- [X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).
- [X] I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.
- [X] I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.
- [X] I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year my institution has conducted the following actions to comply with the statute:

- Prior to passage of SB 17, Lamar State College Orange did not have a DEI office or DEI related position, nor an individual or organization performing the duties of a DEI office or officer. Because Lamar State College Orange did not have any offices, officers, individuals, or organizations performing the duties of a DEI office or officer, there have been no displaced or reassigned employees or departments.
- Leadership notified the college campus about SB 17 prohibitions.
- Conducted a self-assessment of its departments and confirmed that it did not have any DEI programs, initiatives, departments, or positions.
- Reviewed job postings and confirmed that no employee was assigned DEI duties.
- Reviewed websites and removed non-compliant SB 17 materials.
- Adopted a policy that prohibits DEI offices, officers, programs, initiatives, and provides for disciplinary action, up to and including termination, against anyone who violates the policy.
- Reviewed mandatory training materials to confirm that such training does not contain prohibited DEI components.
- Imposed a high-level review and approval at the Vice President level for any mandatory training for students and employees.
- Lamar State College Orange adheres to its non-discrimination policies, which are based on state and federal law, and which prohibit consideration of race, sex, color, ethnicity, or national origin in employment decisions.
- All employees are required to complete EEO/Civil Rights training upon hire and every two years thereafter. The training is provided by the Texas Workforce Commission.
- Training for search committee and hiring managers contain best practices for making merit-based hiring decisions.

- Employee recruitment and hiring is managed through the Office of Human Resources, which oversees and reviews the hiring process for all departments consistent with best practices for avoiding bias and making merit-based hiring decisions.
- Complied with the directive issued by Chancellor McCall on March 2, 2023, to immediately eliminate the use or consideration of a diversity statement in all hiring practices and to review campus policies and, if necessary, modify policies to ensure compliance. College leadership, including leadership within the Office of Human Resources, were notified of the prohibition on the use of diversity statements. The Office of Human Resources reviews all college job postings to ensure diversity statements are not solicited or considered. The Office of Human Resources will remove all unsolicited diversity statements from hiring packets before hiring packets are distributed to hiring managers or search committees.
- Reviewed scholarships and grants to ensure eligibility/award criteria did not give preference on the basis of race, sex, color, ethnicity, or national origin, and worked with donors/grantors to modify criteria or suspend awards until modifications were in place for those scholarships/grants where criteria did not comply with SB 17.
- Actively participated in the system-wide internal audit, which included:
 - reviewing policies designed to ensure compliance with SB 17,
 - determining what actions were taken to eliminate/close DEI-related programs/offices (where applicable) and analyzing resultant personnel actions,
 - reviewing the position descriptions/job duties of and interviewing personnel who transitioned from performing DEI-related activities to new roles (if applicable),
 - reviewing hiring protocols, job postings, and trainings,
 - observing campus signage,
 - performing searches of websites for potential non-compliant information,
 - reviewing departmental and program operations, and
 - testing expenditures.
- Lamar State College Orange remains committed to ensuring continued compliance with provisions of SB 17.

[X] I certify that all information in this submission is true, accurate, and complete.

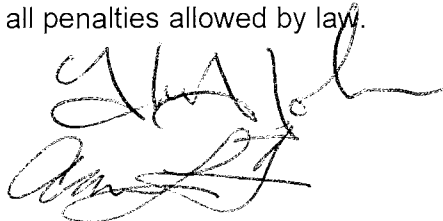
Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law.

Signature of Institution President:

Date: 8/8/24

Signature of Board Chair:

Date: 8/8/24



Alan L. Tinsley

Office of Internal Audit

Senate Bill 17 Audit Report

August 2, 2024



Carole M. Fox, CPA
Chief Audit Executive, Texas State University System

Ramona Stricklan, CIA, CFE
System Director

Kelly Blissett, CPA, MBA
Director

Mike Miller, CIA, CGAP
Director

Marylyn Byrd, CPA, CIA, MBA
Associate Director

EXECUTIVE SUMMARY

The Office of Internal Audit has completed an audit of The Texas State University System's (TSUS) compliance with Sections 51.3525 (b)(1) and (2) of Chapter 51, Education Code, *Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives*. These sections were added to the Education Code as the result of Senate Bill 17 (SB 17), passed in the 88th Legislature, Regular Session, effective January 1, 2024. TSUS leadership began developing strategies to comply with SB 17 under the guidance of the Office of General Counsel in June 2023.

The audit determined that as of the date of this report, the TSUS and its member institutions have taken action and implemented procedures to comply with requirements outlined in Sections 51.3525(b)(1) and (2) of the Education Code. However, the audit noted that one member institution had unintentional errors in a limited number of private scholarships.

No evidence was identified or brought to our attention during the audit that would indicate systemic, deliberate non-compliance.

BACKGROUND INFORMATION

Section 51.3525(b)(1) of the Education Code requires governing boards to ensure that institutions of higher education do not, except as required by federal law:

- (A) establish or maintain a diversity, equity, and inclusion (DEI) office;
- (B) hire or assign an employee of the institution or contract with a third party to perform the duties of a diversity, equity, and inclusion office;
- (C) compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
- (D) 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; or
- (E) require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training, which:
 - (i) includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and
 - (ii) does not include a training, program, or activity developed by an attorney and approved in writing by the institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Section 51.3525(b)(2) requires governing boards to ensure that institutions adopt policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Section 51.3525(b)(1).

OBSERVATIONS

The audit determined:

- Policies required by SB 17 have been adopted by the TSUS Board of Regents and its member institutions.
- Appropriate actions were taken to eliminate/close DEI-related programs/offices at member institutions where such offices/programs existed prior to January 1, 2024.

- Except for one employee who resigned, employees affected by the elimination of DEI-related programs/offices transitioned to other positions that do not involve DEI-related activities. In cases where DEI-related duties were assigned to individuals in addition to their regular duties, DEI-related duties were eliminated and removed from job descriptions.
- Management at member institutions reviewed hiring protocols, job postings, and training courses and took appropriate actions where applicable to ensure compliance.
- Campus signage reflecting DEI offices/programs/activities was removed.
- Scholarships, grants, and donor agreements with eligibility criteria based in whole or in part on race, sex, color, ethnicity, or national origin have been modified, suspended, or opened to anyone who meets other non-prohibited eligibility criteria except as noted in this report.
- Processes were established and action taken where deemed necessary to remove references to DEI-related activities/programs from websites (unless clearly archival or related to academic course instruction, scholarly research/creative work, guest speakers/performers on short-term engagements, programs/activities to enhance student academic achievement or postgraduate outcomes, data collection, or student recruitment/admissions).
- No exceptions were noted in tests of expenditures.
- Each of the direct reports to the Presidents initiated reviews of departmental accounts to determine if scholarships, grants, and enrichment programs/stipends contained selection criteria based on (or included references to) race, sex, color, ethnicity, or national origin.
- In support of the Presidents' attestations to the Texas Higher Education Coordinating Board, executive management (Vice Presidents/direct reports to the Presidents) provided attestations (under penalty of perjury) regarding compliance with SB 17 in operations under their purview. In many instances, executive management required certain subordinates to provide similar attestations internally.

Throughout the audit, management was fully engaged, cooperative, and immediately corrected identified errors with the exception of unintentional errors occurring at one member institution relating to the award of certain private scholarships where the eligibility criteria for such awards was based on race, sex, color, ethnicity or national origin. The member institution awarded and paid eight private scholarships totaling \$12,050 for the Spring 2024 semester. This was the result of not only a lack of communication but miscommunication, as well as limitations in the member institution's automated system for disbursing aid. Management has taken corrective action to ensure future non-compliance does not occur.

We would like to thank and acknowledge leadership at System Administration and the Presidents and executive leadership at the member institutions for their assistance and the unprecedented degree of direct involvement and interaction during the audit.

APPENDIX A

OBJECTIVES & SCOPE

The overall objective of the audit was to determine if The Texas State University System (TSUS) and its member institutions are complying with Sections 51.3525 (b)(1) and (2) of Chapter 51, Education Code, *Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives*.

The audit focused on activities that occurred at member institutions to ensure compliance with Sections 51.3525 (b)(1) and (2) of Chapter 51, Education Code. The following activities were not reviewed because they are specifically excluded by statute:

- academic course instruction,
- scholarly research/creative work,
- guest speakers/performers on short-term engagements,
- programs/activities to enhance student academic achievement or postgraduate outcomes,
- data collection, and
- student recruitment/admissions.

The audit period encompassed May 23, 2023 through August 2, 2024.

The audit was conducted in accordance with the *International Standards for the Professional Practice of Internal Auditing*.

METHODOLOGY

Generally, the audit included, but was not limited to, reviewing institutional responses to self-assessment rubrics developed by the Office of General Counsel; administering and evaluating responses to questionnaires developed specifically for the audit; conducting interviews; observing processes and data contained in automated systems; reviewing donor agreements, grants, and scholarship criteria; reviewing supporting documents and other evidentiary matter; reviewing applicable policies and procedures; evaluating processes related to monitoring websites and social media; and performing keyword searches on websites for non-compliant information.

Specifically, a standard audit program that could be tailored to circumstances at each member institution was developed and deployed; the program included, but was not limited to, gathering sufficient evidence to:

- Determine the instructions provided to institutional executive leadership, faculty, and staff regarding implementation of SB 17 and the communication(s) to departments regarding their responsibilities for ensuring full compliance with SB 17.
- Determine the steps taken to identify and discontinue the activities of any DEI office or contracts with third-party vendors that previously performed the duties of a DEI office.
- Determine the steps taken to reassign or eliminate employee positions that were responsible for performing DEI duties or services. For employee positions that were reassigned (or in cases where DEI-related duties were added to employees' area of responsibility and then removed), determine whether job duties or job descriptions were updated accordingly.

- Determine whether member institutions were not compelling, requiring, inducing, or soliciting individuals to provide a DEI statement and to confirm that member institutions were not giving preferential consideration to any person based on the person's (unsolicited) provision of a DEI statement.
- Determine whether preference was not being given on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant (including students) in any function of the member institutions, including receipt of scholarships, grants, and/or stipends or other benefits.
- Determine whether individuals were required to participate in DEI training as a condition of enrolling at the member institutions or performing any institutional function except training developed and approved by the TSUS Office of General Counsel in accordance with a court order or state or federal law.
- Determine whether documented policies and procedures were reviewed and updated as necessary to remove references to prohibited activities and that they aligned with Education Code 51.3525 requirements.
- Determine whether member institutions adopted a policy and implemented a procedure to ensure compliance with provisions in the TSUS *Rules and Regulations*, Chapter VII, Paragraph 5, including procedures for disciplining, including by termination, employees or contractors who violate Education Code 51.3525 requirements.
- Determine the procedures/activities performed to remove references related to prohibited activities on institutional websites (including documents) and social media accounts and to verify that remaining website content is compliant.
- Determine whether action was taken to ensure signage (office titles, building/elevator directories, printed materials such as flyers) referencing prohibited activities has been removed.
- Determine whether the expenditures tested were compliant with applicable provisions of the statute.
- Determine that no instances of non-compliance were reported by executive management in attestations provided during the audit.

DISTRIBUTION LIST

Presidents:

Dr. Jaime Taylor, Lamar University
Dr. Alisa White, Sam Houston State University
Dr. Carlos Hernandez, Sul Ross State University
Dr. Kelly Damphousse, Texas State University
Dr. Sidney Valentine, Lamar Institute of Technology
Dr. Thomas Johnson, Lamar State College Orange
Dr. Betty Reynard, Lamar State College Port Arthur

Texas State University System:

Dr. Brian McCall, Chancellor
Nelly Herrera, Vice Chancellor and General Counsel
Ramona Stricklan, System Audit Director
Kelly Blissett, Audit Director
Mike Miller, Audit Director
Marylyn Byrd, Associate Audit Director

Texas State University System Board of Regents:

Alan L. Tinsley, Chairman
Stephen Lee, Chair of the Finance & Audit Committee
Duke Austin, Member of the Finance & Audit Committee
Tom Long, Member of the Finance & Audit Committee
William F. Scott, Member of the Finance & Audit Committee

State of Texas:

Governor's Office
Legislative Budget Board
State Auditor's Office

Institution: Lamar State College Port Arthur
Date Submitted: 08/08/24
Pages: 11

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Dr. Betty Reynard, Lamar State College Port Arthur, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.



Signature

8/8/2024

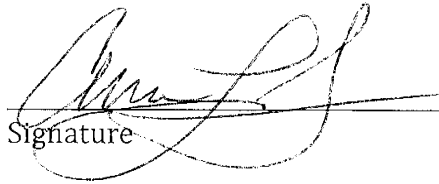
Date

Please check one:

- President
 Board Chair

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Alan L. Tinsley, Texas State University System, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.


Signature

8/8/2024
Date

Please check one:

- President
- Board Chair



LAMAR STATE COLLEGE - PORT ARTHUR

OFFICE OF THE PRESIDENT

www.lamarpa.edu

I certify, under penalty of perjury and the loss of funding to my institution (listed below) that my institution has complied with the requirements in Tex. Educ. Code § 51.3525:

Lamar State College Port Arthur

- I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws.
- I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.
- I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.
- I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a)
- I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.
- I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.

- [X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).
- [X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).
- [X] I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.
- [X] I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.
- [X] I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year my institution has conducted the following actions to comply with the statute:

- Prior to passage of SB 17, Lamar State College Port Arthur did not have a DEI office or DEI related position, nor an individual or organization performing the duties of a DEI office or officer. Because Lamar State College Port Arthur did not have any offices, officers, individuals, or organizations performing the duties of a DEI office or officer, there have been no displaced or reassigned employees or departments.
- Leadership notified the college campus about SB 17 prohibitions.
- Formed a leadership committee to review all policies, procedures, publications, practices, and activities to verify the college's compliance with the tenets of SB 17.
- Conducted a self-assessment of its departments and confirmed that it did not have any DEI programs, initiatives, departments, or positions.
- Reviewed job postings and confirmed that no employee was assigned DEI duties.
- Reviewed websites and removed non-compliant SB 17 materials.
- Adopted a policy that prohibits DEI offices, officers, programs, initiatives, and provides for disciplinary action, up to and including termination, against anyone who violates the policy.
- Reviewed mandatory training materials to confirm that such training does not contain prohibited DEI components.
- Requires review by a high-level administrator for any mandatory training for students or employees.
- Lamar State College Port Arthur adheres to its non-discrimination policies, which are based on state and federal law, and which prohibit consideration of race, sex, color, ethnicity, or national origin in employment decisions.
- Lamar State College Port Arthur employees are required to complete EEO/Civil Rights training upon hire and every two years thereafter. The training is provided by the Texas Workforce Commission.

- Hiring managers and search committee members are not allowed to see the part of the application containing the candidate's race, sex, color, ethnicity, or national origin. The committee is only able to view the candidate's credentials and work experience.
- Employee recruitment and hiring is managed through the Human Resources office, which oversees and reviews the hiring process for all departments consistent with best practices for avoiding bias and making merit-based hiring decisions.
- Complied with the directive issued by Chancellor McCall on March 2, 2023, to immediately eliminate the use or consideration of a diversity statement in all hiring practices and to review campus policies and, if necessary, modify policies to ensure compliance. College leadership, including leadership within the Human Resources office, were notified of the prohibition on the use of diversity statements. Staff and faculty job postings are reviewed by the Human Resources office to ensure that hiring and promotion materials do not require diversity statements. The Human Resources office removed, and will continue to remove, any unsolicited diversity statement from an applicant's hiring packet before the packet is distributed to the hiring manager and search committee.
- Reviewed scholarships and grants to ensure eligibility/award criteria did not give preference on the basis of race, sex, color, ethnicity, or national origin, and worked with donors/grantors to modify criteria or suspend awards until modifications were in place for those scholarships/grants where criteria did not comply with SB 17.
- Actively participated in the system-wide internal audit, which included:
 - reviewing policies designed to ensure compliance with SB 17,
 - determining what actions were taken to eliminate/close DEI-related programs/offices (where applicable) and analyzing resultant personnel actions,
 - reviewing the position descriptions/job duties of and interviewing personnel who transitioned from performing DEI-related activities to new roles (if applicable),
 - reviewing hiring protocols, job postings, and trainings,
 - observing campus signage,
 - performing searches of websites for potential non-compliant information,
 - reviewing departmental and program operations, and
 - testing expenditures.
- Lamar State College Port Arthur remains committed to ensuring continued compliance with provisions of SB 17.

[X] I certify that all information in this submission is true, accurate, and complete.

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law

Signature of Institution President:

Date:

Betty Reynolds
8-8-24

Signature of Board Chair:

Date:

Alan L. Tinsley
8/8/24

Alan L. Tinsley

Office of Internal Audit

Senate Bill 17 Audit Report

August 2, 2024



Carole M. Fox, CPA
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EXECUTIVE SUMMARY

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The audit determined that as of the date of this report, the TSUS and its member institutions have taken action and implemented procedures to comply with requirements outlined in Sections 51.3525(b)(1) and (2) of the Education Code. However, the audit noted that one member institution had unintentional errors in a limited number of private scholarships.

No evidence was identified or brought to our attention during the audit that would indicate systemic, deliberate non-compliance.

BACKGROUND INFORMATION

Section 51.3525(b)(1) of the Education Code requires governing boards to ensure that institutions of higher education do not, except as required by federal law:

- (A) establish or maintain a diversity, equity, and inclusion (DEI) office;
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Section 51.3525(b)(2) requires governing boards to ensure that institutions adopt policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Section 51.3525(b)(1).

OBSERVATIONS

The audit determined:

- Policies required by SB 17 have been adopted by the TSUS Board of Regents and its member institutions.
- Appropriate actions were taken to eliminate/close DEI-related programs/offices at member institutions where such offices/programs existed prior to January 1, 2024.

- Except for one employee who resigned, employees affected by the elimination of DEI-related programs/offices transitioned to other positions that do not involve DEI-related activities. In cases where DEI-related duties were assigned to individuals in addition to their regular duties, DEI-related duties were eliminated and removed from job descriptions.
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APPENDIX A

OBJECTIVES & SCOPE

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The audit period encompassed May 23, 2023 through August 2, 2024.

The audit was conducted in accordance with the *International Standards for the Professional Practice of Internal Auditing*.

METHODOLOGY

Generally, the audit included, but was not limited to, reviewing institutional responses to self-assessment rubrics developed by the Office of General Counsel; administering and evaluating responses to questionnaires developed specifically for the audit; conducting interviews; observing processes and data contained in automated systems; reviewing donor agreements, grants, and scholarship criteria; reviewing supporting documents and other evidentiary matter; reviewing applicable policies and procedures; evaluating processes related to monitoring websites and social media; and performing keyword searches on websites for non-compliant information.

Specifically, a standard audit program that could be tailored to circumstances at each member institution was developed and deployed; the program included, but was not limited to, gathering sufficient evidence to:

- Determine the instructions provided to institutional executive leadership, faculty, and staff regarding implementation of SB 17 and the communication(s) to departments regarding their responsibilities for ensuring full compliance with SB 17.
- Determine the steps taken to identify and discontinue the activities of any DEI office or contracts with third-party vendors that previously performed the duties of a DEI office.
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- Determine whether preference was not being given on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant (including students) in any function of the member institutions, including receipt of scholarships, grants, and/or stipends or other benefits.
- Determine whether individuals were required to participate in DEI training as a condition of enrolling at the member institutions or performing any institutional function except training developed and approved by the TSUS Office of General Counsel in accordance with a court order or state or federal law.
- Determine whether documented policies and procedures were reviewed and updated as necessary to remove references to prohibited activities and that they aligned with Education Code 51.3525 requirements.
- Determine whether member institutions adopted a policy and implemented a procedure to ensure compliance with provisions in the TSUS *Rules and Regulations*, Chapter VII, Paragraph 5, including procedures for disciplining, including by termination, employees or contractors who violate Education Code 51.3525 requirements.
- Determine the procedures/activities performed to remove references related to prohibited activities on institutional websites (including documents) and social media accounts and to verify that remaining website content is compliant.
- Determine whether action was taken to ensure signage (office titles, building/elevator directories, printed materials such as flyers) referencing prohibited activities has been removed.
- Determine whether the expenditures tested were compliant with applicable provisions of the statute.
- Determine that no instances of non-compliance were reported by executive management in attestations provided during the audit.

DISTRIBUTION LIST

Presidents:

Dr. Jaime Taylor, Lamar University
Dr. Alisa White, Sam Houston State University
Dr. Carlos Hernandez, Sul Ross State University
Dr. Kelly Damphousse, Texas State University
Dr. Sidney Valentine, Lamar Institute of Technology
Dr. Thomas Johnson, Lamar State College Orange
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William F. Scott, Member of the Finance & Audit Committee

State of Texas:

Governor's Office
Legislative Budget Board
State Auditor's Office

Institution: Laredo College
Date Submitted: 08/01/24
Pages: 77

Note: For related information on diversity, equity, and inclusion initiatives, see CFE for contractors, DAA(LEGAL) for employees, and FA(LEGAL) for students.

**Diversity, Equity,
and Inclusion Office**

The governing board of an institution of higher education, including a college district, shall ensure that each unit of the institution does not, except as required by federal law:

1. Establish or maintain a diversity, equity, and inclusion office; or
2. Hire or assign an employee of the institution or contract with a third party to perform the duties of a diversity, equity, and inclusion office.

"Diversity, equity, and inclusion office" means an office, division, or other unit of an institution of higher education established for the purpose of:

1. Influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
2. Promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
3. Promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by the institution's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
4. Conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by the institution's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Education Code 51.3525(a)-(b)(1)

Exceptions

Nothing in this section may be construed to limit or prohibit an institution of higher education or an employee of an institution of higher education from, for purposes of applying for a grant or complying

with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that:

1. Highlights the institution's work in supporting first-generation college students, low-income students, or underserved student populations; or
2. Certifies compliance with state and federal antidiscrimination laws.

This section may not be construed to apply to:

1. Academic course instruction;
2. Scholarly research or a creative work by an institution of higher education's students, faculty, or other research personnel or the dissemination of that research or work;
3. An activity of a student organization registered with or recognized by an institution of higher education;
4. Guest speakers or performers on short-term engagements;
5. A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;
6. Data collection; or
7. Student recruitment or admissions.

Education Code 51.3525(c)-(d)

Compliance
Report

An institution of higher education may not spend money appropriated to the institution for a state fiscal year until the governing board of the institution submits to the legislature and the Coordinating Board a report certifying the board's compliance with this section during the preceding state fiscal year. *Education Code 51.3525(e)*

Testimony

In the interim between each regular session of the legislature, the governing board of each institution of higher education, or the board's designee, shall testify before the standing legislative committees with primary jurisdiction over higher education at a public hearing of the committee regarding the board's compliance with this section. *Education Code 51.3525(f)*

Audit

The state auditor shall periodically conduct a compliance audit of each institution of higher education to determine whether the institution has spent state money in violation of Education Code 51.3525. The state auditor shall adopt a schedule by which the

state auditor will conduct compliance audits. The schedule must ensure that each institution of higher education is audited at least once every four years.

If the state auditor determines pursuant to a compliance audit that an institution of higher education has spent state money in violation of this section, the institution:

1. Must cure the violation not later than the 180th day after the date on which the determination is made; and
2. If the institution fails to cure the violation during the period described by item 1, is ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

Education Code 51.3525(g)-(h)

Note: For related information on diversity, equity, and inclusion initiatives, see CFE for contractor discipline, DAA for employees, DH for employee discipline, and FA for students.

**Diversity, Equity,
and Inclusion Office**

Except as required by federal law, the College District shall not:

1. Establish or maintain a diversity, equity, and inclusion office; or
2. Hire or assign an employee or contract with a third party to perform the duties of a diversity, equity, and inclusion office.

"Diversity, equity, and inclusion office" means an office, division, or other unit of the College District established for the purpose of:

1. Influencing hiring or employment practices at the College District with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
2. Promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
3. Promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by the College District's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
4. Conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by the College District's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Exceptions

Nothing in this section may be construed to limit or prohibit the College District or a College District employee from, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that:

1. Highlights the College District's work in supporting first-generation college students, low-income students, or underserved student populations; or

2. Certifies compliance with state and federal antidiscrimination laws.

The prohibitions do not apply to:

1. Academic course instruction;
2. Scholarly research or a creative work by College District employees or students;
3. An activity of a student organization registered with or recognized by the College District;
4. Guest speakers or performers on short-term engagements;
5. A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;
6. Data collection; or
7. Student recruitment or admissions.

Note: The following is an index of periodic reports that are addressed in the legal reference material of the policy manual. The list is not all-inclusive. This list does not address responsive reports (those that are required in response to a specific incident), reports required under special circumstances, or reports required under administrative procedures of an agency.

Reports by College District

A college district shall publish and/or distribute the following reports:

1. As soon as practicable after the end of each academic year, the college district shall prepare an annual performance report for that academic year, under Education Code 130.0035. [See AFA]
2. Each college district must use data standards established by the commissioner to submit required information to the Coordinating Board relating to the delivery of educational programs, under 19 Administrative Code 13.524. [See AFA]
3. In the form and manner and at the times required by the Coordinating Board, the college district shall report to the Coordinating Board on the enrollment status of students of the college district, under Education Code 130.0036. [See AFA]
4. The college district shall follow applicable institutional and financial assistance information dissemination requirements found at 20 U.S.C. 1092 and 34 C.F.R. 668.41 and 668.43. [See AFA]
5. A college district must report applicable information related to financial value transparency by the deadlines specified in 34 C.F.R. 668.408. [See AFA]
6. Not later than June 1 of each even-numbered year and on request of the Legislative Budget Board (LBB) or the governor's Office of Budget and Policy (OBP), the college district shall report customer service information to the LBB and the OBP, under Government Code 2114.002. [See AFA]
7. The minutes of the last regular meeting held by the board during a calendar year must reflect whether each member of the board has completed any training required to be completed by the member as of the meeting date, under Education Code 61.084. [See BBD]
8. The college district shall submit to the legislature and the Coordinating Board a report certifying the board's compliance re-

- garding diversity, equity, and inclusion initiatives during the preceding state fiscal year, under Education Code 51.3525. [See BG]
9. The college district shall report monthly to the retirement system set out in Government Code 825.404, in a form it prescribes, the employee salary and other information required under Government Code 825.406. [See CAAB, CAM]
 10. The investment officer shall prepare a report on the Public Funds Investment Act (PFIA) and deliver it to the board no later than the 180th day after the last day of each regular session of the legislature, under Government Code 2256.007. [See CAK]
 11. Not less than quarterly and within a reasonable time after the end of the period, the investment officer shall prepare and submit to the board a written report of investment transactions for all funds covered by the PFIA, under Education Code 51.0032 and Government Code 2256.023. [See CAK]
 12. By January 1, each college district shall submit an annual financial report for the preceding fiscal year, under 19 Administrative Code 13.524(b). [See CDA]
 13. By January 31, each college district must report annual financial report data for each fiscal year as prescribed in the Community College Reporting and Analysis Tool, under 19 Administrative Code 13.524(b). [See CDA]
 14. By January 31, each college district must report all instructional expenses from each completed fiscal year for each institutional discipline and unallocated administrative expenses under 19 Administrative Code 13.524(c). [See CDA]
 15. The college district shall report comprehensive tuition and fee financial data through the Integrated Fiscal Reporting System each fiscal year, under 19 Administrative Code 13.524(d). [See CDA]
 16. The board shall be responsible for the preparation of an annual financial statement, under Local Government Code 140.005. [See CDA]
 17. The college district shall annually compile and report information regarding debt obligations, under Local Government Code 140.008. [See CDA]
 18. Annually, a college district that enters into a qualifying purchasing contract shall present a written report on any con-

tract-related fee as an agenda item in an open meeting of the board of trustees, under Education Code 44.0331. [See CF]

19. Annually, a college district shall report to the State Energy Conservation Office (SECO) regarding the college district's goal to reduce electric consumption, the college district's efforts to meet the goal, and progress the college district has made, under Health and Safety Code 388.005. [See CH]
20. Not later than March 1 of each year, each college district police department shall submit a report containing information about traffic stops during the previous calendar year to the Texas Commission on Law Enforcement Officers and Standards and the governing body of each county or municipality served by the department, under Code of Criminal Procedure 2.134. [See CHA]
21. At least once every three years, a college district shall conduct a security audit of the college district's facilities and report the results of the security audit to the Texas School Safety Center, under Education Code 37.108. [See CG]
22. No later than January 1 of each odd-numbered year, the college district shall submit a written report regarding the institution's compliance with the online course information posting to certain state officials, under Education Code 51.974 and 19 Administrative Code 4.225 to 4.228. [See EFA]
23. Not later than May 1 of each year and in the form prescribed by the Coordinating Board, each college district shall provide to the Coordinating Board and the legislature a report on courses taken by students who, during the preceding academic year, transferred to a general academic teaching institution or earned an associate degree at the college, under Education Code 51.4034. [See EFA]
24. Every five years, following the same timetable as the regular accreditation reports sent to the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) or its successor, each college district shall review its policies regarding credit earned as part of an approved field of study curriculum, and report the results to the Coordinating Board, under 19 Administrative Code 4.33(a). [See EFAA]
25. On an annual basis during the designated time period, the college district shall review course sequences for accuracy and submit any revisions or changes to the Coordinating Board, under Education Code 51.96852(c) and 19 Administrative Code 4.364. [See EFB]

26. A college district offering a baccalaureate degree program shall review each program and submit a report on the operation, quality, and effectiveness of the programs to the Coordinating Board in a specified format by January 1 of each odd-numbered year, under Education Code 130.011 and 19 Administrative Code 2.89, 2.183, and 9.678. [See EFBB]
27. Contact hours for career technical/workforce continuing education courses from public two-year colleges must be determined and reported in compliance with Coordinating Board policy as outlined in the Guidelines for Instructional Programs in Workforce Education as approved by the Coordinating Board, the Workforce Education Course Manual, and state law, under 19 Administrative Code 9.113, 9.114, and 9.116. [See EFCB]
28. No later than the July 1 immediately following the 12-month period ending August 31 during which 150 percent of the normal time for completion or graduation has elapsed for the students, the college district shall report on the completion and transfer-out rates of certificate- or degree-seeking, first-time, full-time undergraduate students, under 34 C.F.R. 668.45. [See EGC]
29. Annually, by July 1, a college district that is attended by students receiving athletically-related student aid must produce a report containing student athlete completion and transfer-out rates, under 34 C.F.R. 668.48. [See EGC]
30. At the end of each semester, the college district shall report to the Coordinating Board certain information for undergraduate students, under 19 Administrative Code 4.60. [See EI]
31. At times prescribed by the Coordinating Board, the college district shall report to the Coordinating Board all programs and services provided for persons with intellectual and developmental disabilities by the college district, under Education Code 61.0663. [See FA]
32. Not later than May 1 of each academic year, a college district shall submit to the Coordinating Board a report that contains certain information regarding students enrolled at the institution for the current academic year who are the parent or guardian of a child younger than 18 years of age, under Education Code 51.9357. [See FAA]
33. The college district shall report to the Coordinating Board all information regarding adjusted tuition rates for excessive hours and repeated courses required to comply with the provi-

sions of 19 Administrative Code Chapter 13, Subchapter F, under 19 Administrative Code 13.109. [See FD]

34. The college district shall report to the Coordinating Board the types and amounts of tuition and fees charged to students by semester during the previous academic year, under 19 Administrative Code 13.143. [See FD]
35. Annually, the college district chief executive officer shall certify in writing to the Coordinating Board that the college district is in substantial compliance with Education Code Chapter 51, Subchapter E-2, under Education Code 51.258. [See DIAA, FFDA]
36. By October 1 of each year, a college district that provides on-campus housing shall prepare, publish, and distribute, through appropriate publications or mailings, an annual fire safety report to all current students and employees and, upon request, to any applicant for enrollment or employment, under 34 C.F.R. 668.41(e)(1). [See FG]
37. Not later than the 14th day before the first class day of each fall or spring semester and at student orientation, the college district shall provide a report to each student on hazing committed on or off campus by an organization registered with or recognized by the college district, under Education Code 51.936. [See FLBC]
38. By October 1 of each year, the college district shall prepare, publish, and distribute, through appropriate publications or mailings, an annual security report to all current students and employees and, upon request, to any applicant for enrollment or employment, under 20 U.S.C. 1092(f) and 34 C.F.R. 668.41(e)(1). [See GCC]
39. The college district must report statistics for the three most recent calendar years concerning the occurrence on campus, in or on noncampus buildings or property and on public property, of certain crimes that are reported to local police agencies or to a campus security authority, under 34 C.F.R. 668.46. [See GCC]
40. The college district shall, in a manner that is timely and will aid in the prevention of similar crimes, report to the campus community on crimes that are considered by the college district to represent a threat to students and employees, under 34 C.F.R. 668.46(e). [See GCC]
41. The college district shall report student performance during the first year a student is enrolled after graduation from high

school to the high school or public two-year college the student last attended, under Education Code 51.403 and 19 Administrative Code 9.23. [See GH]

**Required Vendor
Disclosure**

The disclosure requirement applies to a person who is a vendor.
Local Gov't Code 176.002(a)

A person is not subject to the disclosure requirements if the person is a state, a political subdivision of a state, the federal government, or a foreign government, or an employee or agent of such an entity, acting in the employee's or agent's official capacity. *Local Gov't Code 176.002(b)*

A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

1. Has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that a contract between the local governmental entity and vendor has been executed or the local governmental entity is considering entering into a contract with the vendor;
2. Has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that a contract between the local governmental entity and vendor has been executed or the local governmental entity is considering entering into a contract with the vendor, excluding any gift that is:
 - a. A political contribution as defined by Election Code Title 15; or
 - b. Food accepted as a guest; or
3. Has a family relationship with a local government officer of that local governmental entity.

A person who is both a local government officer and a vendor of a local governmental entity is required to file the vendor questionnaire required by Local Government Code 176.006(a)(1) only if the person:

1. Enters or seeks to enter into a contract with the local governmental entity; or
2. Is an agent of a person who enters or seeks to enter into a contract with the local governmental entity.

The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

1. The date that the vendor:
 - a. Begins discussions or negotiations to enter into a contract with the local governmental entity; or
 - b. Submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or
2. The date the vendor becomes aware:
 - a. Of an employment or other business relationship with a local government officer, or a family member of the officer;
 - b. That the vendor has given one or more gifts; or
 - c. Of a family relationship with a local government officer.

Local Gov't Code 176.003(a)(2), (a-1), .006(a)–(b), (e)

Definitions

Vendor

“Vendor” means a person who enters or seeks to enter into a contract with a local governmental entity. The term includes an agent of a vendor. The term includes an officer or employee of a state agency when that individual is acting in a private capacity to enter into a contract. The term does not include a state agency except for Texas Correctional Industries. *Local Gov't Code 176.001(7)*

Agent

“Agent” means a third party who undertakes to transact some business or manage some affair for another person by the authority or on account of the other person. The term includes an employee. *Local Gov't Code 176.001(1)*

*Business
Relationship*

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

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

Local Gov't Code 176.001(1-a)

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<i>Family Member</i>	“Family member” means a person related to another person within the first degree by consanguinity or affinity, as described by Government Code Chapter 573, Subchapter B. [See DBE(EXHIBIT)] <i>Local Gov’t Code 176.001(2)</i>
<i>Family Relationship</i>	“Family relationship” means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Government Code Chapter 573, Subchapter B. [See DBE(EXHIBIT)] <i>Local Gov’t Code 176.001(3)</i>
<i>Records Administrator</i>	“Records administrator” means the director, county clerk, municipal secretary, superintendent, or other person responsible for maintaining the records of the local governmental entity or another person designated by the local governmental entity to maintain statements and questionnaires filed under Local Government Code Chapter 176 and perform related functions. [See CIA] <i>Local Gov’t Code 176.001(5)</i>
<i>Gift</i>	“Gift” means a benefit offered by a person, including food, lodging, transportation, and entertainment accepted as a guest. The term does not include a benefit offered on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient. <i>Local Gov’t Code 176.001(2-b)</i>
<i>Investment Income</i>	“Investment income” means dividends, capital gains, or interest income generated from: <ol style="list-style-type: none">1. A personal or business:<ol style="list-style-type: none">a. Checking or savings account;b. Share draft or share account; orc. Other similar account;2. A personal or business investment; or3. A personal or business loan. <i>Local Gov’t Code 176.001(2-d)</i>
<i>Disclosure Form</i>	The Texas Ethics Commission shall adopt a conflict of interest questionnaire that requires disclosure of a vendor’s business and family relationships with a local governmental entity. <i>Local Gov’t Code 176.006(b)</i>
<i>Electronic Filing</i>	The required questionnaire, including signature requirements, may be filed electronically in a form approved by the Commission. <i>Local Gov’t Code 176.008</i>

PURCHASING AND ACQUISITION
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Updates	A vendor shall file an updated completed questionnaire with the appropriate records administrator not later than the seventh business day after the date on which the vendor becomes aware of an event that would make a statement in the questionnaire incomplete or inaccurate. <i>Local Gov't Code 176.006(d)</i>
List of Local Government Officers	The records administrator for a local governmental entity shall maintain a list of local government officers of the entity and shall make that list available to the public and any person who may be required to file a conflict of interest questionnaire. [See BBFA] <i>Local Gov't Code 176.0065</i>
Internet Posting	A local governmental entity that maintains an internet website shall provide access to the conflict of interest questionnaires required to be filed under this policy on that website. <i>Local Gov't Code 176.009</i>
Contract Declared Void	The governing body of a local governmental entity may, at its discretion, declare a contract void if the governing body determines that a vendor failed to file a conflict of interest questionnaire required by Local Government Code 176.006. <i>Local Gov't Code 176.013(e)</i>
Violations	<p>A vendor commits an offense under Local Government Code Chapter 176 if the vendor:</p> <ol style="list-style-type: none">1. Is required to file a conflict of interest questionnaire under Local Government Code 176.006; and2. Either:<ol style="list-style-type: none">a. Knowingly fails to file the required questionnaire with the appropriate records administrator not later than 5:00 p.m. on the seventh business day after the date on which the vendor becomes aware of the facts that require the filing of the questionnaire; orb. Knowingly fails to file an updated questionnaire with the appropriate records administrator not later than 5:00 p.m. on the seventh business day after the date on which the vendor becomes aware of an event that would make a statement in a questionnaire previously filed by the vendor incomplete or inaccurate. <p>It is an exception to the application of the offense that the vendor filed the required questionnaire not later than the seventh business day after the date the vendor received notice from the local governmental entity of the alleged violation.</p> <p><i>Local Gov't Code 176.013(b), (g)</i></p>

Note: The [Conflict of Interest Questionnaire, Form CIQ](#),¹ is available on the Texas Ethics Commission website.

**Diversity, Equity,
and Inclusion
Initiatives**

The governing board of an institution of higher education, including a college district, shall ensure that each unit of the institution adopts policies and procedures for appropriately disciplining, including by termination, a contractor of the institution who engages in conduct in violation of Education Code 51.3525(b)(1) [see BG, DAA, and FA]. *Education Code 51.3525(b)(2)*

¹ Conflict of Interest Forms: <https://www.ethics.state.tx.us/forms/conflict/>

PURCHASING AND ACQUISITION
VENDOR RELATIONS

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**Diversity, Equity,
and Inclusion
Initiatives**

The College President or designee shall develop procedures addressing the discipline, up to and including termination, of a College District contractor who violates Education Code 51.3525(b)(1).
[See BG, DAA, and FA]

Note: For complaints of discrimination, harassment, and retaliation targeting employees on the basis of a protected characteristic, see DIAA(LEGAL) and DIAB(LEGAL).

**Title VII—
Discrimination on
the Basis of Sex,
Race, Color,
Religion, or National
Origin**

Generally

No governmental entity, including a college district, shall deny to any person within its jurisdiction the equal protection of the laws. *U.S. Const. Amend. XIV*

It shall be an unlawful employment practice for an employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to the individual's compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin or to limit, segregate, or classify the individual's employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the individual's status as an employee, because of such individual's race, color, religion, sex, or national origin. 42 *U.S.C. 2000e-2(a)*

Terminating an employee on the basis of the employee's homosexuality or transgender status violates Title VII's prohibition against sex discrimination in employment. *Bostock v. Clayton County, Georgia, 140 S. Ct. 1731 (2020)*

Title VII proscribes not only overt discrimination (disparate treatment) but also employment practices that are fair in form but discriminatory in operation (disparate impact). *Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989)*

*Disparate
Treatment*

Disparate treatment occurs where members of a race, sex, or ethnic group have been denied the same employment, promotion, membership, or other employment opportunities as have been available to other employees or applicants. 29 *C.F.R. 1607.11*

Disparate Impact

An unlawful employment practice based on disparate impact is established only if a complaining party demonstrates that a respondent uses a particular employment practice that causes a disparate impact on the basis of race, color, religion, sex, or national origin, and the respondent fails to demonstrate that the challenged practice is job-related and consistent with business necessity. 42 *U.S.C. 2000e-2(k)(1)(A)*

Training

It shall be an unlawful employment practice for any employer controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because of his race, color, religion, sex, or national origin in

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(LEGAL)

	admission to, or employment in, any program established to provide apprenticeship or other training. <i>42 U.S.C. 2000e-2(d)</i>
Job Qualification	It shall not be an unlawful employment practice for an employer to hire and employ an employee on the basis of his religion, sex, national origin, or age in those certain instances where religion, sex, national origin, or age is a bona fide occupational qualification. <i>42 U.S.C. 2000e-2(e)</i>
Employment Postings	It shall be an unlawful employment practice for an employer controlling apprenticeship or other training or retraining, including on-the-job training programs, to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, or relating to admission to, or employment in, any program established to provide apprenticeship or other training by such a joint labor-management committee, indicating any preference, limitation, specification, or discrimination based on race, color, religion, sex, or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, or national origin when religion, sex, or national origin is a bona fide occupational qualification. <i>42 U.S.C. 2000e-3(b)</i>
Additional Considerations Sex Discrimination Gender Stereotypes Pregnancy	An employer, including a college district, may not evaluate employees by assuming or insisting that they match the stereotype associated with their group. <i>Price Waterhouse v. Hopkins, 490 U.S. 228 (1989)</i> The terms “because of sex” or “on the basis of sex” include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and nothing in 29 U.S.C. 2000e-2(h) shall be interpreted to permit otherwise. <i>42 U.S.C. 2000e(k)</i>
Equal Pay	No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance

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of which requires equal skill, effort, or responsibility, and which are performed under similar working conditions, except where such payment is pursuant to a seniority system, a merit system, a system which measures earnings by quantity or quality of production, or a differential based on any other factor other than sex. *29 U.S.C. 206(d); 34 C.F.R. 106.54*

*Religious
Discrimination*

The prohibition against discrimination on the basis of religion includes all aspects of religious observances and practice, as well as religious belief, unless an employer demonstrates that it is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship to the employer's business. "Undue hardship" means more than a *de minimus* (minimal) cost. *42 U.S.C. 2000e(j); 29 C.F.R. 1605.2*

Note: See State Law, below, for state prohibitions on discrimination based on race, color, religion, sex, or national origin.

**Title VII—
Harassment of
Employees on the
Basis of Sex, Race,
Color, Religion, and
National Origin**

Harassment violates Title VII if it is sufficiently severe and pervasive to alter the conditions of employment. *Pennsylvania State Police v. Suders, 542 U.S. 129 (2004)*

Harassment on the basis of sex is a violation of Title VII, 42 U.S.C. 2000e-2.

The Equal Employment Opportunity Commission (EEOC) has consistently held that harassment on the basis of national origin is a violation of Title VII. An employer has an affirmative duty to maintain a working environment free of harassment on the basis of national origin.

42 U.S.C. 2000e-2; 29 C.F.R. 1606.8(a), 1604.11(a)

Title VII does not prohibit all verbal and physical harassment in the workplace. For example, harassment between men and women is not automatically unlawful sexual harassment merely because the words used have sexual content or connotations. *Oncale v. Sun-downer Offshore Services, Inc., 523 U.S. 75 (1998)*

Hostile Environment

Verbal or physical conduct based on a person's sex, race, color, religion, or national origin constitutes unlawful harassment when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or

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3. Otherwise adversely affects an individual's employment opportunities.

Pennsylvania State Police v. Suders, 542 U.S. 129 (2004); *Nat'l Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002); *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986); 29 C.F.R. 1604.11, 1606.8

Quid Pro Quo

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

29 C.F.R. 1604.11(a)

Same-Sex Sexual Harassment

Same-sex sexual harassment constitutes sexual harassment. *Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998)

Sexual Harassment Policy

An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned. 29 C.F.R. 1604.11(f)

Corrective Action

With respect to conduct between fellow employees, an employer is responsible for acts of sexual harassment or harassment in the workplace on the basis of national origin in the workplace where the employer (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action.

An employer may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace or harassment of employees in the workplace on the basis of national origin, where the employer (or its agents or supervisory employees) knows or should have known of the conduct and fails to take immediate and appropriate corrective action. In reviewing these cases, the EEOC will consider the extent of the employer's control and any other legal responsibility that the employer may have with respect to the conduct of such non-employees.

29 C.F.R. 1604.11(d)-(e), 1606.8(d)-(e)

When no tangible employment action is taken, an employer may raise the following affirmative defense:

1. That the employer exercised reasonable care to prevent and promptly correct any harassing behavior; and
2. That the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.

Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998); Faragher v. City of Boca Raton, 524 U.S. 775 (1998)

Note: For related information regarding Title IX and the Clery Act see FA(LEGAL).

**ADEA—Age
Discrimination**

It shall be unlawful for an employer:

1. To fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment because of such individual's age;
2. To limit, segregate, or classify his employees in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee because of such individual's age; or
3. To reduce the wage rate of any employee in order to comply with 29 U.S.C. Chapter 14.

29 U.S.C. 623(a)

It shall not be unlawful for an employer:

1. To take any action otherwise prohibited under 29 U.S.C. 623(a) where age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business, or where the differentiation is based on reasonable factors other than age, or where such practices involve an employee in a workplace in a foreign country, and compliance with such subsections would cause such employer, or a corporation controlled by such employer, to violate the laws of the country in which such workplace is located;
2. To take any action otherwise prohibited under 29 U.S.C. 623(a):
 - a. To observe the terms of a bona fide seniority system that is not intended to evade the purposes of 29 U.S.C.

Chapter 14, except that no such seniority system shall require or permit the involuntary retirement of any individual specified by 29 U.S.C. 631(a) because of the age of such individual; or

- b. To observe the terms of a bona fide employee benefit plan in compliance with 29 U.S.C. 623. No such employee benefit plan shall excuse the failure to hire any individual, and no such employee benefit plan shall require or permit the involuntary retirement of any individual specified by 29 U.S.C. 631(a) because of the age of such individual.

3. To discharge or otherwise discipline an individual for good cause.

29 U.S.C. 623(f)

It shall be unlawful for an employer to discriminate against any of his employees or applicants for employment because such individual has opposed any practice made unlawful by this section, or because such individual has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or litigation under 29 U.S.C. Chapter 14. *29 U.S.C. 623(d)*

Note: See State Law, below, for state prohibitions on discrimination based on age.

**ADA and Section 504
—Disability
Discrimination**

No covered entity, including a college district, shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment. *42 U.S.C. 12112(a); 29 C.F.R. 1630.4(b)*

Discrimination
Based on Lack of
Disability

Nothing in the Americans with Disabilities Act (ADA), 42 U.S.C. Chapter 126, shall provide the basis for a claim by an individual without a disability that the individual was subject to discrimination because of the individual's lack of disability. *42 U.S.C. 12201(g); 29 C.F.R. 1630.4(b)*

Definition of
Disability

“Disability” means, with respect to an individual:

1. A physical or mental impairment that substantially limits one or more major life activities of an individual;
2. A record of having such an impairment; or
3. Being regarded as having such an impairment.

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	<p>An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.</p> <p><i>42 U.S.C. 12102(1), (4)(C)–(D); 29 C.F.R. 1630.2(g), (j)(1), .3</i></p>
<p><i>Regarded as Having Such an Impairment</i></p>	<p>An individual meets the requirement of being “regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under the ADA because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.</p> <p><i>42 U.S.C. 12102(3)(A); 29 C.F.R. 1630.2(g), (l)</i></p>
<p>Transitory and Minor</p>	<p>Item 3 in the definition of “disability,” above, (“regarded as having such an impairment”) shall not apply to impairments that are transitory or minor. A transitory impairment is an impairment with an actual or expected duration of six months or less. <i>42 U.S.C. 12102(3)(B); 29 C.F.R. 1630.2(j)(1)(ix)</i></p>
<p><i>Mitigating Measures</i></p>	<p>The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy or supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; or learned behavioral or adaptive neurological modifications.</p> <p>The ameliorative effects of mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.</p> <p>“Ordinary eyeglasses and contact lenses” are lenses that are intended to fully correct visual acuity or to eliminate refractive error.</p> <p>“Low-vision devices” means devices that magnify, enhance, or otherwise augment a visual image.</p> <p><i>42 U.S.C. 12102(4)(E)</i></p>
<p>Other Definitions</p>	<p>“Major life activities” include, but are not limited to:</p>
<p><i>Major Life Activities</i></p>	<ol style="list-style-type: none">1. Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and

2. The operation of a major bodily function, including functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within the body system.

42 U.S.C. 12102(2); 29 C.F.R. 1630.2(i)

*Physical or
Mental
Impairment*

“Physical or mental impairment” means:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or
2. Any mental or psychological disorder, such as an intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

29 C.F.R. 1630.2(h)

*Qualified
Individual*

“Qualified” with respect to an individual with a disability, means that the individual:

1. Satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires; and
2. With or without reasonable accommodation, can perform the essential functions of such position. Consideration shall be given to the employer’s judgment as to what functions of a job are essential, and if an employer has prepared a written job description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job.

42 U.S.C. 12111(8); 29 C.F.R. 1630.2(m)

*Reasonable
Accommodation*

A covered entity is required, absent undue hardship, to provide a reasonable accommodation to an otherwise qualified individual who meets the definition of disability under the “actual disability” prong or “record of disability” prong, but is not required to provide a reasonable accommodation to an individual who meets the definition of disability solely under the “regarded as” prong. [See DBB regarding medical examinations and inquiries under the Americans

with Disabilities Act] 29 U.S.C. 794, 42 U.S.C. 12112(b)(5);
29 C.F.R. 1630.2(o)(4), .9, 34 C.F.R. 104.11

“Reasonable accommodation” may include:

1. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
2. Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modification of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

42 U.S.C. 12111(9); 29 C.F.R. 1630.2(o); 34 C.F.R. 104.12(b)

Undue Hardship

“Undue hardship” means an action requiring significant difficulty or expense, when considered in light of the following factors. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include the nature and cost of the accommodation needed, the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the overall financial resources of the covered entity, the type of operation or operations of the covered entity, and other factors set out in 42 U.S.C. 12111(10). 42 U.S.C. 12111(10); 29 C.F.R. 1630.2(p); 34 C.F.R. 104.12(c)

Discrimination
Based on
Relationship

It is unlawful for a covered entity to exclude or deny equal jobs or benefits to, or otherwise discriminate against, a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a family, business, social, or other relationship or association. 42 U.S.C. 12112(b)(4); 29 C.F.R. 1630.8

Illegal Drugs and
Alcohol

A qualified individual with a disability shall not include any employee or applicant who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of such use. 42 U.S.C. 12114(a); 29 C.F.R. 1630.3(a)

Drug Testing

Nothing in 42 U.S.C. Chapter 126, Subchapter I shall be construed to encourage, prohibit, or authorize the conducting of drug testing for the illegal use of drugs by job applicants or employees or making employment decisions based on the results of such tests. [See DHA] 42 U.S.C. 12114(d)(2); 29 C.F.R. 1630.3(c), .16(c)

Alcohol Use

The term “individual with a disability” does not include any individual who is an alcoholic whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse,

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	<p>would constitute a direct threat to property or the safety of others. <i>29 U.S.C. 705(20)(C)(v), 42 U.S.C. 12114(a); 29 C.F.R. 1630.16(b)</i></p>
Qualification Standards	<p>It is unlawful for a covered entity to use qualification standards, employment tests, or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and is consistent with business necessity. <i>29 C.F.R. 1630.10(a)</i></p>
<i>Direct Threat to Health or Safety</i>	<p>The term “qualification standards” may include a requirement that an individual shall not pose a direct threat to the health or safety of other individuals in the workplace. “Direct threat” means a significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation. The determination that an individual poses a “direct threat” shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job. This assessment shall be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. In determining whether an individual would pose a direct threat, the factors to be considered include the duration of the risk; the nature and severity of the potential harm; the likelihood that the potential harm will occur; and the imminence of the potential harm. <i>42 U.S.C. 12111(3), 12113(b); 29 C.F.R. 1630.2(r)</i></p>
<i>Vision Standards and Tests</i>	<p>A covered entity shall not use qualification standards, employment tests, or other selection criteria based on an individual's uncorrected vision unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and consistent with business necessity. <i>42 U.S.C. 12113(c); 29 C.F.R. 1630.10(b)</i></p>
<i>Communicable Diseases</i>	<p>In any case in which an individual has an infectious or communicable disease that is transmitted to others through the handling of food, that is included on the list developed by the U.S. Secretary of Health and Human Services under 42 U.S.C. 12113(e)(1), and that cannot be eliminated by reasonable accommodation, a covered entity may refuse to assign or continue to assign an individual to a job involving food handling. <i>42 U.S.C. 12113(e)(2); 29 U.S.C. 705(20)(D); 29 C.F.R. 1630.16(e)</i></p>
Service Animals	<p>A covered entity that is subject to the jurisdiction of Title I of the ADA (employment discrimination) or to section 504 of the Rehabilitation Act (employment discrimination), shall comply with the reasonable accommodation requirements of those laws with respect to service animals. [See Reasonable Accommodations, above]</p>

A covered entity that is not subject to either Title I or section 504 shall comply with Title II of the ADA (discrimination by public entity). An employer that is subject to Title II shall comply with 28 C.F.R. part 35, including the requirements relating to service animals at 28 C.F.R. 35.136 [see FAB].

28 C.F.R. 35.140

Note: See State Law, below, for state prohibitions on discrimination based on disability.

**Accommodations
Based on Pregnancy**

It shall be an unlawful employment practice for a covered entity, including a college district, to:

1. Not make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity;
2. Require a qualified employee affected by pregnancy, childbirth, or related medical conditions to accept an accommodation other than any reasonable accommodation arrived at through the interactive process;
3. Deny employment opportunities to a qualified employee if such denial is based on the need of the covered entity to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of the qualified employee; or
4. Take adverse action in terms, conditions, or privileges of employment against a qualified employee on account of the employee requesting or using a reasonable accommodation to the known limitations related to the pregnancy, childbirth, or related medical conditions of the employee.

42 U.S.C. 2000gg-1

**Retaliation
Prohibited**

No person shall discriminate against any employee because such employee has opposed any act or practice made unlawful by this section or because such employee made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this section.

42 U.S.C. 2000gg-2(f)

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Definitions

Known Limitation

The term “known limitation” means physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or employee’s representative has communicated to the employer whether or not such condition meets the definition of disability specified in the Americans with Disabilities Act (ADA) of 1990, 42 U.S.C. 12102. *42 U.S.C. 2000gg(4)*

Qualified Employee

The term “qualified employee” means an employee or applicant who, with or without reasonable accommodation, can perform the essential functions of the employment position, except that an employee or applicant shall be considered qualified if:

1. Any inability to perform an essential function is for a temporary period;
2. The essential function could be performed in the near future; and
3. The inability to perform the essential function can be reasonably accommodated.

42 U.S.C. 2000gg(6)

Reasonable Accommodation and Undue Hardship

The terms “reasonable accommodation and “undue hardship” have the meanings given such terms in the ADA, 42 U.S.C. 12111, and shall be construed as such terms are construed under the ADA and as set forth in the regulations required by this section, including with regard to the interactive process that will typically be used to determine an appropriate reasonable accommodation. *42 U.S.C. 2000gg(7)*

Note: See Title VII—Discrimination on the Basis of Sex, Race, Color, Religion, or National Origin, above, for additional federal prohibitions on discrimination based on pregnancy, and State Law, below, for state prohibitions on discrimination based on pregnancy.

Military Service

A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of that membership, application for membership, performance of service, application for service, or obligation.

An employer, including a college district, may not discriminate in employment against or take any adverse employment action against any person because such person has taken action to en-

force protections afforded any person under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. Chapter 43, has testified or otherwise made a statement in or in connection with any proceeding under USERRA, has assisted or otherwise participated in an investigation under USERRA, or has exercised a right provided for in USERRA.

38 U.S.C. 4311 [See DECB]

Bankruptcy

A governmental unit, including a college district, may not deny, revoke, suspend, or refuse to renew a license, permit, charter, franchise, or other similar grant to, condition such a grant to, discriminate with respect to such a grant against, deny employment to, terminate the employment of, or discriminate with respect to employment against, a person that is or has been a debtor under U.S.C. Title 11 or a bankrupt or a debtor under the Bankruptcy Act, or another person with whom such bankrupt or debtor has been associated, solely because such bankrupt or debtor is or has been a debtor under Title 11 or a bankrupt or debtor under the Bankruptcy Act, has been insolvent before the commencement of the case under Title 11, or during the case but before the debtor is granted or denied a discharge, or has not paid a debt that is dischargeable in the case under Title 11 or that was discharged under the Bankruptcy Act. *11 U.S.C. 525(a)*

Retaliation

An employer, including a college district, may not discriminate against any employee or applicant for employment because the employee or applicant has opposed any unlawful, discriminatory employment practices or participated in the investigation of any complaint related to an unlawful, discriminatory employment practice. *29 U.S.C. 623(d) (ADEA); 42 U.S.C. 2000e-3(a) (Title VII); 34 C.F.R. 100.7(e) (Title VI); 34 C.F.R. 110.34 (Age Act); 42 U.S.C. 12203 (ADA); Jackson v. Birmingham Bd. of Educ., 544 U.S. 167 (2005) (Title IX)*

Note: See State Law, below, for state prohibitions on retaliation.

State Law

Unlawful Employment Practice

An employer commits an unlawful employment practice if because of race, color, disability, religion, sex, national origin, or age the employer fails or refuses to hire an individual, discharges an individual, or discriminates in any other manner against an individual in connection with compensation or the terms, conditions, or privileges of employment; or limits, segregates, or classifies an employee or applicant for employment in a manner that would deprive or tend to deprive an individual of any employment opportunity or adversely affect in any other manner the status of an employee.

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An employer commits an unlawful employment practice if it aids, abets, incites, or coerces a person to engage in an unlawful discriminatory practice based on race, color, disability, religion, sex, national origin, or age.

Labor Code 21.051; 40 TAC 819.12(a), (f)

Disparate Impact

An unlawful employment practice based on disparate impact is established under Labor Code Chapter 21 only if a complainant demonstrates that a respondent uses a particular employment practice that causes a disparate impact on the basis of race, color, sex, national origin, religion, or disability and the respondent fails to demonstrate that the challenged practice is job-related for the position in question and consistent with business necessity; or the complainant makes the demonstration in accordance with federal law as that law existed June 4, 1989, with respect to the concept of alternative employment practices, and the respondent refuses to adopt such an alternative employment practice. To demonstrate that a particular employment practice causes a disparate impact, the complainant must demonstrate that each particular challenged employment practice causes a disparate impact, except that if the complainant demonstrates to the satisfaction of the court that the elements of a respondent's decision-making process are not capable of separation for analysis, that decision-making process may be analyzed as one employment practice. *Labor Code 21.122(a), (c)*

Exception

An employer does not commit an unlawful employment practice by engaging in a practice that has a discriminatory effect and that would otherwise be prohibited by Chapter 21 if the employer establishes that the practice is not intentionally devised or operated to contravene the prohibitions of Chapter 21 and is justified by business necessity. *Labor Code 21.115(a)*

Job Training
Programs

Unless a training or retraining opportunity or program is provided under an affirmative action plan approved under a federal law, rule, or order, an employer, labor organization, or joint labor-management committee controlling an apprenticeship, on-the-job training, or other training or retraining program commits an unlawful employment practice if the employer, labor organization, or committee discriminates against an individual because of race, color, disability, religion, sex, national origin, or age in admission to or participation in the program. *Labor Code 21.054*

Selection Criterion

An employer may not use a qualification standard, employment test, or other selection criterion based on an individual's uncorrected vision unless the standard, test, or criterion is consistent with business necessity and job-related for the position to which the standard, test, or criterion applies. *Labor Code 21.115(b)*

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*Bona Fide
Occupational
Qualification*

If disability, religion, sex, national origin, or age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business or enterprise, performing any of the following practices on the basis of disability, religion, sex, national origin, or age of an employee, member, or other individual is not an unlawful employment practice:

1. An employer hiring and employing an employee;
2. An employment agency classifying or referring an individual for employment; or
3. An employer controlling an apprenticeship, on-the-job training, or other training or retraining program admitting or employing an individual in its program.

Labor Code 21.119

Job Advertisement

An employer, labor organization, employment agency, or joint labor-management committee controlling an apprenticeship, on-the-job training, or other training or retraining program commits an unlawful employment practice if the employer, labor organization, employment agency, or committee prints or publishes or causes to be printed or published a notice or advertisement relating to employment that:

1. Indicates a preference, limitation, specification, or discrimination based on race, color, disability, religion, sex, national origin, or age; and
2. Concerns an employee's status, employment, or admission to or membership or participation in a labor union or training or retraining program.

Labor Code 21.059 does not apply if disability, religion, sex, national origin, or age is a bona fide occupational qualification.

Labor Code 21.059; 40 TAC 819.12(i)

Bona Fide
Employee Benefit
Plan

An employer does not commit an unlawful employment practice by applying different standards of compensation or different terms, conditions, or privileges of employment under a bona fide seniority system, merit system, or an employee benefit plan, such as a retirement, pension, or insurance plan, that is not a subterfuge to evade Labor Code Chapter 21 or a system that measures earnings by quantity or quality of production. *Labor Code 21.102(a)*

Exception

An employee benefit plan may not excuse a failure to hire on the basis of age. A seniority system or employee benefit plan may not require or permit involuntary retirement on the basis of age except as permitted by Labor Code 21.103.

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This section does not apply to standards of compensation or terms, conditions, or privileges of employment that are discriminatory on the basis of race, color, disability, religion, sex, national origin, or age.

Labor Code 21.102(b)–(c)

Diversity, Equity,
and Inclusion
Initiatives

The governing board of an institution of higher education, including a college district, shall ensure that each unit of the institution does not, except as required by federal law:

1. Compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
2. 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; or
3. Require as a condition of performing any institution function any person to participate in diversity, equity, and inclusion training, which:
 - a. Includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and
 - b. Does not include a training, program, or activity developed by an attorney and approved in writing by the institution's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Education Code 51.3525(b)(1)

Exceptions

Nothing in this section may be construed to limit or prohibit an institution of higher education or an employee of an institution of higher education from, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that:

1. Highlights the institution's work in supporting first-generation college students, low-income students, or underserved student populations; or
2. Certifies compliance with state and federal antidiscrimination laws.

This section may not be construed to apply to:

1. Academic course instruction;

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2. Scholarly research or a creative work by an institution of higher education's faculty or other research personnel or the dissemination of that research or work;
3. Guest speakers or performers on short-term engagements;
4. A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;
5. Data collection; or
6. Student recruitment or admissions.

Education Code 51.3525(c)-(d)

Note: For related information on diversity, equity, and inclusion initiatives, see BG(LEGAL) for diversity, equity, and inclusion offices, CFE(LEGAL) for contractor discipline, DH(LEGAL) for employee discipline, and FA(LEGAL) for students.

Additional
Considerations
*Sexual
Harassment*

"Employer" means a person who employs one or more employees or acts directly in the interests of an employer in relation to an employee.

"Sexual harassment" means an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature if:

1. Submission to the advance, request, or conduct is made a term or condition of an individual's employment, either explicitly or implicitly;
2. Submission to or rejection of the advance, request, or conduct by an individual is used as the basis for a decision affecting the individual's employment;
3. The advance, request, or conduct has the purpose or effect of unreasonably interfering with an individual's work performance; or
4. The advance, request, or conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

An employer commits an unlawful employment practice if sexual harassment of an employee occurs and the employer or the employer's agents or supervisors:

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1. Know or should have known that the conduct constituting sexual harassment was occurring; and
2. Fail to take immediate and appropriate corrective action.

Labor Code 21.141–.142, 40 TAC 819.11(6), (10),.12(k)

*Pregnancy
Discrimination*

A provision in Labor Code Chapter 21 referring to discrimination because of sex or on the basis of sex includes discrimination because of or on the basis of pregnancy, childbirth, or a related medical condition. A woman affected by pregnancy, childbirth, or a related medical condition shall be treated for all purposes related to employment, including receipt of a benefit under a fringe benefit program, in the same manner as another individual not affected but similar in the individual's ability or inability to work. *Labor Code 21.106*

*Hair Texture or
Style*

A provision under Labor Code Chapter 21 referring to discrimination because of race or on the basis of race includes discrimination because of or on the basis of an employee's hair texture or protective hairstyle commonly or historically associated with race.

An employer, labor union, or employment agency commits an unlawful employment practice if the employer, labor union, or employment agency adopts or enforces a dress or grooming policy that discriminates against a hair texture or protective hairstyle commonly or historically associated with race.

"Protective hairstyle" includes braids, locks, and twists.

Labor Code 21.1095 [See DH]

*Religious
Discrimination*

A provision in Chapter 21 referring to discrimination because of religion or on the basis of religion applies to discrimination because of or on the basis of any aspect of religious observance, practice, or belief, unless an employer demonstrates that the employer is unable reasonably to accommodate the religious observance or practice of an employee or applicant without undue hardship to the conduct of the employer's business. *Labor Code 21.108*

A government agency, including a college district, may not substantially burden a person's free exercise of religion. The prohibition does not apply if the government agency demonstrates that the application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. *Civ. Prac. and Rem. Code 110.003(a)–(b)*

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

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*Association with
a Religious
Organization*

Notwithstanding any other law, a governmental entity, including a college district, may not take any adverse action against any person, as defined by Government Code 2400.001(4), based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization.

"Adverse action" means any action taken by a governmental entity to:

1. Withhold, reduce, exclude, terminate, or otherwise deny any grant, contract, subcontract, cooperative agreement, loan, scholarship, license, registration, accreditation, employment, or other similar status from or to a person;
2. Withhold, reduce, exclude, terminate, or otherwise deny any benefit provided under a benefit program from or to a person;
3. Alter in any way the tax treatment of, cause any tax, penalty, or payment assessment against, or deny, delay, or revoke a tax exemption of a person;
4. Disallow a tax deduction for any charitable contribution made to or by a person;
5. Deny admission to, equal treatment in, or eligibility for a degree from an educational program or institution to a person; or
6. Withhold, reduce, exclude, terminate, or otherwise deny access to a property, educational institution, speech forum, or charitable fundraising campaign from or to a person.

Gov't Code 2400.001(1), .002 [See GA]

*Access for
Religious
Organizations
During Disasters*

A governmental entity may not:

1. At any time, including during a declared state of disaster, prohibit a religious organization from engaging in religious and other related activities or continuing to operate in the discharge of the organization's foundational faith-based mission and purpose; or
2. During a declared state of disaster order a religious organization to close or otherwise alter the organization's purposes or activities.

Gov't Code 2401.002(b) [See GA]

*Age
Discrimination*

The provisions of Labor Code Chapter 21 referring to discrimination because of age or on the basis of age apply only to discrimination against an individual 40 years of age or older. *Labor Code 21.101*

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<i>Discrimination Based on Lack of Disability</i>	Nothing in Chapter 21 may be construed as the basis for a claim by an individual without a disability that the individual was subject to discrimination because of the individual's lack of a disability. <i>Labor Code 21.005(c)</i>
<i>Reasonable Accommodation</i>	It is an unlawful employment practice for a respondent covered under this chapter to fail or refuse to make a reasonable workplace accommodation to a known physical or mental limitation of an otherwise qualified individual with a disability who is an employee or applicant for employment, unless the respondent demonstrates that the accommodation would impose an undue hardship on the operation of the business of the respondent. A showing of undue hardship by the respondent is a defense to a complaint of discrimination made by an otherwise qualified individual with a disability. <i>Labor Code 21.128(a)–(b)</i>
Official Oppression	<p>A public servant acting under color of the public servant's office or employment commits an offense if the public servant intentionally subjects another to sexual harassment.</p> <p>"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly. An offense under this section is a Class A misdemeanor.</p> <p><i>Penal Code 39.03(a), (c)–(d)</i></p>
Sexual Harassment of Unpaid Interns	<p>An employer commits an unlawful employment practice if sexual harassment of an unpaid intern occurs and the employer or the employer's agents or supervisors:</p> <ol style="list-style-type: none">1. Know or should have known that the conduct constituting sexual harassment was occurring; and2. Fail to take immediate and appropriate corrective action. <p>An individual is considered to be an unpaid intern of an employer if:</p> <ol style="list-style-type: none">1. The individual's internship, even though it includes engagement in the employer's operations or the performance of productive work for the employer, is similar to training that would be given in an educational environment;2. The individual's internship experience is for the individual's benefit;3. The individual does not displace the employer's regular employees but works under close supervision of the employer's existing staff;

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4. The employer does not derive any immediate advantage from the individual's internship activities and on occasion the employer's operations may be impeded by those activities;
5. The individual is not entitled to a job at the conclusion of the internship; and
6. The individual is not entitled to wages for the time spent in the internship.

"Sexual harassment" means an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature if:

1. Submission to the advance, request, or conduct is made a term or condition of an individual's internship, either explicitly or implicitly;
2. Submission to or rejection of the advance, request, or conduct by an individual is used as the basis for a decision affecting the individual's internship;
3. The advance, request, or conduct has the purpose or effect of unreasonably interfering with an individual's work performance at the individual's internship; or
4. The advance, request, or conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

Labor Code 21.1065

Retaliation

An employer commits an unlawful employment practice if the employer, labor union, or employment agency retaliates or discriminates against a person who, under Labor Code Chapter 21 opposes a discriminatory practice; makes or files a charge; files a complaint; or testifies, assists, or participates in any manner in an investigation, proceeding, or hearing. *Labor Code 21.055; 40 TAC 819.12(e)*

Notices

Title VII

Every employer, including each college district, shall post and keep posted in conspicuous places upon its premises, where notices to employees, applicants for employment, and members are customarily posted, a notice to be prepared or approved by the Equal Employment Opportunity Commission (EEOC) setting forth excerpts from or, summaries of, the pertinent provisions of 42 U.S.C. Chapter 21, Subchapter VI, and information pertinent to the filing of a complaint. *42 U.S.C. 2000e-10*

ADEA

Every employer shall post and keep posted in conspicuous places upon its premises a notice to be prepared or approved by the

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EEOC setting forth information as the EEOC deems appropriate to effectuate the purposes of the ADEA. *29 U.S.C. 627*

Section 504 Notice

A recipient of federal funds that employs 15 or more persons shall take appropriate steps to notify applicants and employees, including those with impaired vision or hearing, that it does not discriminate on the basis of disability in violation of Section 504 of the Rehabilitation Act or 34 C.F.R. Part 104.

The notification shall state, where appropriate, that the recipient does not discriminate in employment in its program or activity. The notification shall also include an identification of the responsible employee designated pursuant to 34 C.F.R. 104.7(a) (Section 504 coordinator).

Methods of initial and continuing notification may include:

1. Posting of notices;
2. Publication in newspapers and magazines;
3. Placement of notices in recipients' publications; and
4. Distribution of memoranda or other written communications.

If a recipient publishes or uses recruitment materials or publications containing general information that it makes available to applicants or employees, it shall include in those materials or publications a statement of its nondiscrimination policy.

34 C.F.R. 104.8

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**Equal Employment
Opportunity
Statement**

The College District is an equal opportunity employer that does not permit or tolerate discrimination on the basis of race, religion, color, national origin, gender, sexual orientation, mental or physical disability, age, veteran status, marital status, or any other status protected by law in its recruiting, hiring, training, retaining, promoting, and other employment practices and policies.

The College District is committed to full compliance with all federal, state, and local laws that apply and are intended to protect against unlawful employment practices including, but not limited to:

- The Civil Rights Act of 1964;
- The Equal Pay Act of 1963;
- The Americans with Disabilities Act;
- The Rehabilitation Act of 1973;
- The Vietnam Era Veterans Assistance Act of 1974;
- The Genetic Information Nondiscrimination Act of 2008;
- The Family and Medical Leave Act of 1993;
- The Fair Labor Standards Act; and
- The Texas Commission on Human Rights Act.

All members of the College District community shall be expected to promote and assist in providing equal employment opportunity and achieving the goals of this policy.

Note: For complaints of discrimination, harassment, and retaliation targeting employees on the basis of a protected characteristic, see DIAA and DIAB.

**Diversity, Equity,
and Inclusion
Initiatives**

Except as required by federal law, the College District shall not:

1. Compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
2. Give preference on the basis of race, sex, color, ethnicity, or national origin to a participant in any College District function; or
3. Require as a condition of enrolling at the College District or performing any College District function any person to participate in diversity, equity, and inclusion training that references

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EQUAL EMPLOYMENT OPPORTUNITY

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race, color, ethnicity, gender identity, or sexual orientation, unless it was developed by an attorney and approved in writing by the College District's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Exceptions

Nothing in this section may be construed to limit or prohibit the College District or a College District employee from, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that:

1. Highlights the College District's work in supporting first-generation college students, low-income students, or underserved student populations; or
2. Certifies compliance with state and federal antidiscrimination laws.

The prohibitions do not apply to:

1. Submitting a statement as part of a grant application or to comply with the terms of accreditation that highlights the College District's work in supporting first-generation college students, low-income students, or underserved student populations, or that certifies compliance with state and federal antidiscrimination laws;
2. Academic course instruction;
3. Scholarly research or a creative work by College District employees or students;
4. An activity of a student organization registered with or recognized by the College District;
5. Guest speakers or performers on short-term engagements;
6. A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;
7. Data collection; or
8. Student recruitment or admissions.

Note: For related information on diversity, equity, and inclusion initiatives, see BG for diversity, equity, and inclusion of-

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faces, CFE for contractor discipline, DH for employee discipline, and FA for students.

EMPLOYEE STANDARDS OF CONDUCT

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Public Servants	All college district employees are public servants and therefore subject to Title 8 of the Penal Code, regarding offenses against public administration, including bribery and corrupt influence (Chapter 36), perjury and other falsification (Chapter 37), obstructing governmental operation (Chapter 38), and abuse of office (Chapter 39). [See DBD and BBFA] <i>Penal Code 1.07(a)(41), Title 8</i>
Hair Texture and Style	An employer, including a college district, commits an unlawful employment practice if the employer adopts or enforces a dress or grooming policy that discriminates against a hair texture or protective hairstyle commonly or historically associated with race. "Protective hairstyle" includes braids, locks, and twists. [See DAA] <i>Labor Code 21.1095</i>
Low-THC Cannabis	A municipality, county, or other political subdivision, including a college district, may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of low-THC cannabis, as authorized by Health and Safety Code Chapter 487.201. <i>Health and Safety Code 487.201</i>
Hemp	A municipality, county, or other political subdivision of this state, including a college district, may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, handling, transportation, or sale of hemp as authorized by Agriculture Code Chapter 122. <i>Agriculture Code 122.002</i>
Dextromethorphan	A political subdivision of this state, including a college district, may not adopt or enforce an ordinance, order, rule, regulation, or policy that governs the sale, distribution, or possession of dextromethorphan. An ordinance, order, rule, regulation, or policy described by this section is void and unenforceable. <i>Health and Safety Code 488.005</i>
Drug and Alcohol Abuse Program	A person other than an individual shall not receive a grant from a Federal agency unless the person agrees to provide a drug-free workplace by:
Federal Drug-Free Workplace Act	<ol style="list-style-type: none">1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violations of the prohibition [see DI(EXHIBIT)];2. Establishing a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the grantee's policy of maintaining a drug-free workplace; available drug counseling, rehabilitation, and employee assis-

EMPLOYEE STANDARDS OF CONDUCT

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tance programs; and the penalties that may be imposed on employees for drug abuse violations;

3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by item 1;
4. Notifying the employee in the statement required by item 1 that as a condition of employment in the grant the employee will abide by the terms of the statement; and notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after the conviction;
5. Notifying the granting agency within 10 days after receiving notice under item 4 from an employee or otherwise receiving actual notice of a conviction;
6. Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is convicted, as required by 41 U.S.C. 8104; and
7. Making a good faith effort to continue to maintain a drug-free workplace through the implementation of items 1 to 6.

41 U.S.C. 8103(a)(1)

**Sex Offender
Registration**

Not later than the later of the seventh day after the date on which the person begins to work or the first date the applicable authority by policy allows the person to register, a person required to register under Code of Criminal Procedure Chapter 62 who is employed or carries on a vocation at a public or private institution of higher education in this state shall report that fact to:

1. The authority for campus security for that institution; or
2. If an authority for campus security for that institution does not exist the local law enforcement authority of:
 - a. The municipality in which the institution is located; or
 - b. The county in which the institution is located, if the institution is not located in a municipality.

The person described above shall provide the authority for campus security or the local law enforcement authority all information the person is required to provide under Code of Criminal Procedure 62.051(c). The person shall notify the authority for campus security or the local law enforcement authority not later than the seventh

day after the date of termination of the person's status as a worker at the institution.

The authority for campus security or the local law enforcement authority shall promptly forward to the administrative office of the institution any information received from the person under Code of Criminal Procedure 62.153 and any information received from the Texas Department of Public Safety under Code of Criminal Procedure 62.005.

This section does not impose the requirements of public notification or notification to public or private primary or secondary schools on:

1. An authority for campus security; or
2. A local law enforcement authority, if those requirements relate to a person about whom the authority is not otherwise required by Code of Criminal Procedure Chapter 62 to make notifications.

Code of Criminal Procedure 62.153(a)-(d), (f) [See also GCA]

**Misconduct by a
Person Licensed
Under Occupations
Code 1701**

A law enforcement agency shall adopt the model policy described by this section or a substantively similar policy. A policy adopted by a law enforcement agency under this section must be submitted to the Texas Commission on Law Enforcement (TCOLE), and TCOLE shall maintain a copy of the policy.

TCOLE shall adopt a model policy establishing procedures applicable to a law enforcement agency investigating alleged misconduct by a license holder employed by the agency.

The policy adopted under this section must:

1. Require a law enforcement agency to:
 - a. Initiate an appropriate administrative or criminal investigation into alleged misconduct of a license holder employed by the law enforcement agency at the time the agency becomes aware of the alleged misconduct;
 - b. Complete the investigation described by item 1a in a timely manner, as prescribed by TCOLE;
 - c. Report an investigation into alleged criminal misconduct for which criminal charges are filed against the license holder to TCOLE in a timely manner after the investigation is completed;
 - d. Complete an administrative investigation of alleged misconduct and prepare and submit to TCOLE a summary

- report on the investigation, including the disposition of the investigation and any informational findings, in a format prescribed by TCOLE, in a timely manner but not later than the 30th day after the date of the license holder's separation from the agency, if applicable;
- e. Include documentation of the completed investigation in the personnel file, as described by Occupations Code 1701.4535, of the license holder maintained by the agency [see DBA]; and
 - f. Submit to TCOLE each report of a completed investigation.
2. Provide that an investigation into the alleged misconduct of a license holder may not be terminated by the resignation, retirement, termination, death, or separation from employment of the license holder; and
 3. Specify that a license holder under investigation for misconduct is entitled to any internal due process procedures provided by the investigating agency to contest the investigation or completed report.

TCOLE shall maintain each report received under a policy adopted under this section as part of the license holder's record in the licensing status database established under Occupations Code 1701.168. [See DC]

"Misconduct" means a violation of law or any of the following that have been sustained by a law enforcement agency employing a license holder:

1. A violation of a law enforcement agency policy for which the agency may suspend, demote, or terminate a license holder's employment; or
2. An allegation of untruthfulness against a license holder.

Occupations Code 1701.001(2-a); .4522(a)-(d)

Disqualification from Retirement Annuity for Conviction of Certain Felonies

A person is not eligible to receive a service retirement annuity from the Teacher Retirement System of Texas (TRS) if the person is convicted of a qualifying felony the victim of which is a student.

"Qualifying felony" means an offense that is punishable as a felony under the following sections of the Penal Code:

1. Section 21.02 (continuous sexual abuse of young child or disabled individual);

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2. Section 21.12 (improper relationship between educator and student);
3. Section 22.011 (sexual assault) or Section 22.021 (aggravated sexual assault); or
4. Section 43.24 (sale, distribution, or display of harmful material to minor).

The term includes any federal offense that contains elements that are substantially similar to the elements of a felony offense described above.

Gov't Code 824.009(a)-(c)

**Public Information
on a Privately-
Owned Device**

A current or former officer or employee of a governmental body who maintains public information on a privately-owned device shall:

1. Forward or transfer the public information to the governmental body or a governmental body server to be preserved as provided by Government Code 552.004(a); or
2. Preserve the public information in its original form in a backup or archive and on the privately-owned device for the time described under Government Code 552.004(a).

Gov't Code 552.004(b) [See CIA and GCB]

**Diversity, Equity,
and Inclusion
Initiatives**

The governing board of an institution of higher education, including a college district, shall ensure that each unit of the institution adopts policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Education Code 51.3525(b)(1) [see BG, DAA, and FA]. *Education Code 51.3525(b)(2)*

Note: For complaints of discrimination, harassment, and retaliation on the basis of a protected characteristic, see FFDA and FFDB.

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Section I: Generally

No governmental entity, including a college district, shall deny to any person within its jurisdiction the equal protection of the laws. *U.S. Const. Amend. XIV*

An officer or employee of a political subdivision, including a college district, who is acting or purporting to act in an official capacity may not, because of the student's race, religion, color, sex, or national origin, refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the political subdivision; refuse to grant a benefit to the person; or impose an unreasonable burden on the person. *Civ. Prac. & Rem. Code 106.001(a)*

Section II: Religious Freedom

A governmental entity, including a college district, shall make no law prohibiting the free exercise of religion. *U.S. Const. Amends. I, XIV*

A government agency, including a college district, may not substantially burden a student's free exercise of religion, unless the government agency demonstrates that the application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. *Civ. Prac. & Rem. Code 110.003*

Association with a Religious Organization

Notwithstanding any other law, a governmental entity, including a college district, may not take any adverse action against any person, as defined by Government Code 2400.001(4), based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization.

"Adverse action" means any action taken by a governmental entity to:

1. Withhold, reduce, exclude, terminate, or otherwise deny any grant, contract, subcontract, cooperative agreement, loan, scholarship, license, registration, accreditation, employment, or other similar status from or to a person;
2. Withhold, reduce, exclude, terminate, or otherwise deny any benefit provided under a benefit program from or to a person;
3. Alter in any way the tax treatment of, cause any tax, penalty, or payment assessment against, or deny, delay, or revoke a tax exemption of a person;
4. Disallow a tax deduction for any charitable contribution made to or by a person;
5. Deny admission to, equal treatment in, or eligibility for a degree from an educational program or institution to a person; or

6. Withhold, reduce, exclude, terminate, or otherwise deny access to a property, educational institution, speech forum, or charitable fundraising campaign from or to a person.

Gov't Code 2400.001(1), .002 [See GA]

Access for
Religious
Organizations
During Disasters

A governmental entity may not:

1. At any time, including during a declared state of disaster, prohibit a religious organization from engaging in religious and other related activities or continuing to operate in the discharge of the organization's foundational faith-based mission and purpose; or
2. During a declared state of disaster order a religious organization to close or otherwise alter the organization's purposes or activities.

Gov't Code 2401.002(b) [See GA]

**Section III:
Discrimination on
the Basis of Sex**

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. *20 U.S.C. 1681; 34 C.F.R. 106.31*

Educational programs and activities include:

1. Housing. *34 C.F.R. 106.32*
2. Comparable facilities. *34 C.F.R. 106.33*
3. Access to course offerings. *34 C.F.R. 106.34*
4. Counseling. *34 C.F.R. 106.36*
5. Financial assistance. *34 C.F.R. 106.37*
6. Employment assistance to students. *34 C.F.R. 106.38*
7. Health and insurance benefits and services. *34 C.F.R. 106.39*
8. Athletics. *34 C.F.R. 106.41*

Parental, Family,
and Marital Status

A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. [See also FAA] *34 C.F.R. 106.40(a)*

Sexual Harassment

Sexual harassment of students is discrimination on the basis of sex under Title IX. *Franklin v. Gwinnett County Schools, 503 U.S. 60 (1992)* [See also FFDA]

<i>Definition of Sexual Harassment</i>	Sexual harassment of students is conduct that is so severe, pervasive, and objectively offensive that it can be said to deprive the victim of access to the educational opportunities or benefits provided by the school. Sexual harassment does not include simple acts of teasing and name-calling, however, even when the comments target differences in gender. <u><i>Davis v. Monroe County Bd. of Educ.</i></u> , 526 U.S. 629 (1999)
<i>Employee–Student Sexual Harassment</i>	An official of an educational entity who has authority to address alleged harassment by employees on the entity’s behalf shall take corrective measures to address the harassment or abuse. <u><i>Gebser v. Lago Vista Indep. Sch. Dist.</i></u> , 524 U.S. 274 (1998)
<i>Student–Student Sexual Harassment</i>	An educational entity must reasonably respond to known student-on-student harassment where the harasser is under the entity’s disciplinary authority. <u><i>Davis v. Monroe County Bd. of Educ.</i></u> , 526 U.S. 629 (1999)
Clery Act—Campus Sexual Assault Programs	<p>An institution’s Clery Act annual security report [see GCC] must include a statement of policy regarding the institution’s programs to prevent dating violence, domestic violence, sexual assault, and stalking and of procedures that the institution will follow when one of these crimes is reported. The statement must include:</p> <ol style="list-style-type: none">1. A description of the institution's educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking, as described below at Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking;2. Procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, including written information about:<ol style="list-style-type: none">a. The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;b. How and to whom the alleged offense should be reported;c. Options about the involvement of law enforcement and campus authorities, including notification of the victim's option to:<ol style="list-style-type: none">(1) Notify proper law enforcement authorities, including on-campus and local police;

- (2) Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - (3) Decline to notify such authorities; and
 - d. Where applicable, the rights of victims and the institution's responsibilities for orders of protection, "no-contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the institution;
3. Information about how the institution will protect the confidentiality of victims and other necessary parties, including how the institution will:
 - a. Complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in the Violence Against Women Act of 1994, 42 U.S.C. 13925(a)(20); and
 - b. Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures;
4. A statement that the institution will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community;
5. A statement that the institution will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement;
6. An explanation of the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as described below at Procedures for Institutional Disciplinary Action; and

7. A statement that, when a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options, as described in items 1 through 6 of this list.

20 U.S.C. 1092(f)(8); 34 C.F.R. 668.46(b)(11)

*Programs to
Prevent Dating
Violence,
Domestic
Violence, Sexual
Assault, and
Stalking*

An institution must include in its annual security report a statement of policy that addresses the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking. The statement must include:

1. A description of the institution's primary prevention and awareness programs for all incoming students and new employees, which must include:
 - a. A statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as those terms are defined in 34 C.F.R. 668.46(a) [see Definitions];
 - b. The definition of "dating violence," "domestic violence," "sexual assault," and "stalking" in the applicable jurisdiction [see Penal Code 22.011, 22.021, 42.072; Family Code 71.0021, 71.004];
 - c. The definition of "consent," in reference to sexual activity, in the applicable jurisdiction;
 - d. A description of safe and positive options for bystander intervention;
 - e. Information on risk reduction; and
 - f. The information described in 34 C.F.R. 668.46(b)(11) and 34 C.F.R. 668.46(k)(2); and
2. A description of the institution's ongoing prevention and awareness campaigns for students and employees, including information described at item 1.

An institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking must include, at a minimum, the information required to be included in the statement.

34 C.F.R. 668.46(j)

EQUAL EDUCATIONAL OPPORTUNITY

FA
(LEGAL)

Awareness Programs	“Awareness programs” means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration. 34 C.F.R. 668.46(j)(2)(i)
Bystander Intervention	“Bystander intervention” means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. 34 C.F.R. 668.46(j)(2)(ii)
Ongoing Prevention and Awareness Campaigns	“Ongoing prevention and awareness campaigns” means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution and including information described in item 1, above. 34 C.F.R. 668.46(j)(2)(iii)
Primary Prevention Programs	“Primary prevention programs” means programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions. 34 C.F.R. 668.46(j)(2)(iv)
Risk Reduction	“Risk reduction” means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. 34 C.F.R. 668.46(j)(2)(v)
<i>Procedures for Institutional Disciplinary Action</i>	<p>An institution must include in its annual security report a clear statement of policy that addresses the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as defined in 34 C.F.R. 668.46(a), and that:</p> <ol style="list-style-type: none">1. Describes each type of disciplinary proceeding used by the institution; the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding; how to file a disciplinary complaint; and how the institution determines which type of proceeding to use based on the circumstances

of an allegation of dating violence, domestic violence, sexual assault, or stalking;

2. Describes the standard of evidence that will be used during any institutional disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking;
3. Lists all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking; and
4. Describes the range of protective measures that the institution may offer to the victim following an allegation of dating violence, domestic violence, sexual assault, or stalking;
5. Provides that the proceedings will:
 - a. Include a prompt, fair, and impartial process from the initial investigation to the final result;
 - b. Be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
 - c. Provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;
 - d. Not limit the choice of adviser or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties; and
 - e. Require simultaneous notification, in writing, to both the accuser and the accused, of:
 - (1) The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;
 - (2) The institution's procedures for the accused and the victim to appeal the result of the institutional

disciplinary proceeding, if such procedures are available;

- (3) Any change to the result; and
- (4) When such results become final.

34 C.F.R. 668.46(k)

Compliance with 34 C.F.R. 668.46(k) does not constitute a violation of Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g. *34 C.F.R. 668.46(l)*

Prompt, Fair,
and Impartial
Proceeding

“Prompt, fair, and impartial proceeding” includes a proceeding that is:

1. Completed within reasonably prompt time frames designated by an institution's policy, including a process that allows for the extension of time frames for good cause with written notice to the accuser and the accused of the delay and the reason for the delay;
2. Conducted in a manner that:
 - a. Is consistent with the institution's policies and transparent to the accuser and accused;
 - b. Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
 - c. Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
3. Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

34 C.F.R. 668.46(k)(3)(i)

Adviser

“Adviser” means any individual who provides the accuser or accused support, guidance, or advice. *34 C.F.R. 668.46(k)(3)(ii)*

Proceeding

“Proceeding” means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim. *34 C.F.R. 668.46(k)(3)(iii)*

Result “Result” means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding FERPA, the result must also include the rationale for the result and the sanctions. *34 C.F.R. 668.46(k)(3)(iv)*

Definitions

Dating Violence

“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall 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. For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse and dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and 34 C.F.R. 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

34 C.F.R. 668.46(a)

Domestic Violence

“Domestic violence” is a felony or misdemeanor crime of violence committed:

1. By a current or former spouse or intimate partner of the victim;
2. By a person with whom the victim shares a child in common;
3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
5. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

For the purposes of complying with the requirements of this section and 34 C.F.R. 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

34 C.F.R. 668.46(a)

Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking

“Programs to prevent dating violence, domestic violence, sexual assault, and stalking” means comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:

1. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
2. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees, as defined in 34 C.F.R. 668.46(j)(2).

34 C.F.R. 668.46(a)

Sexual Assault

“Sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program and included in Appendix A of 34 C.F.R. Part 668, Subpart D. *34 C.F.R. 668.46(a)*

Stalking

“Stalking” means engaging in 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 victim.

34 C.F.R. 668.46(a)

**Section IV:
Discrimination on
the Basis of Race,
Color, or National
Origin**

No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which 34 C.F.R. Part 100 applies.

A recipient under any program to which Part 100 applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin:

1. Deny an individual any service, financial aid, or other benefit provided under the program;
2. Provide any service, financial aid, or other benefit to an individual that is different, or is provided in a different manner, from that provided to others under the program;
3. Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;
4. Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;
5. Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition that individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;
6. Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so that is different from that afforded others under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in 34 C.F.R. 100.3(c)); or
7. Deny a person the opportunity to participate as a member of a planning or advisory body that is an integral part of the program.

A recipient, in determining the types of services, financial aid, or other benefits, or facilities that will be provided under any such program, or the class of individuals to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration that have the effect of subjecting individuals to discrimination because of their race, color, or na-

tional origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin.

42 U.S.C. 2000d; 34 C.F.R. 100.3(a)–(b)

Hair Texture or
Style

Discrimination on the basis of hair texture or a protective hairstyle in student dress or grooming policies is prohibited in accordance with Education Code 51.979 [see FLBA]. *Education Code 51.979*

**Section V: Diversity,
Equity, and Inclusion
Initiatives**

The governing board of an institution of higher education, including a college district, shall ensure that each unit of the institution does not, except as required by federal law:

1. Compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
2. Give preference on the basis of race, sex, color, ethnicity, or national origin to a participant in any function of the institution; or
3. Require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training, which:
 - a. Includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and
 - b. Does not include a training, program, or activity developed by an attorney and approved in writing by the institution's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Education Code 51.3525(b)(1)

Exceptions

This section may not be construed to apply to:

1. Academic course instruction;
2. Scholarly research or a creative work by an institution of higher education's students or the dissemination of that research or work;
3. An activity of a student organization registered with or recognized by an institution of higher education;
4. Guest speakers or performers on short-term engagements;

5. A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;
6. Data collection; or
7. Student recruitment or admissions.

Education Code 51.3525(c)-(d)

Note: For related information on diversity, equity, and inclusion initiatives, see BG(LEGAL) for diversity, equity, and inclusion offices, CFE(LEGAL) for contractor discipline, DAA(LEGAL) for employees, and DH(LEGAL) for employee discipline.

**Section VI:
Discrimination on
the Basis of Age**

No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance. *42 U.S.C. 6102; 34 C.F.R. 110.10*

Exceptions

*Normal Operation
or Statutory
Objective*

A recipient is permitted to take an action otherwise prohibited by 34 C.F.R. 110.10 if the action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity. An action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity, if:

1. Age is used as a measure or approximation of one or more other characteristics;
2. The other characteristic or characteristics must be measured or approximated in order for the normal operation of the program or activity to continue, or to achieve any statutory objective of the program or activity;
3. The other characteristic or characteristics can be reasonably measured or approximated by the use of age; and
4. The other characteristic or characteristics are impractical to measure directly on an individual basis.

34 C.F.R. 110.12

*Reasonable
Factors Other
Than Age*

A recipient is permitted to take an action otherwise prohibited by 34 C.F.R. 110.10 that is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages. An action may be based on a factor other than

age only if the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective. *34 C.F.R. 110.13*

*Special Benefits
for Children and
the Elderly*

If a recipient operating a program or activity provides special benefits to the elderly or to children, the use of age distinctions is presumed to be necessary to the normal operation of the program or activity, notwithstanding the provisions of 34 C.F.R. 110.12. *34 C.F.R. 110.16*

Affirmative Action

Even in the absence of a finding of discrimination, a recipient may take affirmative action to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity on the basis of age. *34 C.F.R. 110.15*

Notice

A recipient shall notify its beneficiaries, in a continuing manner, of information regarding the provisions of the Age Discrimination Act of 1975 and the associated regulations. *34 C.F.R. 110.25(b)*

**Section VII:
Discrimination on
the Basis of
Disability**

ADA

Under the Americans with Disabilities Act (ADA), no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, including a college district, or be subjected to discrimination by any such entity. A public entity shall not exclude or otherwise deny equal services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association. *42 U.S.C. 12132; 28 C.F.R. 35.130*

Section 504

Under Section 504 of the Rehabilitation Act, no otherwise qualified individual with a disability shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. *29 U.S.C. 794(a)*

Disability

"Disability" means, with respect to an individual:

1. A physical or mental impairment that substantially limits one or more major life activities of an individual;
2. A record of having such an impairment; or
3. Being regarded as having such an impairment.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

The term "disability" does not include:

1. Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
2. Compulsive gambling, kleptomania, or pyromania; or
3. Psychoactive substance use disorders resulting from current illegal use of drugs.

42 U.S.C. 12102(1), (4)(C)–(D); 28 C.F.R. 35.108(a), (d), (g)

*Regarded as
Having Such an
Impairment*

An individual meets the requirement of being “regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under the ADA because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. *42 U.S.C. 12102(3)(A); 28 C.F.R. 35.108(f)*

*Transitory and
Minor*

Item 3 in the definition of “Disability,” above, (“regarded as having such an impairment”) shall not apply to impairments that are transitory or minor. A transitory impairment is an impairment with an actual or expected duration of six months or less. *42 U.S.C. 12102(3)(B); 28 C.F.R. 35.108(d)(1)(ix), (f)(2)*

*Mitigating
Measures*

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy or supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; learned behavioral or adaptive neurological modifications; or psychotherapy, behavioral therapy, or physical therapy.

The ameliorative effects of mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

“Ordinary eyeglasses and contact lenses” are lenses that are intended to fully correct visual acuity or to eliminate refractive error.

“Low-vision devices” means devices that magnify, enhance, or otherwise augment a visual image.

42 U.S.C. 12102(4)(E); 28 C.F.R. 35.108(d)(1)(viii), (4)

*Major Life
Activities*

“Major life activities” include, but are not limited to:

1. Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting,

bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and

2. The operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

In determining whether an impairment substantially limits a major life activity, the term "major" shall not be interpreted strictly to create a demanding standard. Whether an activity is a major life activity is not determined by reference to whether it is of central importance to daily life.

42 U.S.C. 12102(2); 28 C.F.R. 35.108(c)-(d)

*Physical or
Mental
Impairment*

"Physical or mental impairment" means:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or
2. Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability.

Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

Physical or mental impairment does not include homosexuality or bisexuality.

28 C.F.R. 35.108(b)

Qualified Individual with a Disability	<p>The term “qualified individual with a disability” means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the college district. <i>42 U.S.C. 12131(2); 28 C.F.R. 35.104</i></p>
<i>Individual with a Disability</i>	<p>“Individual with a disability” means a person who has a disability. The term individual with a disability does not include an individual who is currently engaging in the illegal use of drugs, when the public entity acts on the basis of such use. <i>28 C.F.R. 35.104</i></p>
Student with a Disability	<p>A “student with a disability” is one who has a physical or mental impairment that substantially limits one or more of the student’s major life activities, has a record of having such an impairment, or is being regarded as having such an impairment.</p> <p>The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as medication, medical supplies, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics, hearing aids, mobility devices, oxygen therapy, assistive technology, or learned behavioral or adaptive neurological modifications.</p> <p>An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.</p> <p>A student meets the requirement of being “regarded as” having an impairment if the student establishes that he or she has been subjected to a prohibited action because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This provision does not apply to impairments that are transitory or minor. A transitory impairment is one with an actual or expected duration of six months or less.</p> <p><i>29 U.S.C. 705(20)(B); 42 U.S.C. 12102(1), (3)–(4)</i></p>
Reasonable Modification	<p>A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.</p> <p>A public entity is not required to provide a reasonable modification to an individual who meets the definition of “disability” solely under</p>

the “regarded as” prong of the definition of “disability” at 28 C.F.R. 35.108(a)(1)(iii).

28 C.F.R. 35.130(b)(7)

Communications

A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public, and companions with disabilities are as effective as communications with others. A public entity shall furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity. In determining what types of auxiliary aids or services are necessary, a public entity shall give primary consideration to the requests of the individual with disabilities. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability. *28 C.F.R. 35.160*

*Auxiliary Aids
and Services*

“Auxiliary aids and services” include:

1. Qualified interpreters on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;
2. Qualified readers; taped texts; audio recordings; Braille materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods for making visually delivered materials available to individuals who are blind or have low vision;
3. Acquisition or modification of equipment or devices; and
4. Other similar services and actions.

28 C.F.R. 35.104

*Limits of
Required
Modification*

Title 28 C.F.R. Chapter I, Part 35, Subpart E does not require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. The decision that compliance would result in such alteration or burdens must be made by the head of the public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. *28 C.F.R. 35.164*

Direct Threat

The ADA does not require a public entity to permit an individual to participate in or benefit from the services, programs, or activities of the public entity when that individual poses a direct threat to the health or safety of others.

“Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services as provided below.

28 C.F.R. 35.104

In determining whether an individual poses a direct threat to the health or safety of others, a public entity must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain:

1. The nature, duration, and severity of the risk;
2. The probability that the potential injury will actually occur; and
3. Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

28 C.F.R. 35.139

Services Inventory

The Coordinating Board shall maintain an inventory of all postsecondary educational programs and services provided for persons with intellectual and developmental disabilities by institutions of higher education. The Coordinating Board shall:

1. Post the inventory on the Coordinating Board's internet website in an easily identifiable and accessible location;
2. Submit the inventory to TEA for inclusion in the transition and employment guide under Education Code 29.0112; and
3. Update the inventory at least once every two years.

At times prescribed by the Coordinating Board, each institution of higher education, including each college district, shall report to the Coordinating Board all programs and services described above provided by that institution.

Education Code 61.0663

**Section VIII:
Retaliation**

No recipient of federal financial assistance or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title VI, Title IX, or Section 504 or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under 34 C.F.R. Parts 100, 104, or 106. *34 C.F.R. 100.7(e) (Title VI), 104.61 (Section 504), 106.71 (Title IX)*

**Section IX: Handgun
License as Proof of
Identification**

A person may not deny the holder of a concealed handgun license issued under Government Code Chapter 411, Subchapter H access to goods, services, or facilities, except as provided by Transportation Code 521.460 (regarding motor vehicle rentals) or in regard to the operation of a motor vehicle, because the holder has or presents a concealed handgun license rather than a driver's license or other acceptable form of personal identification.

This section does not affect the requirement under Government Code 411.205 that a person present a driver's license or identification certificate in addition to a concealed handgun license.

Business and Commerce Code 506.001

Note: For complaints of discrimination, harassment, and retaliation on the basis of a protected characteristic, see FFDA and FFDB.

**Diversity, Equity,
and Inclusion
Initiatives**

Except as required by federal law, the College District shall not:

1. Compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
2. Give preference on the basis of race, sex, color, ethnicity, or national origin to a participant in any College District function; or
3. Require as a condition of enrolling at the College District or performing any College District function any person to participate in diversity, equity, and inclusion training that references race, color, ethnicity, gender identity, or sexual orientation, unless it was developed by an attorney and approved in writing by the College District's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Exceptions

The prohibitions do not apply to:

1. Academic course instruction;
2. Scholarly research or a creative work by College District employees or students;
3. An activity of a student organization registered with or recognized by the College District;
4. Guest speakers or performers on short-term engagements;
5. A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;
6. Data collection; or
7. Student recruitment or admissions.

Note: For related information on diversity, equity, and inclusion initiatives, see BG for diversity, equity, and inclusion offices, CFE for contractor discipline, DAA for employees, and DH for employee discipline.

Update – Senate Bill 17

Dr. David Arreazola, Vice President of Compliance and Risk Management



TEXAS LEGISLATURE 2023

Texas Senate approves bill that would ban diversity programs in public universities

The legislation heads to the Texas House, where members have been more muted about the proposal to disband offices, programs and training that foster diversity.

BY KATE MCGEE, APRIL 19, 2023 (UPDATED: APRIL 20, 2023)

SHARE REPUBLISH



The 88th Texas State Legislature passed, and Governor Greg Abbott signed into law, Senate Bill 17, “Regarding Diversity, Equity, and Inclusion Initiatives,” which amends Texas Education Code 51.5325 effective January 1, 2024.

What programs and activities are prohibited by SB 17?

Note: Diversity, Equity, and Inclusion (DEI)

Prohibition on DEI Offices - each unit of the college does not establish or maintain a DEI office or hire or assign an employee, or contract with a third party, to perform a DEI office's duties, unless required by federal law.

Prohibition on DEI Statements - no unit of the college compels, requires, induces, or solicits a person to provide a DEI statement or give preferential consideration to a person who provides a statement, unless required by federal law.

Prohibition on DEI Preferences - no unit of the college give preference to an employee, an applicant for employment, or a participant in a function of the college based on the person's race, sex, color, ethnicity, or national origin, unless required by federal law.

Prohibition on DEI Training - no unit of the college requires DEI training as a condition of enrolling at the college or performing a college function, unless required by federal law.

Are there exceptions to the application of SB 17's provisions?

SB 17 does not restrict the institution in applying for a grant or complying with accreditation terms, from submitting to the grantor or accrediting agency a statement highlighting the community college's work supporting first generation or low-income students or underserved student populations or certifying the college's compliance with antidiscrimination laws.

SB 17's prohibitions do not apply to

- academic courses;
- scholarly research or creative works by students, faculty, or research personnel or the dissemination of the research or works;
- data collection;
- policy, procedure, practice, program, or activity intended to enhance student academic achievement or postgraduate outcomes if it is designed and implemented without regard to race, sex, color, or ethnicity;
- an activity of a registered or recognized student organization,
- a short-term guest speaker or performer, or student recruitment or admissions.

Next Steps.....

- Conduct a review
- employment practices,
- employee and student support services,
- college-sanctioned and -affiliated organizations,
- administrative unit names,
- mission statements,
- position titles,
- job descriptions, and
- outreach efforts and related messaging.



Laredo College

OFFICE OF THE PRESIDENT

Fort McIntosh Campus

West End Washington St.

Laredo, TX 78040-4395

956.722.0521

www.laredo.edu

South Campus

5500 South Zapata Highway

Laredo, TX 78046

956.794.4000

Dr. Minita Ramirez
PRESIDENT

Board of Trustees

Ms. Lupita Zepeda
PRESIDENT

Mr. Jorge "JD" Delgado
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Mr. Mercurio Martinez Jr.
TRUSTEE

Mr. Esteban Rangel
TRUSTEE

Ms. Karina "Kari" Elizondo
TRUSTEE

Ms. Ernestina "Tita" C. Vela
TRUSTEE

June 19, 2024

To Whom It May Concern:

I certify, under penalty of perjury and the loss of funding to Laredo College, that Laredo College has complied with the requirements in Tex. Educ. Code § 51.3525:

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

Igniting Excellence...The Legacy Continues

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY2025 have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal Laredo College has conducted the following:

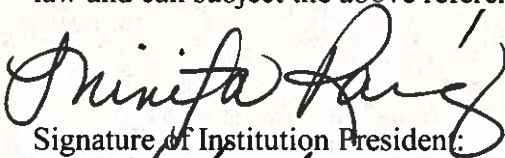
Laredo College has taken comprehensive steps to comply with Senate Bill 17 (SB17). The institution incorporated legal policies into its Board Policy Manual and adopted local policies on February 22, 2024, to ensure compliance. Key policies include BG(LEGAL) and BG(LOCAL), which prohibit diversity, equity, and inclusion (DEI) offices with limited exceptions, and BI(LEGAL), which mandates reporting compliance to the legislature and the Texas Higher Education Coordinating Board (THECB). The CFE LEGAL) and CFE(LOCAL) policies outline disciplinary procedures for contractors violating SB17, while DAA(LEGAL) and DAA(LOCAL) prohibit requiring DEI statements or training and preferential treatment based on

race, sex, color, ethnicity, or national origin. DH(LEGAL) requires disciplinary actions for employees violating SB17, and FA(LEGAL) and FA(LOCAL) prohibit requiring DEI statements or training for enrollment or participation in institutional functions. To raise awareness, a presentation was conducted during the Spring In-Service on January 8, 2024, to inform all employees about SB17 compliance requirements. Dr. David V. Arreazola, Vice President of Compliance and Risk Management, serves as the primary contact for compliance-related matters including SB17. Additionally, the college's internal audit function, in coordination with legal counsel, regularly reviews policy compliance and plans to audit adherence to SB17. Supporting documentation includes the aforementioned policies and a summary of the Spring In-Service presentation. This detailed and structured approach demonstrates Laredo College's commitment to adhering to SB17, ensuring that state funds are used in accordance with the law and that all employees are aware of their responsibilities in maintaining compliance.

Attached Supporting Documentation:

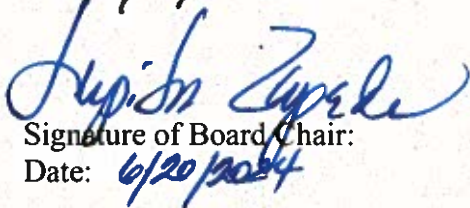
- BG(LEGAL) and BG(LOCAL) Policies
- BI(LEGAL) Policy
- CFE(LEGAL) and CFE(LOCAL) Policies
- DAA(LEGAL) and DAA(LOCAL) Policies
- DH(LEGAL) Policy
- FA(LEGAL) and FA(LOCAL) Policies
- Spring In-Service Presentation

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law.



Signature of Institution President:

Date: 6/20/2024



Signature of Board Chair:

Date: 6/20/2024


Date submitted to THECB: 8/1/2024

Date submitted to the Legislature:

Institution: Lee College
Date Submitted: 08/29/24
Pages: 1

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Lynda Villanueva, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.



Signature

8-29-24
Date

Please check one:

- President
 Board Chair

Institution: Lone Star College System District
Date Submitted: 08/13/24
Pages: 89



July 24, 2024

Harrison Keller, Ph.D.
Commissioner of Higher Education
Texas Higher Education Coordinating Board
1801 Congress Avenue, Suite 12.200
Austin, Texas 78701

Re: FY2024 Senate Bill 17 Compliance Reporting

Board of Trustees

District 1
Michael Stoma

District 2
Ernestine M. Pierce

District 3
Iesheia Wilson

District 4
Art Murillo

District 5
David A. Vogt

District 6
Myriam Saldivar

District 7
Rebecca Broussard

District 8
Mike Sullivan

District 9
Jim Cain, Ed.D.

Chancellor
Mario K. Castillo

I certify, under penalty of perjury and the loss of funding to Lone Star College that Lone Star College has complied with the requirements in Tex. Educ. Code § 51.3525:

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a)

The Woodlands
5000 Research Forest Drive
The Woodlands, TX 77381-4356
832.813.6728

University Park
20515 S.H. 249
Houston, TX 77070-2607
LoneStar.edu

System (the “College”) and recommended revisions to align with the law’s requirements. This policy review initiative resulted in changes to the College’s vision and value statements and policies regarding community and government relations, business operations, employment, instruction, admissions, and students’ rights, all of which the Board approved on August 3, 2023.² The Board also adopted a new policy fully incorporating, by reference, Texas Education Code 51.3525’s requirements and setting disciplinary consequences for employees or contractors who violate the law.³

3. Lone Star College closed its Office of Diversity, Equity, and Inclusion and eliminated several related positions to comply with Texas Education Code Section 51.3525. The affected positions consisted of one Chief Diversity Officer, who led the College’s DEI efforts from the system-level and seven Campus Diversity Managers who implemented DEI programs at each campus. These positions no longer exist. The individuals formerly employed in the eliminated roles, have departed the College, or transitioned into new roles.
4. Stakeholders throughout the College system collaborated to assist the Board in reviewing the College’s programs and activities for compliance. In doing so, the College evaluated its cultural beliefs, which are six statements that help focus employees’ efforts on the College’s desired outcomes. The College, through this process, removed its “Advance Equity” cultural belief statement, which stated “I advance diversity and inclusion to create an equitable environment.”⁴
5. Although the College does not require diversity statements in its hiring process, the College revised its job descriptions to remove standard language suggesting an obligation to uphold a commitment to diversity.⁵ Lone Star College’s policies have declared—and continue to declare—the College’s commitment to filling open positions with candidates who meet the position’s minimum qualifications, which do not include the candidate’s race, sex, color, or ethnicity.⁶
6. All Lone Star College new hires, employees, and contractors must complete mandatory compliance training as a condition of being—and remaining—hired. The College reviewed the mandatory training curriculum and eliminated all modules containing prohibited content. The College, similarly, reviewed its student compliance training plan to ensure it did not include any prohibited content. Finally, the College assessed its search committee training modules, which are mandatory for individuals serving on hiring committees, and eliminated all diversity-equity-and-inclusion-related modules.⁷
7. To aid in compliance efforts, the College’s Office of the General Counsel (“OGC”) has provided training, guidance, and recommendations regarding the College’s programs and activities and their compliance with Texas Education Code 51.3525. The College has

² Attach., Ex., B.

³ Attach. Ex., C.

⁴ Attach. Ex., D.

⁵ Attach. Ex., E.

⁶ Attach. Ex., F.

⁷ Attach. Ex., G.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for fiscal year 2025 have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year Lone Star College has conducted the following:

1. The Lone Star College Board of Trustees established a special Board Committee to help oversee Texas Education Code Section 51.3525's implementation at Lone Star College.¹ The Committee began identifying, collecting, and reviewing information regarding potentially affected programs, activities, and policies shortly after the 88th regular legislative session concluded.
2. As part of the efforts to comply with Section 51.3525, the Board's Committee performed a comprehensive review of the institutional policies governing the Lone Star College

¹ Attach., Ex. A.

established a review process that allows institutional stakeholders to submit questions or programs to the College's OGC for compliance recommendations. Through this review process, OGC has received, reviewed, and provided compliance recommendations regarding at least 252 trainings, programs, and or activities.⁸ OGC intends to serve as the primary point of contact for the State Auditor to oversee the College's compliance with Texas Education Code 51.3525.⁹

8. The College has a multi-pronged approach for ensuring ongoing compliance. The College's Compliance Management Department ("CM") helps ensure the College complies with all applicable laws, regulations, and policies. As part of CM's compliance process, relevant stakeholders, compliance reporting requirements, and deadlines are assigned to each compliance item to ensure the College is annually identifying and correcting any compliance issues. The College's compliance with Section 51.3525 will be monitored through this process. Additionally, the College's Internal Audit department intends to audit and review the College's compliance with Section 51.3525 as part of its annual audit plan.¹⁰ Individuals may also report suspected violations to the Internal Audit department for investigation and appropriate action.
9. The College is submitting this certification report before August 31, 2024, as required by law. The College generally receives state-appropriated funds in three payments—with the first in October of each year.¹¹ The College has not received any state-appropriated funds for fiscal year 2025. Accordingly, in compliance with Section 51.3525, the College has not spent any state appropriations prior to the date of this certification.

Lone Star College is committed to ensuring our institution complies with the law. We appreciate the opportunity to demonstrate our efforts to implement the requirements of Texas Education Code Section 51.3525 on our campuses.

Respectfully,



Mario K. Castillo
Chancellor

Michael Stoma
Board Chair



⁸ Specific legal opinions rendered by Lone Star College attorneys are not attached due to attorney-client privilege.

⁹ Attach. Ex., H.

¹⁰ *Id.*

¹¹ Attach. Ex., I.

EXHIBIT A

**MINUTES OF THE WORKSHOP AND
REGULAR MEETING OF THE BOARD OF TRUSTEES
LONE STAR COLLEGE SYSTEM
LSC-SYSTEM OFFICE BOARD ROOM
5000 RESEARCH FOREST DRIVE
THE WOODLANDS, TX 77381-4356
AND VIA ZOOM
June 1, 2023
5:00 p.m.**

PRESENT: Mr. Michael Stoma, Chair
Mr. Art Murillo, Vice Chair
Mr. Mike Sullivan, Secretary
Dr. Jim Cain, Asst. Secretary
Ms. Rebecca Broussard
Ms. Ernestine Pierce
Ms. Myriam Saldívar
Mr. David Vogt
Ms. Iesheia Wilson

ABSENT: None

- I. **CALL TO ORDER:** Chair Stoma called the workshop and regular meeting of the Board of Trustees to order at 5:05 p.m. after determining that a quorum was present.
- II. **PLEDGE OF ALLEGIANCE:** Chair Stoma led the Board and guests in reciting the Pledge of Allegiance.
- III. **CERTIFICATION OF THE POSTING OF THE NOTICE OF THE MEETING:** Chancellor Head confirmed that the Notice for the meeting had been properly posted. No action was required. A copy is attached as Exhibit “A”.
- IV. **PUBLIC COMMENT:** None.

Trustee Vogt entered the meeting at 5:04 p.m.
- V. **INTRODUCTIONS, SPECIAL GUESTS, AND RECOGNITIONS:** Dr. Head introduced Cassandra Jenkins with Community Impact.
- VI. **WORKSHOP:** None.
- VII. **APPROVAL OF THE MINUTES OF THE MAY 4, 2023 WORKSHOP AND REGULAR MEETING:** upon a motion by Dr. Cain and a second by Mr. Murillo the board approved the amended minutes of the May 4, 2023 Workshop and Regular Meeting.

Trustee Wilson asked that the minutes be amended to include the exchange and discussion between Trustee Sullivan and Trustee Wilson in reference to a question that was asked to Jennifer Mott at the last minute about a Policy item. Chair Stoma asked the board to vote on the amended minutes. The motion passed with Trustee Sullivan abstaining.

VIII. SPECIAL REPORTS AND ANNOUNCEMENTS:

1. Chancellor: Lone Star College recognized 9,708 Spring 2023 graduates including 209 Bachelor's graduates. We have one of the largest graduating classes in the entire state and that will be one of our performance outcomes in the new budget model. Lone Star College also had a number of CE and GED graduates at LSC-Kingwood and LSC-Montgomery and others are scheduled. Lone Star College is receiving more funding from the State for technical training and workforce through LSC-Corporate College. We are working hard with the Texas Workforce Commission (TWC). TWC sets the example for the rest of the state efficiencies and the way you ought to be giving out grants. They give out grants, and if you have outcomes, you get additional grants.

LSC-CyFair has two Cy-Lakes High School College Academy cohort graduates earned full-ride scholarships to Stanford University and the University of Notre Dame and one of Cy-Fair's adult students earned a full-ride to Princeton.

Summer enrollments are up 9% - six out of our eight locations are up. For the Fall we are up 12% in enrollments.

2. Faculty Senate: None.
3. Other Employee Groups: Mr. John Burghduff president of the AFT thanked the Board of Trustees for revamping the agenda to create this new slot for employee groups. Mr. Burghduff stated that this is the final board meeting of Dr. Head, and this is the last formal opportunity to acknowledge the 39 years of service to Lone Star College. On a personal level, Mr. Burghduff stated he was grateful to Dr. Head for hiring him and giving him the opportunity to teach at this great college. In the most current issue of the Union's newsletter, "The Advocate", Steve Davis, history professor wrote a tribute to Dr. Head: "I have known Steve for nearly 40 years, and I will always consider him my friend. Perhaps a century from now, some historian will do a ranking of LSC Chancellors as Arthur Schlesinger famously started doing with U.S. Presidents in 1948. Over that course of time, who will be judged the greats, the near greats, the mediocrities, and the outright failures. I am utterly confident that Steve Head's tenure as our leader will always earn him a spot in the top rank. It has been a consequential term of service and one in which he has been a very effective helmsman. Three things come quickly to mind for which he should be applauded. First, he exemplifies the best of progressive southerners of a certain generation in his outspoken contempt for racism. Second, one of his enduring messages is his insistence that all LSC employees be treated with respect whatever their credentials or type of service to the institution and finally he must always be lauded for his commitment to maintaining jobs through the pandemic at a time when so many Americans suffered loss of livelihood." Dr.

Burghduff agreed with the quote and thanked Dr. Head and all of us at Lone Star College wish you all the best in your futures adventures and we hope to see you from time to time at graduations and pinning ceremonies.

4. Board Members: Trustee Wilson attended the CE and GED graduation at LSC-Montgomery and conferred the degrees and they were very excited to have a Trustee there and told Trustees whatever campus you are invited to it would be a great for our Trustees to go because they were truly appreciative.

Trustee Sullivan attended the LSC-Kingwood graduation and the LSC-Kingwood CE graduations – The CE graduation is very personal and the joy and satisfaction that you see in the eyes of those students is very real. He was also at the Bachelor's degree graduation.

Trustee Murillo also attended graduations at LSC-Tomball, LSC-Kingwood and LSC-Houston North. It is always a thrill seeing the faces of young people and their families. It was incredibly touching to see families come together, cheering for their family members. Mayor Sylvester Turner was also at the LSC-Houston North graduation.

Trustee Saldívar attended LSC-UP and LSC-Online commencement ceremonies. Both graduations were really nice and it is nice to be involved in some way because what she liked the best is when you see the students walk the stage, you see their smiles on their faces and some students were crying and it reminds you as Trustees that what we do here does impact our students and it gives you another perspective.

Dr. Cain had the opportunity to attend three ceremonies as well, LSC-Montgomery, LSC-North Harris and LSC-Kingwood and echoed what the other Trustees said.

Chair Stoma attended LSC-CyFair with over 1,200 graduates and over 500 dual credit graduates.

Trustee Broussard stated she attended LSC-Montgomery with over 500 graduates, and she also attended a Senior awards ceremony at Willis High School and there were many Lone Star College scholarships given that night and she was very proud as a Trustee and thanked Lone Star College.

Trustee Vogt attended LSC-UP and LSC-Tomball and after attending many graduations over the years and he stated he got in the habit of looking at the footwear of the graduates and was very impressed at the current graduates that there is a marked difference in the quality of the footwear, and it has come to mean a great deal more to the graduates and they realize they are getting a fantastic education and are excited about it. Trustee Vogt also thanked Dr. Head for being a good leader here at Lone Star College.

Trustee Pierce attended LSC-North Harris and LSC-Houston North graduations and stated the thing that stood out to her was the amount of early college graduates which

they received a high school diploma along with an associate degree and also workforce certifications. It was very impressive, and it was good to see. We need to stay on the cutting edge of what's out there and the biggest jobs are going to be in healthcare, infrastructure and energy. It was also great to see non-traditional students walking across the stage. Lone Star is doing a great job.

5. Board Committee Reports: Trustee Cain gave a brief overview of the Chancellor Search and stated Trustee Pierce, Trustee Murillo, Trustee Saldívar, Ms. Mihalick and Ms. Mott are working with him to start putting together the new Chancellor contract. Chair Stoma showed the Chancellor Search Timeline and said July will be a very busy month and there may be the need for a few special sessions of the Board.
6. Policy Review Committees Update: Trustee Sullivan stated the Audit and Finance Committee met and reviewed the RFP's for the external auditor and that is on the agenda tonight for Board approval. The committee also met to discuss the Homestead Exemption and that item will come to the Board for approval as well.

Chair Stoma appointed an ad hoc Policy Committee to review policy implications in the Lone Star College policy as it relates to SB17 law change which prohibits DEI practices in institutions of higher learning. The committee members are: Trustee Wilson, Chair, Trustee Pierce and Trustee Murillo to look at the new law and how it impacts our policy and make recommendations as needed to maintain equity as we go forward in aspects of the college.

- IX. CONSIDERATION OF THE CONSENT AGENDA:** Chair Stoma proceeded with the Consent Agenda. Action Item 1, 20, 26 and 27 were removed from the agenda with action to be taken separately. Mr. Murillo made a motion to approve Action Items 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 28, and 29. Dr. Cain seconded the motion. Ms. Pierce abstained from voting. The Consent Agenda was passed. A copy is attached as Exhibit "B".

X. POLICY REPORTS AND CONSIDERATIONS

- A. Consideration and Approval of the Recommended Revisions to the Lone Star College System District (the "College") Board Policy Manual Section I. Governance (ACTION ITEM 1): upon a motion by Mr. Sullivan and a second by Mr. Vogt the Board of Trustees considered and approved revisions to the College's Board Policy Manual Section I. Governance. Chair Stoma indicated there were amendments to this policy item. The first proposed amendment presented was to amend the Policy Review Committee as an ad hoc committee to be able to engage everyone. Upon a motion by Mr. Murillo and a second by Ms. Pierce, the board approved this amendment which is found on page 69 Section I.E.1.04. This first amendment passed. The second amendment pertains to Conduct of Committee meetings, removing the language that all Board committee meetings will be conducted in accordance with the Open Meetings Act but this is strictly voluntary– the Open Meetings Act does not require that for committee meetings. The intent was to create transparency of our committees and

EXHIBIT B

**MINUTES OF THE WORKSHOP AND
REGULAR MEETING OF THE BOARD OF TRUSTEES
LONE STAR COLLEGE SYSTEM
LSC-SYSTEM OFFICE BOARD ROOM
5000 RESEARCH FOREST DRIVE
THE WOODLANDS, TX 77381-4356
AND VIA ZOOM
August 3, 2023
5:00 p.m.**

PRESENT: Mr. Michael Stoma, Chair
Mr. Art Murillo, Vice Chair
Mr. Mike Sullivan, Secretary
Dr. Jim Cain, Asst. Secretary
Ms. Rebecca Broussard
Ms. Myriam Saldívar
Mr. David Vogt

ABSENT: Ms. Ernestine Pierce
Ms. Iesheia Wilson

- I. **CALL TO ORDER:** Chair Stoma called the workshop and regular meeting of the Board of Trustees to order at 5:00 p.m. after determining that a quorum was present.
- II. **PLEDGE OF ALLEGIANCE:** Chair Stoma led the Board and guests in reciting the Pledge of Allegiance.
- III. **CERTIFICATION OF THE POSTING OF THE NOTICE OF THE MEETING:** Ms. Deseree Probasco, chief of staff confirmed that the Notice for the meeting had been properly posted. No action was required. A copy is attached as Exhibit “A”.
- IV. **PUBLIC COMMENT:** None.
- V. **INTRODUCTIONS, SPECIAL GUESTS, AND RECOGNITIONS:** None.
- VI. **WORKSHOP:** None.
- VII. **APPROVAL OF THE MINUTES OF THE JUNE 1, 2023 BUDGET WORKSHOP, JUNE 1, 2023 WORKSHOP AND REGULAR MEETING, JUNE 29, 2023 SPECIAL MEETING, JULY 11, 2023 SPECIAL MEETING, JULY 13, 2023 SPECIAL MEETING, JULY 17, 2023 SPECIAL MEETING AND THE JULY 21, 2023 SPECIAL MEETING:** upon a motion by Dr. Cain and a second by Mr. Murillo the board approved the minutes of the June 1, 2023 Budget Workshop and the June 1, 2023 Workshop and Regular Meeting, the June 29, 2023 Special Meeting, the July 11, 2023

Special Meeting, the July 13, 2023 Special Meeting, the July 17, 2023 Special Meeting and the July 21, 2023 Special Meeting.

VIII. SPECIAL REPORTS AND ANNOUNCEMENTS:

1. Chancellor: None.
2. Faculty Senate: None.
3. Other Employee Groups: Mr. John Burghduff, president of the AFT, welcomed and congratulated two newly appointed executive administrators at Lone Star College: Dr. Bennie Lambert as interim president at LSC-North Harris and Mario Castillo as the sole finalist as the next Chancellor of Lone Star College. He also recognized Dr. Rebecca Riley on her retirement after this board meeting as her role of president of LSC-Montgomery College. Dr. Burghduff highlighted four board agenda items that the AFT was in support of: BAI #2 – the recommended revisions to the various passages to the board policy manual bringing into compliance with SB17 passed by the Legislature; BAI #4 – Section IV.D.2.(c) of the policy manual that codifies the personal leave system that personal leave days do not count against sick days and rewards employees who have greater longevity with more paid personal days; BAI #10 – Adoption of the Recommended FY2024 Budget and especially compensation increases for employees and BAI #13 – Contractors doing business with LSC prevailing wage rate.
4. Board Members: Trustee Sullivan stated he had 11 agenda items that he had questions on and he reached out to Ms. Mott prior to the meeting to get clarification. He got all of his questions resolved for all queries except for 2 BAI's. Trustee Sullivan stated he felt this was the proper way to approach questions ahead of time so as not to blindside staff and get questions addressed before the meeting. He said it was instructive to him and complimented the staff on how they approached answering his questions. After talking with staff, he was able to narrow it down from 11 items to 2 that he still had questions about. Chair Stoma applauded Trustee Sullivan for using that approach and felt that was a successful approach the Board should use regarding issues with agenda items. Chair Stoma stated he was willing to take any Board issues as chair and move those forward, but the way that Trustee Sullivan handled these was just perfect, he stated the issue and directed them to the proper authorities and they responded and satisfied his concerns on those issues. This is a good way to work and stated he appreciates this Board and, in our process, to reach a decision on a new Chancellor, the Board performed as a team.
5. Board Committee Reports: None.
6. Policy Review Committees Update: Trustee Sullivan stated the committee reviewed revisions for 2 board policies regarding Section IV.C - compensation and Section IV.D.2.(c) regarding paid time off. These policies were reviewed by the PRC and approved to move to the board for consideration and approval at this board meeting.

Trustee Murillo reported on the PRC that reviewed the diversity issue. The committee was made up of Trustee Murillo, Trustee Pierce and Trustee Wilson. They were tasked with reviewing and revising changes necessary to the diversity, inclusion, and equity policies. This was primarily a statutory requirement, and he thanked the legal office for their help. Chair Stoma asked Trustee Murillo to have his committee look deeper into the policies and see if there are any other considerations that need to be addressed.

Ms. Broussard entered the meeting at 5:14 p.m.

IX. CONSIDERATION OF THE CONSENT AGENDA: Chair Stoma proceeded with the Consent Agenda. Action Item 38 was removed from the agenda with action to be taken at a future board meeting. Action Item 10, 37, and 44 were removed from the agenda with action to be taken separately. Mr. Murillo made a motion to approve Action Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 39, 40, 41, 42 and 43. Mr. Vogt seconded the motion. The Consent Agenda was passed. A copy is attached as Exhibit “B”.

X. POLICY REPORTS AND CONSIDERATIONS

- A. Consideration and Approval of the Recommended Revision to the Lone Star College System District (the “College”) Board Policy Manual Section I. Governance Subsection I.B.1.01. Purpose (ACTION ITEM 1): the Board of Trustees considered and approved revisions to the College’s Board Policy Manual Section I. Governance Subsection I.B.1.01. Purpose. This item was passed in the Consent Agenda. A copy is attached as Exhibit “C”.
- B. Consideration and Approval of the Recommended Revisions to the Lone Star College System District (the “College”) Board Policy Manual Sections I.B.1.02., I.B.1.05., I.B.1.07., II.D.2.01., II.N.3., III.A.3.2., IV.E.1.1., V.H.1., VI.A.1.1., VI.D.1.1., VI.D.1.04., VI.D.12.01., and VI.D.13.01. (ACTION ITEM 2): the Board of Trustees considered and approved revisions to the College’s Board Policy Manual Sections I.B.1.02., I.B.1.05., I.B.1.07., II.D.2.01., II.N.3., III.A.3.2., IV.E.1.1., V.H.1., VI.A.1.1., VI.D.1.1., VI.D.1.04., VI.D.12.01., and VI.D.13.01. This item was passed in the Consent Agenda. A copy is attached as Exhibit “D”.
- C. Consideration and Approval of the Recommended Revisions to the Lone Star College System District (the “College”) Board Policy Manual Section IV.C. Compensation (ACTION ITEM 3): the Board of Trustees considered and approved revisions to the College’s Board Policy Manual Section IV.C. Compensation. This item was passed in the Consent Agenda. A copy is attached as Exhibit “E”.
- D. Consideration and Approval of the Recommended Revisions to the Lone Star College System District (the “College”) Board Policy Manual Section IV.D.2.(c). Paid Time Off (ACTION ITEM 4): the Board of Trustees considered and approved revisions to

the College’s Board Policy Manual Section IV.D.2.(c). Paid Time Off. This item was passed in the Consent Agenda. A copy is attached as Exhibit “F”.

XI. CURRICULUM REPORTS AND CONSIDERATIONS

- E. Consideration of Approval to Offer a New Lone Star College (the “College”) Artificial Intelligence and Machine Learning Associates of Applied Science (“AAS”) and Level II Certificate at Lone Star College-University Park (“LSC-University Park”) **(ACTION ITEM 5):** the Board of Trustees approved offering a new Artificial Intelligence (“AI”) and Machine Learning AAS and Level II Certificate at LSC-University Park beginning in Fall 2024. This item was passed in the Consent Agenda. A copy is attached as Exhibit “G”.

- F. Consideration of Approval to Deactivate the Lone Star College (the “College”) Corrosion Technician Level 1 Certificate (“Certificate”) and the Associate of Applied Science Degree (“AAS”) at Lone Star College-University Park (“LSC-University Park”) **(ACTION ITEM 6):** the Board of Trustees approved deactivating the College Corrosion Technician Level I Certificate and the AAS degree at LSC-University Park, effective Fall 2023. This item was passed in the Consent Agenda. A copy is attached as Exhibit “H”.

- G. Consideration of Approval to Deactivate the Lone Star College (the “College”) Digital Photography Enhanced Skills Certificate (“Certificate”) at Lone Star College-North Harris (“LSC-North Harris”), Lone Star College-Kingwood (“LSC-Kingwood”), and Lone Star College–CyFair (“LSC-CyFair”) **(ACTION ITEM 7):** the Board of Trustees approved deactivating the College Digital Photography Enhanced Skills Certificate at LSC-North Harris, LSC-Kingwood, and LSC-CyFair effective Fall 2023. This item was passed in the Consent Agenda. A copy is attached as Exhibit “I”.

- H. Consideration of Approval to Deactivate the Lone Star College (the “College”) Geographic Information Systems Occupational Skills Certificate (“OSC”) at Lone Star College-CyFair (“LSC-CyFair”) **(ACTION ITEM 8):** the Board of Trustees approved deactivating the College Geographic Information Systems OSC at LSC-CyFair, effective Fall 2023. This item was passed in the Consent Agenda. A copy is attached as Exhibit “J”.

- I. Consideration of Approval to Ratify the Transfer of Lone Star College (the “College”) Programs at the East Aldine Center Managed by Lone Star College-North Harris (“LSC-North Harris”) to Lone Star College-Kingwood (“LSC-Kingwood”) **(ACTION ITEM 9):** the Board of Trustees ratified transferring the East Aldine Center programs listed below to LSC-Kingwood effective June 19, 2023: Welding, AAS, Shielded Metal Arc Welding (SMAW), Level I Certificate, Gas Metal Arc Welding (GMAW), Level I Certificate, Welding Certificate, Level II Certificate, Inspection Technology Specialization, AAS, Ultrasonic Examination, Level I Certificate, Visual Examination, Level I Certificate, Electromagnetic Safety, Level II Certificate and HVAC Occupation

Entry, Level I Certificate. This item was passed in the Consent Agenda. A copy is attached as Exhibit “K”.

XII. FINANCIAL REPORTS AND CONSIDERATIONS

- J. Consideration of Adoption of the Lone Star College (the “College”) Recommended FY 2024 Budget (ACTION ITEM 10): upon a motion by Mr. Sullivan and a second by Ms. Broussard the Board of Trustees adopted the College’s FY 2024 recommended budget and authorize the Chancellor to approve expenditure budget transfers among the funds, as necessary and allowed by law, provided that such transfers do not exceed the total expenditures budget of \$465,227,561. A copy is attached as Exhibit “L”.
- K. Consideration of Approval to Transfer Lone Star College (“the College”) Cash Reserves for the Future Purchase of an Enterprise Resource Planning (“ERP”) System and Repair and Replacement (“R&R”) projects (ACTION ITEM 11): the Board of Trustees approved the transfer of cash reserves from the College operating fund to a College capital fund for the future purchase of an ERP system and for R&R projects in an amount not to exceed \$40 million. The transfer may occur in one or more transfers over multiple fiscal years. Future use of the funds will be restricted to, first, the purchase of an ERP system and, second, for R&R projects. Any other use of the funds will require Board approval. The funds will be available for Emergency Purchases as defined by Board Policy Section III.D.2.6. if cash reserves are below 20% of total budgeted expenditures less transfers, and only in the amount of the cash reserves shortfall from the 20% minimum. This item was passed in the Consent Agenda. A copy is attached as Exhibit “M”.
- L. Consideration of Approval of the 2023 – 2024 Non-Credit Tuition and Fee Schedule (ACTION ITEM 12): the Board of Trustees approved changes to the non-credit tuition and fee schedule. Changes to the schedule from the prior year: Emergency Medical Technician decrease from \$8 per contact hour to \$6 per contact hour. Life Path decrease from \$16 per contact hour to \$8 per contact hour. This item was passed in the Consent Agenda. A copy is attached as Exhibit “N”.
- M. Consideration of Approval to Authorize the Chancellor or Designee to Adopt a Prevailing Wage Rate in Accordance with the U.S. Department of Labor Davis-Bacon Act Rates and to Follow the U.S. Department of Labor Davis-Bacon Prevailing Wage Rates for FY 2024 (ACTION ITEM 13): the Board of Trustees authorized the Chancellor or a designee to adopt annually each fiscal year a Prevailing Wage Rate in accordance with the U.S. Department of Labor Davis-Bacon Act rates for applicable College projects. The Chancellor recommends that the Board of Trustees follow the U.S. Department of Labor Davis-Bacon Act Prevailing Wage Rates from September 1, 2023 until August 31, 2024. This item was passed in the Consent Agenda. A copy is attached as Exhibit “O”.
- N. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute Lease Agreements and Amendments on Behalf of Lone Star College (The

- “College”) with Responsive Education Solutions (“ResponsiveED”) for Lone Star College–Montgomery (“LSC-Montgomery”) University Center (ACTION ITEM 14): the Board of Trustees authorized the Chancellor or designee to negotiate and execute lease agreements and amendments on behalf of the College with ResponsiveED for LSC-Montgomery University Center to continue to operate an iSchool High Program for a ten-year term. The Chancellor also recommends the Board waive Board Policy Section III.D.2.9 Contract Term Limits authorizing the lease to exceed a five-year term. This item was passed in the Consent Agenda. A copy is attached as Exhibit “P”.
- O. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute a Lease Extension Agreement on Behalf of Lone Star College (the “College”) with Harris County (the “County”) for the Lone Star College-Kingwood (“LSC-Kingwood”) Fire Science Program (ACTION ITEM 15): the Board of Trustees authorized the Chancellor or designee to negotiate and execute a lease extension agreement on behalf of the College with the County for training facilities at the County’s Fire and Sherriff’s Training Academy located at 2316 Atascocita Road, Humble, Texas, for a sum not to exceed \$16,000 for one year. This item was passed in the Consent Agenda. A copy is attached as Exhibit “Q”.
- P. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute Dual Credit, Early College High School, Pathways in Technology Early College High School, and Science, Technology, Engineering and Mathematics Academy Agreements and Amendments on Behalf of Lone Star College (the “College”) (ACTION ITEM 16): the Board of Trustees authorized the Chancellor or designee to negotiate and execute dual credit, Early College High School (“ECHS”), Pathways in Technology Early College High School (“P-TECH”), and Science, Technology, Engineering, and Mathematics Academy (“T-STEM”) agreements and amendments on behalf of the College with the schools in Appendix A for up to a five-year term. This item was passed in the Consent Agenda. A copy is attached as Exhibit “R”.
- Q. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute Agreements and Amendments on Behalf of Lone Star College (the “College”) for Training with the Houston Airport System (ACTION ITEM 17): the Board of Trustees authorized the Chancellor or designee to negotiate and execute agreements and amendments on behalf of the College for training with the Houston Airport System. This item was passed in the Consent Agenda. A copy is attached as Exhibit “S”.
- R. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute Agreements and Amendments on Behalf of Lone Star College (the “College”) for Training with the Harris County Toll Road Authority (ACTION ITEM 18): the Board of Trustees authorized the Chancellor or designee to negotiate and execute agreements and amendments on behalf of the College for training with the Harris County Toll Road Authority. This item was passed in the Consent Agenda. A copy is attached as Exhibit “T”.

- S. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute Agreements and Amendments on Behalf of Lone Star College (the “College”) for the Transportation of the College’s Leadership High School Cohort of 2023 – 2024 (ACTION ITEM 19): the Board of Trustees authorized the Chancellor or designee to negotiate and execute agreements and amendments on behalf of the College to fulfill the Leadership High School (“LHS”) transportation needs for FY 2024 with the Independent School Districts (“ISDs”) listed in Appendix A in a sum not exceeding \$6,000 for a one-year period. This item was passed in the Consent Agenda. A copy is attached as Exhibit “U”.
- T. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute Facility Use Agreements on Behalf of Lone Star College (the “College”) to Fulfill the Continuing Education – Texas Workforce Commission, Adult Basic Education Grant (ACTION ITEM 20): the Board of Trustees authorized the Chancellor or designee to negotiate and execute facility use agreements on behalf of the College with various local facilities in Appendix A to fulfill the Continuing Education – Texas Workforce Commission, Adult Basic Education Grant through June 30, 2024. This item was passed in the Consent Agenda. A copy is attached as Exhibit “V”.
- U. Consideration of Approval to Authorize the Chancellor or Designee to Execute Annual Insurance Policy Renewals and Agreements for FY 2024 on Behalf of Lone Star College (the “College”) (ACTION ITEM 21): the Board of Trustees authorized the Chancellor or designee to execute annual insurance policy renewals and agreements for FY 2024 in a sum not exceeding \$10,000,000. This item was passed in the Consent Agenda. A copy is attached as Exhibit “W”.
- V. Consideration of Approval to Authorize the Chancellor or Designee to Submit Grant Applications and Enter Into Grant Contracts and Amendments on Behalf of Lone Star College (the “College”) During FY 2024 (ACTION ITEM 22): the Board of Trustees authorized the Chancellor or designee to submit grant applications and enter into grant contracts and amendments on behalf of the College during FY2024. The Chancellor also recommends that the Board of Trustees authorize the Chancellor or a designee to execute and submit individual grant applications and execute grant contracts and amendments exceeding \$250,000 but less than \$4,500,000 without obtaining the Board’s pre-approval for each grant application or grant contract. This item was passed in the Consent Agenda. A copy is attached as Exhibit “X”.
- W. Consideration of Approval to Purchase Library Materials, Supplies, Services, and Resource-Sharing Membership Fees During FY 2024 (ACTION ITEM 23): the Board of Trustees approved the purchase of library materials, supplies, services, and resource-sharing membership fees for FY 2024 in a sum not exceeding \$1,260,000. The Chancellor also recommends that the Board authorize the Chancellor or designee to execute individual contracts exceeding \$250,000, but less than \$500,000, without obtaining the Board’s pre-approval for each contract. This item was passed in the Consent Agenda. A copy is attached as Exhibit “Y”.

- X. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute Contracts on Behalf of Lone Star College (the “College”) for the Annual Purchase of Technology Hardware, Software, and Services (ACTION ITEM 24): the Board of Trustees authorized the Chancellor or designee to negotiate and execute contracts and purchases, detailed in Appendix A, on behalf of the College for the annual purchase of technology hardware, software, and services for the sums not exceeding the amount listed. The Chancellor also recommends that the Board authorize the Chancellor or designee to execute individual contracts exceeding \$250,000, but less than \$500,000, without obtaining the Board’s pre-approval for each such contract related to the purchase of technology hardware, software, and services. The Chancellor also recommends to the Board that no combination of contracts, purchases, or expenditures under this board agenda item will exceed \$25,500,000. This item was passed in the Consent Agenda. A copy is attached as Exhibit “Z”.
- Y. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute Contracts on Behalf of Lone Star College (the “College”) for the Annual Purchase of Bond-Funded Technology Hardware, Software, and Services (ACTION ITEM 25): the Board of Trustees authorized the Chancellor or designee to negotiate and execute contracts, detailed in Appendix A, on behalf of the College for the annual purchase of bond-funded technology hardware, software, and services for the sums not exceeding the amounts listed. The Chancellor also recommends that the Board authorize the Chancellor or designee to execute individual contracts exceeding \$250,000, but less than \$500,000, without obtaining the Board’s pre-approval for each such contract related to the purchase of bond-funded technology hardware, software, and services. The Chancellor also recommends to the Board that no combination of contracts, purchases, or expenditures under this board agenda item will exceed \$18,900,000. This item was passed in the Consent Agenda. A copy is attached as Exhibit “aa”.
- Z. Consideration of Approval of Annual Purchases of Financial and Operational Consulting Services on Behalf of Lone Star College (the “College”) (ACTION ITEM 26): the Board of Trustees authorized the Chancellor or designee to negotiate and execute contracts for the purchase of financial and operational consulting services on behalf of the College in a sum not exceeding \$1,000,000. The Chancellor also recommends that the Board authorize the Chancellor or designee to execute individual contracts exceeding \$250,000, but less than \$500,000, without obtaining the Board’s pre-approval for each such contract related to the purchase of financial and operational consulting services. The Chancellor also represents to the Board that no combination of contracts, purchases, or expenditures under this board agenda item will exceed \$1,000,000. This item was passed in the Consent Agenda. A copy is attached as Exhibit “bb”.
- AA. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute Contracts on Behalf of Lone Star College (the “College”) for Police-Specific Services and Equipment to Support the Lone Star College Police Department’s Safety and Security Mission (ACTION ITEM 27): the Board of Trustees authorized the

Chancellor or designee to negotiate and execute contracts on behalf of the College for the purchase of police-specific services and equipment in a sum not exceeding \$650,000 in FY 2024. The Chancellor also recommends that the Board authorize the Chancellor or designee to execute individual contracts exceeding \$250,000, but less than \$650,000, without obtaining the Board's pre-approval for each such contract. This item was passed in the Consent Agenda. A copy is attached as Exhibit "cc".

- BB. Consideration of Approval of Bond-Funded Security Purchases on Behalf of Lone Star College (the "College") (ACTION ITEM 28): the Board of Trustees approved the purchase of bond-funded security infrastructure, software, and equipment on behalf of the College in a total sum not exceeding \$1,040,614 during FY 2024. The Chancellor also recommends that the Board authorize the Chancellor or designee to execute individual contracts exceeding \$250,000, but less than \$650,000, without obtaining the Board's pre-approval for each such contract. This item was in the Consent Agenda. A copy is attached as Exhibit "dd".
- CC. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute Contracts and Amendments on Behalf of Lone Star College (the "College") for the Purchase of Fire Protection Services to Perform Inspections (ACTION ITEM 29): the Board of Trustees authorized the Chancellor or designee to negotiate and execute contracts and amendments on behalf of the College for the purchase of fire protection services to perform inspections from the vendors listed below for a sum not exceeding \$500,000 beginning on September 1, 2023, through August 31, 2024: API National Service Group – Western States Fire Protection, 1200 Old Highway 8 NW, New Brighton, MN 55112, Buy Board Contract 654-21; Siemens Industry, 8850 Fallbrook Drive, Houston, TX 77060, GSA Contract GS 07F-217CA; Wilson Fire Equipment and Service Company, 7303 Empire Central Drive, Houston, TX 77040, Region 6 (Epic 6) Contract RFP 34.20; Firetrol Protection Systems, 400 Garden Oaks Blvd, Houston, TX 77018, Buy Board Contract 654-21; and Ballou Fire Systems, LLC, 11710 North Freeway, Suite 100, Houston, TX 77060, The Interlocal Purchasing System (TIPS) Contract 230202. This item was passed in the Consent Agenda. A copy is attached as Exhibit "ee".
- DD. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute Contracts and Amendments on Behalf of Lone Star College (the "College") for the Purchase of Fire Protection Services for Fire Equipment Repairs (ACTION ITEM 30): the Board of Trustees authorized the Chancellor or designee to negotiate and execute contracts and amendments on behalf of the College for the purchase of fire protection services to perform repairs from the vendors listed below for a sum not exceeding \$500,000 beginning on September 1, 2023, through August 31, 2024: API National Service Group – Western States Fire Protection, 1200 Old Highway 8 NW, New Brighton, MN 55112, Buy Board Contract 654-21; Siemens Industry, 8850 Fallbrook Drive, Houston, TX 77060, GSA Contract GS 07F-217CA; Wilson Fire Equipment and Service Company, 7303 Empire Central Drive, Houston, TX 77040, Region 6 (Epic 6) Contract RFP 34.20; Firetrol Protection Systems, 400 Garden Oaks Blvd, Houston, TX 77018, Buy Board Contract 654-21; and Ballou Fire Systems, LLC,

11710 North Freeway, Suite 100, Houston, TX 77060, The Interlocal Purchasing System (TIPS) Contract 230202. This item was passed in the Consent Agenda. A copy is attached as Exhibit “ff”.

- EE. Consideration of Approval for Annual Purchases of Construction and Construction-Related Services on Behalf of Lone Star College (the “College”) (ACTION ITEM 31): the Board of Trustees authorized the Chancellor or designee to approve the purchase of construction and construction-related services on behalf of the College in a sum not exceeding \$6,000,000 during FY2024. The Chancellor also recommends that the Board authorize the Chancellor or designee to execute individual contracts exceeding \$250,000 but less than \$500,000, without obtaining the Board’s pre-approval for each contract. Contract sums exceeding \$500,000 will be presented to the Board for consideration. This item was passed in the Consent Agenda. A copy is attached as Exhibit “gg”.
- FF. Consideration of Approval for Annual Purchases of Repair and Replacement (“R&R”) Construction and Construction-Related Services on Behalf of Lone Star College (the “College”) (ACTION ITEM 32): the Board of Trustees approved the purchase of R&R construction and construction-related services in a total sum not exceeding \$9,500,000 during FY 2024. The Chancellor also recommends that the Board authorize the Chancellor or designee to execute individual contracts exceeding \$250,000 but less than \$500,000, without obtaining the Board’s pre-approval for each contract when multiple projects of similar types of equipment or services can be combined into one project to lower costs. This item was passed in the Consent Agenda. A copy is attached as Exhibit “hh”.
- GG. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute Contracts and Amendments on Behalf of Lone Star College (the “College”) to Purchase of Bank Depository Services (ACTION ITEM 33): the Board of Trustees authorized the Chancellor or designee to negotiate and execute contracts and amendments on behalf of the College to purchase bank depository services with JPMorgan Chase Bank, N.A. 713 Main St., Floor 9 Houston, Texas 77002-3201 in a sum not exceeding \$1,265,058 for five years. This item was passed in the Consent Agenda. A copy is attached as Exhibit “ii”.
- HH. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute an Interlocal Agreement and Amendments on Behalf of Lone Star College (the “College”) with El Paso Community College (“EPCC”) to Provide Adobe Creative Cloud–EchoSign Enterprise Bundle (ACTION ITEM 34): the Board of Trustees authorized the Chancellor or designee to negotiate and execute an interlocal agreement and amendments on behalf of the College with EPCC, 1115 N. Oregon, El Paso, Texas 79902 to provide Adobe Enterprise Services for five years. This item was passed in the Consent Agenda. A copy is attached as Exhibit “jj”.
- II. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute Contracts and Amendments on Behalf of Lone Star College (the “College”) to

Purchase the Adobe Creative Cloud–EchoSign Enterprise Bundle (ACTION ITEM 35): the Board of Trustees authorized the Chancellor or designee to negotiate and execute contracts and amendments on behalf of the College to purchase the Adobe Creative Cloud–EchoSign Enterprise Bundle from Journey Ed.com, 80 E. McDermott Drive, Allen, TX 75002, in a sum not exceeding \$999,000 over three years. This item was passed in the Consent Agenda. A copy is attached as Exhibit “kk”.

JJ. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute Contracts and Amendments on Behalf of Lone Star College (the “College”) for Chiller Replacement Construction Services at Lone Star College-Houston North (“LSC-Houston North”) Victory Center (ACTION ITEM 36): the Board of Trustees authorized the Chancellor or designee to negotiate and execute contracts and amendments on behalf of the College for chiller replacement construction services at LSC-Houston North Victory with Brandt Companies, 8848 N Sam Houston Parkway W, Suite 410, Houston TX 77064, in a sum not exceeding \$900,000 through December 31, 2024. This item was passed in the Consent Agenda. A copy is attached as Exhibit “ll”.

KK. Consideration of Approval to Ratify the Purchase on Behalf of Lone Star College (the “College”) of Promotional Products (ACTION ITEM 37): upon a motion by Dr. Cain and a second by Mr. Murillo the Board of Trustees ratified a revised total sum not exceeding \$4,649,000 for the purchase of promotional products, increasing the total not to exceed sum by \$1,349,000 covering the original time period through August 31, 2023. Trustee Sullivan had concerns about approving this item because expenditures were more than the college was authorized to spend and they want additional funding extended for a year. Mr. Sullivan felt he couldn’t support this and doesn’t think it is good oversight or management. He stated it sounds like it is an operational issue of marketing being at the central office and being spread out at the campuses. Chair Stoma asked Ms. Mott for a response. Ms. Mott stated there is a challenge of a system office marketing and marketing teams at all of the campuses and where that tracking was occurring was spend out of that system office and also including the spend that was also occurring in the various departments. There already is a way to start tracking it better in our system and we can test whether it is working correctly and getting the system to help work for us to be tracking it for us is the goal. Chair Stoma stated that the reason for the overspend was a lack of coordination between all of the campuses and all of the various entities that spend promotional money. The remediation to that and the action you are taking, is having identified the sources and to roll up into one account where it can be tracked to make sure that it doesn’t happen again. Chair Stoma asked if the item was not approved by the board what are the impacts to the college. Ms. Mott indicated this item was a ratification so spending has already occurred. Chair Stoma asked general counsel Mario Castillo about the legal ramifications. Mr. Castillo stated if the board doesn’t approve this item the officers would be personally liable. Chair Stoma followed up and asked when you stated personally liable can you be more detailed as what you mean? Mr. Castillo stated that personally liable speaks to whenever you essentially exceed funds that are authorized, those people would be at risk. Chair Stoma asked if this item was not approved then would item 38 be a moot

point? Ms. Mott stated they were two separate items. This item is a ratification for spending that has occurred, and item 38 is a request to add additional authorizations of spending even above that ratification amount so we can continue to use these promotional items contracts for another year. Trustee Saldivar asked what amount they would be ratifying. Ms. Mott stated that the ratification would be to increase the total amount approved by the board by an additional \$1.3M that has been spent. Trustee Murillo stated he would like a review of the ratification process or policy and approach to handling these items in the future. Chair Stoma stated that his understanding was the people who spent the money had the authorization at the time to spend the money and there was no overseeing factor to look at all of these accounts to make adjustments that they overspent. Ms. Mott stated that is correct and that each individual when they were conducting their spending would have had no way to know that the entirety of all of the spending had gone over the limit. That includes the procurement department because the system was not set up in a way to aggregate all of this spending into one report. Chair Stoma stated that the deficiency is an administrative oversight. Trustee Sullivan stated he disagrees with what Trustee Murillo asked about provisions for the system to spend money under certain emergencies, overspending is not the same. Money was spent that they were not authorized to spend, they spent the \$3M and then they spent \$1.7M more that's not justified under any ratification, any emergency spending or anything in the agenda backup. Trustee Saldivar stated we are approving something that has already been spent? Chair Stoma stated he doesn't disagree with Trustee Sullivan, and he looks at it as a business process root cause, they overspent, at the time they spent it they didn't know they were overspending because there was no oversight. If they had cognizant knowledge of what the spending limit was and they overspent that's one issue, and if they didn't have the reporting authority to look at and to determine this then it's a mistake but it's the responsibility of the administration because they didn't provide the correct reporting metric so they would know. It is a business process issue and to rectify it from happening again there is a process put in place so they can look at these accounts and tell how much is being spent. If we don't approve this, we put people in jeopardy, and I can't vote for that. Trustee Sullivan stated he is not asking the board to go along with me on a no vote and it would never be his intention for any employee to have to assume financial responsibility or liability for something they did in the course of their job, but I am voting against the item. Trustee Cain stated while he agrees with Trustee Sullivan with the fact that you simply cannot overspend but he feels it is a system-wide error and he would hate to see an individual or several individuals due to a systemic error caught with this kind of financial obligation and the key is now we know, and we have already taken steps to make sure that something like this does not recur. From his standpoint we cannot do this but, in this instance, we have to step back and say it was systemic and cannot let this happen again but for now we are trying to correct the situation and not put anyone or any group of people in jeopardy. Mr. Sullivan and Ms. Broussard voted no. A copy is attached as Exhibit "mm".

- LL. Consideration of Approval to Authorize the Chancellor or Designee to Amend the October 4, 2018, Board Agenda Item No. 4 (Action Item 8) on Behalf of Lone Star College (the "College") for the Purchase of Promotional Products (ACTION ITEM

38): this item was removed from the agenda with action to be taken at a future board meeting. The administration was asked to rework the agenda item and recalculate the amount of money to spend for the next FY. A copy is attached as Exhibit “nn”.

- MM. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute Contracts and Amendments on Behalf of Lone Star College (the “College”) for the Purchase of a Learning Management System (ACTION ITEM 39): the Board of Trustees authorized the Chancellor or designee to negotiate and execute contracts and amendments on behalf of the College for the purchase of a Learning Management System (“LMS”) with D2L/Brightspace, 210 West Pennsylvania Avenue, Suite 400A, Towson, MD 21204 for a sum not exceeding \$8,500,000 for five years. This item was passed in the Consent Agenda. A copy is attached as Exhibit “oo”.
- NN. Consideration of Approval to Ratify the Purchase on Behalf of Lone Star College (the “College”) for the Purchase of Postage Meters and Postage Services (ACTION ITEM 40): the Board of Trustees ratified the purchase on behalf of the College for postage services with Quadient Financial USA, Inc. dba NeoFunds/TotalFunds, PO Box 30193, Tampa, FL 33630 for \$389,013 over a period of five years beginning August 2018 through August 31, 2023. This item was passed in the Consent Agenda. A copy is attached as Exhibit “pp”.
- OO. Consideration of Approval to Authorize the Chancellor or Designee to Purchase Postal Meter and Postal Services on Behalf of Lone Star College (the “College”) (ACTION ITEM 41): the Board of Trustees authorized the Chancellor or designee to purchase postal meters on behalf of the College from Quadient, Inc., 478 Wheelers Farms Road, Milford, CT 06461 in a sum not exceeding \$68,671, and postage services from United States Postal Services in a sum not exceeding \$400,000 for a combined sum not exceeding \$468,671 over five years. This item was passed in the Consent Agenda. A copy is attached as Exhibit “qq”.
- PP. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute Agreements and Amendments on Behalf of Lone Star College (the “College”) for the Department of Public Safety Third-Party Testing Site at Lone Star College-Transportation Global and Logistics Technology Center (“LSC-Transportation Center”) (ACTION ITEM 42): the Board of Trustees authorized the Chancellor or designee to negotiate and execute agreements and amendments on behalf of the College to continue operating the Department of Public Safety Third-Party Testing site located at LSC-Transportation Center for four years. This item was passed in the Consent Agenda. A copy is attached as Exhibit “rr”.
- QQ. Consideration of Approval for Lone Star College (the “College”) to Endorse the Cypress Creek Drainage Improvement District (“CCDID”) for the Cypress Creek Watershed (ACTION ITEM 43): the Board of Trustees approved the College’s endorsement of the CCDID for the Cypress Creek Watershed. This item was passed in the Consent Agenda. A copy is attached as Exhibit “ss”.

XIII. PERSONNEL REPORTS AND CONSIDERATIONS:

RR. Consideration and Authorization for the Chancellor or Designee to Execute New Proposed Employment Contracts for the Attached Individuals (ACTION ITEM 44): upon a motion by Mr. Sullivan and a second by Ms. Broussard the Board of Trustees authorized the Chancellor or a designee to execute new proposed employment contracts for the attached individuals. Everyone’s name, job title, not-to-exceed contract sum, and hire date is attached. The individuals named in the attached table are new to their listed position. This item was passed unanimously. A copy is attached as Exhibit “tt”.

XIV. FINANCIAL REPORT

Monthly Financial Report: Ms. Mott presented the monthly financial statements for the month ended May 31, 2023, and June 30, 2023. A copy is attached as Exhibit “uu”.

XV. BUILDING AND GROUNDS REPORTS:

Construction Projects Update: The Board reviewed the report as presented. A copy is attached as Exhibit “vv”.

XVI. CLOSED SESSION: At 6:06 p.m. Chair Stoma convened the Board into closed session, in accordance with Section 551.001 et seq. of the Texas Government Code under one or more of the following provision(s) of the Act:

Section 551.071 – Consultation with Attorney

- Status of Pending or Proposed Litigation
- On any item on the Agenda
- On a matter in which the duty of the attorney to LSCS under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the OMA

Section 551.072 – Deliberation Regarding Real Property

- LSC-CyFair, LSC-Houston North, LSC-Kingwood, LSC–Montgomery, LSC-North Harris, LSC-Tomball, LSC-University Park, LSC-System Office, Future Land Purchases

Section 551.074 – Personnel Matters

Section 551.076 – Deliberation Regarding Security Devices

XVII. RECONVENE REGULAR MEETING: Chair Stoma reconvened the regular meeting at 6:42 p.m.

XVIII. SUGGESTED FUTURE AGENDA ITEMS: None.

XIX. ADJOURNMENT: There being no further business the meeting was adjourned at 6:43 p.m.

ATTEST:



Board of Trustees, Chair



Board of Trustees, Secretary

Exhibit "A"

**Certification of Posting of Notice to the August 3, 2023
Workshop and Regular Meeting of the
Lone Star College System's Board of Trustees
LSC-System Office Board Room
5000 Research Forest Drive
The Woodlands, TX 77381-4356 and VIA ZOOM**

I, Stephen C. Head, Chancellor of the Lone Star College System, do hereby certify that a notice of this meeting was posted on Monday the 31st day of July, 2023 in a place convenient to the public at LSC-System Office The Woodlands, The Woodlands Leadership Building, on all college campuses and on the Lone Star College website as required by 551.002 et. seq., Texas Government Code. Special notice of the meeting was provided to the news media as required by the Texas Open Meetings Act.

Members of the public may access the meeting at Event address for attendees VIA ZOOM:
<https://lonestar-edu.zoom.us/j/85845851063?pwd=WktaTngvcThzMld5L0RlaW44RkNlUT09>

Event number: 858 4585 1063

Event password: 099543

The agenda for the meeting is below.

Given under my hand this the 31st day of July, 2023.

LONE STAR COLLEGE SYSTEM



Stephen C. Head
Chancellor

Consideration of Consent Agenda

Board Meeting 8-3-23

Consent Agenda: A roll call of individual action items will determine the consent agenda. If a trustee has a question or plans to cast a negative vote regarding a specific recommendation, then the trustee/trustees need to acknowledge their intention to the Chair by show of hand during the roll call: this action item will be considered in the regular order of business as an individual action item.

Those action items that the trustees plan to approve without further question or discussion will be placed on the consent agenda during roll call of individual action items. Upon the creation of the consent agenda, a motion, a second to the motion, and unanimous approval of the Board of Trustees is needed to approve the action items. Upon approval of the consent agenda, the Board of Trustees will proceed with the remainder of the agenda.

Rationale: The consent agenda format is an organization process for meetings that allows the governing board to focus their time and attention on action items that require more elaboration, information, and/or discussion. The intent of the consent agenda is to support efficiency and effectiveness of the meeting.

Tally of Action Items	Consent Agenda	Chancellor Recommended Separate Action	Board Separate Action
1 Approve Revision to Board Policy Section 1. Governance	_____	_____	_____
2 Approve Revision to Board Policy to align with SB 17	_____	_____	_____
3 Approve Revision to Board Policy Section IV.C.	_____	_____	_____
4 Approve Revision to Board Policy Section IV.D.2.(c).	_____	_____	_____
5 Approve AI/Machine Learning AAS/Level II Cert/LSC-UP	_____	_____	_____
6 Approve Deactivate Corrosion Tech Level I Cert/AAS/UP	_____	_____	_____
7 Approve Deactivate Digital Photography Certificate	_____	_____	_____
8 Approve Deactivate GIS Occupational Skills Certificate	_____	_____	_____
9 Ratify Transfer of LSC Programs/East Aldine Center	_____	_____	_____
10 Adopt LSC Recommended FY 2024 Budget	_____	_____	X
11 Approve Transfer Cash Reserves Purch/ERP/Sys/R&R	_____	_____	_____
12 Approve 2023-2024 Non-Credit Tuition/Fee/Schedule	_____	_____	_____
13 Approve Chan/Adopt/Prevail/Wage/Rate/U.S.Dept/Labor	_____	_____	_____
14 Auth Chan/Exec/Lease/Agree/ResponsiveED/LSC-M UC	_____	_____	_____
15 Auth Chan/Exec/Lease/Ext/HC/LSC-K Fire Science/Prog	_____	_____	_____
16 Auth Chan/Exec/Dual Credit/Early College/Agreements	_____	_____	_____
17 Auth Chan/Exec/Agree/Training/Houston/Airport/System	_____	_____	_____
18 Auth Chan/Exec/Agree/Training/Harris/CO/Toll/Road	_____	_____	_____
19 Auth Chan/Exec/Agree/Transportation/Leadership/HS	_____	_____	_____
20 Auth Chan/Exec/Facility/Use/Agree/CE/TWC/Adult/Ed	_____	_____	_____
21 Approve Renewal Annual Insurance Policies FY2024	_____	_____	_____
22 Auth Chan/Submit Grant Apps/Contracts FY2024	_____	_____	_____
23 Approve Purch/Library/Materials/Supplies/Svcs/FY2024	_____	_____	_____

Tally of Action Items	Consent Agenda	Chancellor Recommended Separate Action	Board Separate Action
24 Approve Ann/Purch/Tech/Hardware/Software/Svcs			
25 Approve Annual Purch/Bond-Funded Tech/Hardware			
26 Approve Annual Purch/Fin/Operating/Consult/Svcs			
27 Auth/Chan/Exec/Contr/Police-Specific Equipment			
28 Approve Bond-Funded Security Purchases			
29 Auth Chan/Exec/Purch/Fire/Protect/Svcs/Inspections			
30 Auth Chan/Exec/Purch/Fire/Protect/Svcs/Equip/Repairs			
31 Approve Annual Purch/Const/&/Const-Related Svcs			
32 Approve Annual Purch/R&R/Const/Svcs			
33 Auth/Chan/Exec/Cont/Purch/Bank/Depository/Svcs			
34 Auth Chan/Exec/Interlocal/EPCC/Adobe/Creative/Cloud			
35 Auth Chan/Exec/Cont/Adobe/Creative/Cloud/EchoSign			
36 Auth Chan/Exec/Cont/Chiller/Replacement/Svc/Victory/Ctr			
37 Ratify Purchase of Promotional Products			X
38 Auth/Chan/Amend/10-4-18 BAI#8/Promotional/Products			X*
39 Auth Chan/Exec/Cont/Purch/Learning/Mgmt/System			
40 Ratify/Purch/Postage/Meters/Postage/Services			
41 Auth/Chan/Purch/Postal/Meter/Postage/Services			
42 Auth/Chan/Exec/Agree/DPS/3rdParty/Testing/Site			
43 Approve LSC/Endorse/CCDID/Cypress/Creek/Watershed			
44 Auth Chan/Exec/New/Employment/Contracts			X

X* - This item was removed from the agenda with action to be taken at a future meeting.

ACTION ITEM 1

Board Meeting 8-3-23

Policy Report and Consideration No. A

Request: Consideration and Approval of the Recommended Revision to the Lone Star College System District (the “College”) Board Policy Manual Section I. Governance Subsection I.B.1.01. Purpose

Chancellor’s Recommendation: That the Board of Trustees consider and approve revisions to the College’s Board Policy Manual Section I. Governance Subsection I.B.1.01. Purpose.

Rationale: The proposed change updates Board Policy Section I. Governance subsection I.B.1.01. Purpose. This change corrects the word “certification” in paragraph 2 with “certificates” which is the correct title for the award that is recognized by the Texas Higher Education Coordinating Board (“THECB”), Southern Association of Colleges and Schools Commission on Colleges (“SACSCOC”), and the U.S. Department of Education.

Priority: The correction is required before the next SACSCOC review.

Strategic Priority: Academic & Workforce Program Quality.

Fiscal Impact: None.

Staff Resource: Mario K. Castillo

832-813-6655

I.B. THE COLLEGE'S FOUNDATIONAL PRINCIPLES

I.B.1.01. Purpose

The College is a publicly supported, two-year, comprehensive community college offering postsecondary educational opportunities in Harris, Montgomery, and San Jacinto Counties.

Consistent with Texas law, the College shall offer vocational, technical, and academic courses for certificates or associate degrees. Continuing education, remedial and compensatory education consistent with open-admission policies, and programs of counseling and guidance shall also be provided. The College may also offer baccalaureate degree programs as authorized by Texas law and the Texas Higher Education Coordinating Board. The College shall insist on excellence in all academic areas--instruction, research, and public service. Faculty research, using the facilities provided for and consistent with the primary function of each institution, is encouraged.

ACTION ITEM 2

Board Meeting 8-3-23

Policy Report and Consideration No. B

Request: Consideration and Approval of the Recommended Revisions to the Lone Star College System District (the “College”) Board Policy Manual Sections I.B.1.02., I.B.1.05., I.B.1.07., II.D.2.01., II.N.3., III.A.3.2., IV.E.1.1., V.H.1., VI.A.1.1., VI.D.1.1., VI.D.1.04., VI.D.12.01., and VI.D.13.01

Chancellor’s Recommendation: That the Board of Trustees consider and approve revisions to the College’s Board Policy Manual Sections I.B.1.02., I.B.1.05., I.B.1.07., II.D.2.01., II.N.3., III.A.3.2., IV.E.1.1., V.H.1., VI.A.1.1., VI.D.1.1., VI.D.1.04., VI.D.12.01., and VI.D.13.01.

Rationale: The Texas Governor signed Senate Bill 17—relating to diversity, equity, and inclusion initiatives at public higher education institutions—into law on June 17, 2023. The law generally prohibits—with limited exceptions—promoting policies designed or implemented in reference to race, color, or ethnicity. The Board’s ad hoc DEI Policy Committee reviewed the College’s Board Policy Manual and recommends the proposed revisions to align with the newly adopted legislation.

Priority: Board Policy does not currently align with TX SB17.

Strategic Priority: Culture.

Fiscal Impact: None.

Staff Resource: Mario K. Castillo

832-813-6655

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I.B. THE COLLEGE'S FOUNDATIONAL PRINCIPLES

I.B.1.02. Vision Statement

Lone Star College will be a model college globally recognized for achieving exceptional levels of success in student learning, student completion, gainful employment, parity, and affordability.

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I.B.1.05. Value Statements

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

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

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

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

(e) The College strives to provide an inclusive learning and working environment for its students, faculty, administrators, and staff. The College is committed to offering programs, services, and personnel reflecting the communities it serves.

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

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

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I.B.1.07. Multicultural Education

To encourage full implementation of the College's Value Statements, the College recognizes the increasingly multicultural nature of a democratic society which reflects the College's student population's values, cultures, and beliefs.

The Board declares the following guiding principles for the College:

- (a) The College fully recognizes individual persons' rights to learn within frameworks of multicultural experiences to maximize the development of their human potential.
- (b) The College will promote and support each college's efforts to design and implement instructional experiences and support services to cultivate a more humane, democratic, and multicultural society.
- (c) The College will foster instructional and student-life environments which give students a basis to understand and appreciate all individuals' contributions to our society.

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II.D.2. Minors on College Premises

II.D.2.01. Policy

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

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II.N.3. Institutional Review Board Membership

The Institutional Review Board must have at least one member with professional experience to provide appropriate scientific and ethical review and at least one member whose primary concerns are nonscientific. The Institutional Review Board should strive to have a membership that reflects the student population. The Institutional Review Board should be comprised of (a) the Institutional Review Board Chair, who should be a College faculty member, (b) a member from each college who is appointed by that college's president, and (c) at least one member who is not affiliated with the College. Current Institutional Review Board members will participate in training new members.

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III.A.3.2. Donations

All donations for the College's benefit are accepted by the Foundation, which has sole authority to accept gifts for the College. Donated money or other property, and income therefrom, is spent in any legally authorized manner. If a donor restricts how his or her donation may be used, the Foundation will either honor the restriction or reject the donation. Donors should communicate any restrictions on donated funds or other property before the Foundation accepts the donation.

The Foundation's criteria for philanthropic gifts require that the donor: (a) Intend to make a charitable contribution; (b) Transfer the gift irrevocably; (c) Not receive any goods or services in exchange for the gift; and (d) Comply with all relevant state and federal laws. Monetary donations from private sources are processed through the Foundation and follow the Foundation's applicable processes.

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IV.E.1. Prohibited Unlawful Discriminations and Harassment

IV.E.1.1. Policy

The College strives to comply with all applicable state and federal laws. The College does not tolerate unlawful employment discrimination. The College prohibits retaliation against individuals who complain about unlawful discrimination or who cooperate in an investigation of alleged unlawful discrimination.

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

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V.H. ACADEMIC STUDENT TRAVEL

V.H.1. Policy

The College provides equal academic student travel opportunities to all students and adheres to all applicable state and federal laws. Section V.H.1. applies only to Academic Student Travel as defined below.

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VI.A. ADMISSIONS

VI.A.1.1. Admissions Policy

The College is an open-enrollment community college system. It identifies, attracts, enrolls, and retains students reflecting the community's population. The College does not consider legally-protected statuses in admissions or educational programs.

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VI.D. STUDENT WELFARE AND RIGHTS

VI.D.1. Non-Academic Student Travel

VI.D.1.1. Policy

The College provides equal opportunities to all students participating in courses, activities, and programs and adheres to all applicable state and federal laws. Section VI.D.1 applies only to Non-Academic Student Travel as defined below.

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VI.D.1.04 Student Group Registration Eligibility

A student group may register on the College's campuses if (a) the student group does not discriminate against any student seeking membership; (b) the student group has a Student Organization Advisor; (c) its registration is not prohibited after disciplinary action; and (d) the College's currently enrolled students and employees compose its membership. Alumni, faculty, and staff can serve as advisors by invitation.

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VI.D.12. Civil Rights Complaints

VI.D.12.01. Policy

The College provides equal treatment and educational opportunities to all persons and adheres to all applicable state and federal laws. Any student experiencing discriminatory treatment or civil rights violations, aside from Sexual Violence or Title IX Harassment addressed in Section IX (Sexual Misconduct), may submit a civil rights complaint under this section.

Nothing in this policy section limits a Campus Peace Officer from inquiring into the immigration status of a person under lawful detention or arrest.

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VI.D.13. Student Organizations

VI.D.13.01. Policy

The College provides equal opportunities to all students participating in student organizations and adheres to all applicable state and federal laws. The College cannot deny a student group registration because of the group's views. Additionally, the College allows Student Organizations and faculty to invite speakers subject to Viewpoint- and Content-Neutral speech restrictions.¹

¹ Tex. Educ. Code § 51.9315(f)(1)(B).

EXHIBIT C

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II.E.2.02. Prohibited Trespass and Damages

It is unlawful for any person to trespass on College grounds or damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on College grounds.

II.E.2.03. Entering or Remaining on College Premises After Withdrawal of Consent

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

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

II.E.2.04. Disruptive Activities on College Premises

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

II.E.2.05. State Law Regarding Diversity, Equity, and Inclusion Initiatives

Except as otherwise required or allowed by law, the College, its employees, and contractors may not engage in any activities or initiatives prohibited by Texas Education Code Section 51.3525. Any employee or contractor who engages in conduct in violation of this policy may be subject to discipline, up to and including termination. The Chancellor may implement procedures for complying with Texas Education Code Section 51.3525.

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

II.F. WEAPONS ON PREMISES

II.F.1. Policy

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

EXHIBIT D



Cultural Beliefs

The LSC Faculty Steering Committee, with representatives from each college location, helps champion our culture across the college. They coach our culture daily and work with our team to engage each employee in demonstrating our cultural beliefs. The six cultural beliefs were created by the work of over 100 employees in Fall 2018 to focus our efforts towards the results we collectively desire to achieve. Lone Star College first began our intentional culture work in September of 2015. Culture helps us identify and focus on the behavior most needed to achieve our results. The refreshed Lone Star College cultural beliefs are:



One LSC

I develop meaningful relationships and collaborate for mutual success.



Foster Belonging

I foster an environment where everyone belongs and thrives.



Student Focused

I support and improve each student to succeed in college and in life.



Cultivate Community

I cultivate a community of trust and integrity through transparent dialogue and impactful actions.



Own It

I bring my best, rise above challenges, and own my contribution.



Choose Learning

I learn, grow, and create opportunities for others to do the same.

EXHIBIT E

Job Description
Before January 1, 2024



LONE STAR COLLEGE
Standard Job Description

JOB TITLE:	Director, Risk Management	FLSA:	Exempt
DEPARTMENT:	0000000056 - Risk Management	PAY GRADE:	E28
LOCATION:	0000 - System Office	JOB CODE:	601973
REPORTS TO:	10001292 - Deputy General Counsel	EMPL CLASS:	

COMMITMENT TO MISSION:

This job carries with it the obligation to uphold the Mission of Lone Star College (LSC) in carrying out the duties of the position. A commitment to positive interpersonal behaviors, professional communication, diversity, integrity, leadership, stewardship, respect and accountability to LSC students and employees is essential.

Cultural Beliefs

- One LS
- Student focused
- Own It
- Advance equity
- Cultivate community
- Choose Learning

The Chronicle of Higher Education's "Great Colleges to Work For" is designed to recognize colleges that have been successful in creating great workplaces and to further research and understanding of the factors, dynamics and influences that have the most impact on organizational culture at higher education institutions.

Lone Star College was recognized in five areas: Confidence in Senior Leadership; Diversity; Facilities, Workspace & Security; Job Satisfaction; and Work/Life Balance.

PURPOSE AND SCOPE

The Risk Management Director oversees day-to-day activities involving the College's comprehensive system-wide risk management including insurance management, claims evaluation and administration, and related legal matters. The Risk Management Director uses his or her experience to ensure the College's leadership understands its legal and insurance risk while actively assessing risks and opportunities to mitigate. The Risk Management Director will report into the Deputy General Counsel in the Office of the General Counsel but shall work collaboratively with a variety of other departments on risk management matters or other potentially complex risk and insurance issues.

ESSENTIAL JOB FUNCTIONS:

1. Establishes and maintains streamlined processes and methodologies for the risk management program across Lone Star College. Uses available technology and resources to efficiently manage the risk management workflow
- . Manages all aspects of the College's insurance programs, including but not limited to:
 - Identifying insurance risk that can potentially impact Lone Star College's achievement of its strategic or financial objectives through a consistently deployed methodology
 - Managing insurance investigations and overseeing carrier litigation
 - Reviewing insurance contract language for internal stakeholders
- . Performs research related to risk management operational issues and drafts corresponding memoranda
- . Conducts site assessments and makes recommendations to reduce or eliminate potential workplace hazards
- . Investigates events for potential liability as needed.
- . Analyzes risks to identify their severity, frequency, and how they may affect the College's goals
7. Establishes relationships with stakeholders across the system to develop and implement actions to reduce risk and injury
8. Provides timely communications with stakeholders and resolves matters in professional and efficient manner
9. Assists in the preparation of insurance budgets and annual reports
10. Responsible for other reasonable, related duties to Office of Risk Management functions as assigned

KNOWLEDGE, SKILLS, AND ABILITIES:

- Understanding of the Lone Star College philosophy and mission
- Understanding of and ability to follow Lone Star College System policies and procedures
- Ability to identify and analyze risk to the College
- Ability to maintain insurance programs, insurance schedules, and all related claims
- Ability to conduct legal research and prepare legal opinions related to risk management; communicate effectively orally and in writing; establish cooperative working relationships with persons contacted in the course of performing assigned duties
- Insurance knowledge should include an understanding of the insurance placement process, policy provisions, claims processes, and basic insurance case law
- Ability to maintain confidentiality of work-related information and materials
- Excellent time management skills and the ability to self-manage a diverse workload with minimal guidance
- Strong attention to detail and the ability to successfully manage multiple tasks/projects with overlapping timeframes and deadlines
- Professional-level interpersonal communication and organizational skills
- Ability to maintain and promote a positive attitude in a demanding and stressful environment
- Ability to make day-to-day decisions of a complex nature

PHYSICAL ABILITIES

The work is generally sedentary while using a computer. Typically, the employee sits comfortably to do the work typically presented on the computer monitor. However, employee may be required to attend inspections, meetings, or other related work at the College's various locations. There may be some walking; standing; bending; carrying of light items, such as papers, books, or small parts; or driving an automobile.

WORK SCHEDULE AND CONDITIONS:

- Standard work schedule is during the College's hours of operation, which are Monday through Friday from 8:00 a.m. – 12:00 p.m. and 1:00 p.m. – 5:00 p.m. The summer schedule varies slightly with the hours of operation being Monday through Thursday 7:30 a.m. – 12:00 p.m. and 12:30 p.m. – 5:00 p.m.
- This position will likely require work during non-standard hours
- Equipment used includes laptop with Microsoft Office Suite, Adobe, etc. and phones
- Interface with internal and external contacts as needed to carry out the functions of the position
- Work may be performed in a climate-controlled office with minimal exposure to safety hazards or remotely as determined by the supervisor

REQUIRED QUALIFICATIONS:

- Bachelor's degree and at least 5 years of experience in Risk Management.
- Demonstrated experience managing workers' compensation, liability, and property and casualty insurance programs.

PREFERRED QUALIFICATIONS:

- Advanced degree in Risk Management, Finance, or a related field.
- Professional designation of Associate of Risk Management (ARM) or Certified Safety Professional (CSP)



Job Description Current

LONE STAR COLLEGE Standard Job Description

JOB TITLE:	Director, Risk Management	FLSA:	Exempt
DEPARTMENT:	0000000056 - Risk Management	PAY GRADE:	E28
LOCATION:	0000 - System Office	JOB CODE:	601973
REPORTS TO:	10001297 - Deputy General Counsel	EMPL CLASS:	DM

COMMITMENT TO MISSION:

This job carries with it the obligation to uphold the Mission of Lone Star College (LSC) in carrying out the duties of the position. A commitment to positive interpersonal behaviors, professional communication, integrity, leadership, stewardship, respect and accountability to LSC students and employees is essential.

Cultural Beliefs

- One LSC
- Student focused
- Own It
- Foster belonging
- Cultivate community
- Choose Learning

The Chronicle of Higher Education's "Great Colleges to Work For®" is designed to recognize colleges that have been successful in creating great workplaces and to further research and understanding of the factors, dynamics and influences that have the most impact on organizational culture at higher education institutions.

Lone Star College has been recognized in multiple categories.

PURPOSE AND SCOPE

The Director, Risk Management oversees day-to-day activities involving the College's comprehensive system-wide risk management including insurance management, claims evaluation and administration, and related legal matters. The Risk Management Director uses his or her experience to ensure the College's leadership understands its legal and insurance risk while actively assessing risks and opportunities to mitigate. The Risk Management Director will report into the Deputy General Counsel in the Office of the General Counsel but shall work collaboratively with a variety of other departments on risk management matters or other potentially complex risk and insurance issues.

ESSENTIAL JOB FUNCTIONS:

1. Establishes and maintains streamlined processes and methodologies for the risk management program across Lone Star College. Uses available technology and resources to efficiently manage the risk management workflow
- . Manages all aspects of the College's insurance programs, including but not limited to:
 - Identifying insurance risk that can potentially impact Lone Star College's achievement of its strategic or financial objectives through a consistently deployed methodology
 - Managing insurance investigations and overseeing carrier litigation
 - Reviewing insurance contract language for internal stakeholders
- . Performs research related to risk management operational issues and drafts corresponding memoranda
- . Conducts site assessments and makes recommendations to reduce or eliminate potential workplace hazards
- . Investigates events for potential liability s needed.
- . Analyzes risks to identify their severity, frequency, and how they may affect the College's goals
7. Establishes relationships with stakeholders across the system to develop and implement actions to reduce risk and injury
8. Provides timely communications with stakeholders and resolves matters in professional and efficient manner
9. Assists in the preparation of insurance budgets and annual reports
10. Responsible for other reasonable, related duties to Office of Risk Management functions s assigned

KNOWLEDGE, SKILLS, AND ABILITIES:

- - Understanding of the Lone Star College philosophy and mission
 - Understanding of and ability to follow Lone Star College System policies and procedures
 - Ability to identify and analyze risk to the College
 - Ability to maintain insurance programs, insurance schedules, and all related claims
 - Ability to conduct legal research and prepare legal opinions related to risk management; communicate effectively orally and in writing; establish cooperative working relationships with persons contacted in the course of performing assigned duties
 - Insurance knowledge should include an understanding of the insurance placement process, policy provisions, claims processes, and basic insurance case law
 - Ability to maintain confidentiality of work-related information and materials
 - Excellent time management skills and the ability to self-manage a diverse workload with minimal guidance
 - Strong attention to detail and the ability to successfully manage multiple tasks/projects with overlapping timeframes and deadlines
 - Professional-level interpersonal communication and organizational skills
 - Ability to maintain and promote a positive attitude in a demanding and stressful environment
 - Ability to make day-to-day decisions of a complex nature

PHYSICAL ABILITIES

The work is generally sedentary while using a computer. Typically, the employee sits comfortably to do the work typically presented on the computer monitor. However, employee may be required to attend inspections, meetings, or other related work at the College's various locations. There may be some walking; standing; bending; carrying of light items, such as papers, books, or small parts; or driving an automobile.

WORK SCHEDULE AND CONDITIONS:

- - Standard work schedule is during the College's hours of operation, which are Monday through Friday from 8:00 a.m. – 12:00 p.m. and 1:00 p.m. – 5:00 p.m.

The summer schedule varies slightly with the hours of operation being Monday through Thursday 7:30 a.m. – 12:00 p.m. and 12:30 p.m. – 5:00 p.m.

- This position will likely require work during non-standard hours
- Equipment used includes laptop with Microsoft Office Suite, Adobe, etc. and phones
- Interface with internal and external contacts as needed to carry out the functions of the position
- Work may be performed in a climate-controlled office with minimal exposure to safety hazards or remotely as determined by the supervisor

EQUIRED UALIFICATIONS:

- - Bachelor's degree and at least 5 years of experience in Risk Management.
 - Demonstrated experience managing workers' compensation, liability, and property and casualty insurance programs.

EFERRED UALIFICATIONS:

- - Advanced degree in Risk Management, Finance, or a related field.
 - Professional designation of Associate of Risk Management (ARM) or Certified Safety Professional (CSP)

EXHIBIT F

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BOARD POLICY MANUAL
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SECTION IV – HUMAN RESOURCES

IV.A. HIRING EMPLOYEES

IV.A.1. Hiring Practices

IV.A.1.1. Policy

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

(a) Non-Faculty Position Searches

The Chancellor, or a designee, may appoint individuals into non-faculty positions for which the individual meets at least the minimum qualifications. When the Chancellor, or a designee, does not directly-appoint an individual into a non-faculty position, the vacant or new position will be advertised internally and externally to solicit qualified candidates through an official search stewarded by the Office of Human Resources. The Chancellor, or a designee, may elect to direct appoint an individual or go through a formal, official search for non-faculty positions. Only the Board of Trustees, however, may ratify or approve employment contracts.

(b) Faculty Position Searches

All vacant or new faculty positions will be advertised internally and externally to solicit qualified candidates through an official search stewarded by the Office of Human Resources. No college administrator may direct-appoint a full-time faculty member—this includes moving an adjunct faculty member into a full-time faculty member position. A department chair, instructional dean, vice president of instruction, or college president may directly appoint an individual into an adjunct faculty member position (or may elect to conduct a search as well).

(c) Administrative Positions

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



July 24, 2024

Harrison Keller, Ph.D.
Commissioner of Higher Education
Texas Higher Education Coordinating Board
1801 Congress Avenue, Suite 12.200
Austin, Texas 78701

Re: FY2024 Senate Bill 17 Compliance Reporting

Board of Trustees

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Michael Stoma

District 2
Ernestine M. Pierce

District 3
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District 6
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District 7
Rebecca Broussard

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District 9
Jim Cain, Ed.D.

Chancellor
Mario K. Castillo

I certify, under penalty of perjury and the loss of funding to Lone Star College that Lone Star College has complied with the requirements in Tex. Educ. Code § 51.3525:

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a)

The Woodlands
5000 Research Forest Drive
The Woodlands, TX 77381-4356
832.813.6728

University Park
20515 S.H. 249
Houston, TX 77070-2607
LoneStar.edu

System (the “College”) and recommended revisions to align with the law’s requirements. This policy review initiative resulted in changes to the College’s vision and value statements and policies regarding community and government relations, business operations, employment, instruction, admissions, and students’ rights, all of which the Board approved on August 3, 2023.² The Board also adopted a new policy fully incorporating, by reference, Texas Education Code 51.3525’s requirements and setting disciplinary consequences for employees or contractors who violate the law.³

3. Lone Star College closed its Office of Diversity, Equity, and Inclusion and eliminated several related positions to comply with Texas Education Code Section 51.3525. The affected positions consisted of one Chief Diversity Officer, who led the College’s DEI efforts from the system-level and seven Campus Diversity Managers who implemented DEI programs at each campus. These positions no longer exist. The individuals formerly employed in the eliminated roles, have departed the College, or transitioned into new roles.
4. Stakeholders throughout the College system collaborated to assist the Board in reviewing the College’s programs and activities for compliance. In doing so, the College evaluated its cultural beliefs, which are six statements that help focus employees’ efforts on the College’s desired outcomes. The College, through this process, removed its “Advance Equity” cultural belief statement, which stated “I advance diversity and inclusion to create an equitable environment.”⁴
5. Although the College does not require diversity statements in its hiring process, the College revised its job descriptions to remove standard language suggesting an obligation to uphold a commitment to diversity.⁵ Lone Star College’s policies have declared—and continue to declare—the College’s commitment to filling open positions with candidates who meet the position’s minimum qualifications, which do not include the candidate’s race, sex, color, or ethnicity.⁶
6. All Lone Star College new hires, employees, and contractors must complete mandatory compliance training as a condition of being—and remaining—hired. The College reviewed the mandatory training curriculum and eliminated all modules containing prohibited content. The College, similarly, reviewed its student compliance training plan to ensure it did not include any prohibited content. Finally, the College assessed its search committee training modules, which are mandatory for individuals serving on hiring committees, and eliminated all diversity-equity-and-inclusion-related modules.⁷
7. To aid in compliance efforts, the College’s Office of the General Counsel (“OGC”) has provided training, guidance, and recommendations regarding the College’s programs and activities and their compliance with Texas Education Code 51.3525. The College has

² Attach., Ex., B.

³ Attach. Ex., C.

⁴ Attach. Ex., D.

⁵ Attach. Ex., E.

⁶ Attach. Ex., F.

⁷ Attach. Ex., G.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for fiscal year 2025 have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year Lone Star College has conducted the following:

1. The Lone Star College Board of Trustees established a special Board Committee to help oversee Texas Education Code Section 51.3525's implementation at Lone Star College.¹ The Committee began identifying, collecting, and reviewing information regarding potentially affected programs, activities, and policies shortly after the 88th regular legislative session concluded.
2. As part of the efforts to comply with Section 51.3525, the Board's Committee performed a comprehensive review of the institutional policies governing the Lone Star College

¹ Attach., Ex. A.

established a review process that allows institutional stakeholders to submit questions or programs to the College's OGC for compliance recommendations. Through this review process, OGC has received, reviewed, and provided compliance recommendations regarding at least 252 trainings, programs, and or activities.⁸ OGC intends to serve as the primary point of contact for the State Auditor to oversee the College's compliance with Texas Education Code 51.3525.⁹

8. The College has a multi-pronged approach for ensuring ongoing compliance. The College's Compliance Management Department ("CM") helps ensure the College complies with all applicable laws, regulations, and policies. As part of CM's compliance process, relevant stakeholders, compliance reporting requirements, and deadlines are assigned to each compliance item to ensure the College is annually identifying and correcting any compliance issues. The College's compliance with Section 51.3525 will be monitored through this process. Additionally, the College's Internal Audit department intends to audit and review the College's compliance with Section 51.3525 as part of its annual audit plan.¹⁰ Individuals may also report suspected violations to the Internal Audit department for investigation and appropriate action.
9. The College is submitting this certification report before August 31, 2024, as required by law. The College generally receives state-appropriated funds in three payments—with the first in October of each year.¹¹ The College has not received any state-appropriated funds for fiscal year 2025. Accordingly, in compliance with Section 51.3525, the College has not spent any state appropriations prior to the date of this certification.

Lone Star College is committed to ensuring our institution complies with the law. We appreciate the opportunity to demonstrate our efforts to implement the requirements of Texas Education Code Section 51.3525 on our campuses.

Respectfully,



Mario K. Castillo
Chancellor

Michael Stoma
Board Chair



⁸ Specific legal opinions rendered by Lone Star College attorneys are not attached due to attorney-client privilege.

⁹ Attach. Ex., H.

¹⁰ *Id.*

¹¹ Attach. Ex., I.

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(d) Search Integrity

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

(e) Nepotism

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

(f) Chancellor's Procedures

The Board of Trustees specifically empowers and authorizes the Chancellor to develop procedures to implement these policies.

IV.A.2. Non-Citizen Employees

IV.A.2.1. Policy

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

IV.A.2.2. Definitions

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

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IV.A.2.3. Employment of Non-U.S. Citizens

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

IV.A.2.4. Benefits Eligibility

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

IV.A.3. Campus Peace Officers

IV.A.3.1. Policy

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

IV.A.3.2. Definitions

- (a) **Appoint** means to administer the Texas peace officer oath of office to a person the College hired.
- (b) **Campus Peace Officer** means a person the College employs as a peace officer under Section 51.203 of the Texas Education Code.
- (c) **Commission** means to grant a person licensed to serve as a peace officer in Texas authority to serve as a campus peace officer.
- (d) **College Premises** means all real property the College owns, leases, or otherwise controls.
- (e) **TCOLE** means the Texas Commission on Law Enforcement, a state agency with duties and powers regarding peace officers.

IV.A.3.3. Delegation of Authority

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

IV.A.3.4. Background Check

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

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IV.A.3.5. Campus Peace Officer Authority

Campus peace officers use all lawful means to preserve the peace within their jurisdiction. Although they shall typically confine their duties to the College's premises, campus peace officers have primary jurisdiction within all counties containing College premises, including the counties of Harris, Montgomery, and San Jacinto.

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

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

IV.A.4. Credentials

IV.A.4.1. Policy

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

IV.A.4.2. Official Personnel File

The Office of Human Resources keeps each employee's official personnel record.

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IV.A.4.3. Confidentiality of Employment Decisions

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

IV.B. EMPLOYMENT RELATIONSHIP

IV.B.1. Appointment Types

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

IV.B.1.1. Appointment Categories

- 1. Chancellor.** The College's chief executive officer who serves in a contractual position.
- 2. Chief Operating Officer.** The College's chief operations officer who serves in a contractual position.
- 3. Executive Vice Chancellor.** Chief division officers who serve in a contractual position.
- 4. Location Executive Officer (LEO).** The vice chancellors and college presidents, each of whom serve in a contractual position. LEOs receive two-year contracts.
- 5. Administrator.** Non-instructional employee who serves in a contractual position. Administrators receive one-year contracts.
- 6. Honors College Director.** Non-instructional employee who serves in a contractual position.
- 7. Faculty.** Contractual employees whose primary duties and responsibilities directly relate to educational programs or student educational development. The term "faculty" only includes Faculty and Temporary Faculty.
- 8. Temporary Faculty.** Contractual instructional employee who has the same duties and responsibilities as a permanent faculty member. Temporary faculty are hired in a full-time capacity on a temporary contract, contingent upon College needs. Temporary faculty members have no right of continuing employment beyond the term of their current contract and do not have a right of notice of non-renewal and their service as temporary faculty members does not count towards eligibility for a multiyear contract or faculty status.

EXHIBIT G



Compliance Reporting Documentation
Tex. Educ. Code § 51.3525

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**OFFICE OF GOVERNANCE,
ACCOUNTABILITY, AND COMPLIANCE**



**Lone Star College Annual Mandatory Employee Compliance Training
Fall 2023 Training Plans**

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Fall 2023 Annual Mandatory Employee Compliance Training Plan

Course	Spanish	Length	Supervisor	Non Supervisor	Requirement/Initiative
Equity, Diversity, and Inclusion					
Discrimination: Avoiding Discriminatory Practices	Y	31 mins.	Yes	No	EEOC October 2017 Agreement and GER/ODEI/OCE initiative
Diversity, Equity, and Inclusions (DEI) Practices: Staff-to-Staff	N	26 mins.	Yes	No	EEOC October 2017 Agreement and GER/ODEI/OCE initiative
Diversity and Inclusion: Faculty and Staff	N	11 mins.	Yes	Yes	EEOC October 2017 Agreement and GER/ODEI/OCE initiative
LSC Title VI Employee Compliance Training (LSC custom course from OGAC-CET for TGLTC and RDA)	Y	8 mins.	Yes	Yes	Title VI – Signed Grant MOU
LSC Board Policy Review: Employee Civil Rights	N	10 mins.	Yes	Yes	EEOC October 2017 Agreement and GER/ODEI/OCE initiative
LSC Board Policy Review: Student Civil Rights	N	5 mins.	Yes	Yes	EEOC October 2017 Agreement and GER/ODEI/OCE initiative
Sexual Misconduct/Title IX					
Title IX and Sexual Harassment	Y	27 mins.	Yes	Yes	SB 968: Sexual Assault Policy Amends §51.9363, adds § 51.9365 (repealed by Acts 2019), VAWA §304, Title IX Final Rule (2020-2023)
Sexual Violence Awareness for Employees (Campus SaVE Act)	Y	39 mins.	Yes	Yes	SB 968: Sexual Assault Policy Amends §51.9363, adds § 51.9365 (repealed by Acts 2019), VAWA §304, Title IX Final Rule (2020-2023)
LSC Board Policy Review: Sexual Misconduct	N	10 mins.	Yes	Yes	SB 968: Sexual Assault Policy Amends §51.9363, adds § 51.9365 (repealed by Acts 2019), VAWA §304, Title IX Final Rule (2020-2023)
Mandatory Reporting: Sexual Misconduct and Reporting Abuse or Neglect of a Minor (LSC Custom Course from LSC-Title IX Coordinator)	Y	5 mins.	Yes	Yes	TEC 51.251, Texas Family Code, 261.101 (training is not required, but employee reporting is required).
Health and Safety					
Bloodborne Pathogen Exposure Prevention UPDATED	N	18 mins.	Yes	Yes	TEC and TWC Requirements for grant and signed MOU (2018-2019) Texas Health and Safety Code §85.001, §85.012 Model Workplace Guidelines
Active Shooter: Run, Hide, Fight	N	15 mins.	Yes	Yes	LSC Police Department, DEP, and Safety & Security Committee Initiative
Information Security					
Information Security Awareness Training (LSC OTS Custom Course)	Y	20 mins.	Yes	Yes	Gramm-Leach Bliley Act (GLBA) 5 U.S.C. § 6801 -6809 FSA PPA, SAIG, Program Review, and Government Code Sec. 2054.5191
Cybersecurity Awareness Training – State of Texas	Y	28 mins.	Yes	Yes	NEW- Texas H.B. 3834
Additional Management Topic					
Retaliation Liability	N	29 mins.	Yes	No	EEOC October 2017 Agreement and GER/ODEI/OCE initiative
Drug and Alcohol Prevention Program					
Drug-Free Workplace	N	24 mins.	Yes	Yes	NEW- Recommended as an addition by the LSC DAAPP Review Committee as per the LSC DAAPP Biennial Review Report
Fall 2023 Total Training Time			5 hrs. 6 mins.	3 hrs. 40 mins.	

Fall 2023 Annual Mandatory Third-Party Persons/Contractors Training Plan

Training Plans for four (4) LSC partnership groups are outlined on pages 3 through 5 in accordance

1. US Aviation Group
2. Communities in Schools of Houston, Inc. (CIS)
3. Harris County Library (CyFair & Tomball Libraries)
4. Community Colleges for International Development (CCID)

US Aviation Group Training Plan

Course	Spanish	Length	Contract Requirement
Sexual Misconduct/Title IX			
Title IX and Sexual Harassment	Y	27 mins.	Contractual Obligation
Sexual Violence Awareness for Employees (Campus SaVE Act)	Y	39 mins.	Contractual Obligation
LSC Board Policy Review: Sexual Misconduct	N	10 mins.	Contractual Obligation
Mandatory Reporting: Sexual Misconduct and Reporting Abuse or Neglect of a Minor (LSC custom course from LSC-Title IX Coordinator)	Y	5 mins.	Contractual Obligation
Confidentiality			
FERPA: Confidentiality of Records	Y	16 mins.	Contractual Obligation
LSC FERPA Document Review	N	10 mins.	Contractual Obligation
Fall 2023 Total Training Time		1 hr. 47 mins.	

Communities in Schools of Houston, Inc. Training Plan

Course	Spanish	Length	Contract Requirement
Sexual Misconduct/Title IX			
Title IX and Sexual Harassment	Y	27 mins.	Contractual Obligation
Sexual Violence Awareness for Employees (Campus SaVE Act)	Y	39 mins.	Contractual Obligation
LSC Board Policy Review: Sexual Misconduct	N	10 mins.	Contractual Obligation
Mandatory Reporting: Sexual Misconduct and Reporting Abuse or Neglect of a Minor (LSC custom course from LSC-Title IX Coordinator)	Y	5 mins.	Contractual Obligation
Fall 2023 Total Training Time		1 hr. 21 mins.	

Harris County Library (CyFair & Tomball) Training Plan

Course	Spanish	Length	Contract Requirement
Equity, Diversity, and Inclusion			
Diversity and Inclusion: Faculty and Staff	N	11 mins.	Contractual Obligation
LSC Title VI Employee Compliance Training (LSC custom course from OGAC-CET for TGLTC and RDA)	Y	8 mins.	Contractual Obligation
LSC Board Policy Review: Employee Civil Rights	N	10 mins.	Contractual Obligation
LSC Board Policy Review: Student Civil Rights	N	5 mins.	Contractual Obligation
Sexual Misconduct/Title IX			
Title IX and Sexual Harassment	Y	27 mins.	Contractual Obligation
Sexual Violence Awareness for Employees (Campus SaVE Act)	Y	39 mins.	Contractual Obligation
LSC Board Policy Review: Sexual Misconduct	N	10 mins.	Contractual Obligation
Mandatory Reporting: Sexual Misconduct and Reporting Abuse or Neglect of a Minor (LSC Custom Course from LSC-Title IX Coordinator)	Y	5 mins.	Contractual Obligation
Health and Safety			
Bloodborne Pathogen Exposure Prevention <i>UPDATED</i>	N	18 mins.	Contractual Obligation
Active Shooter: Run, Hide, Fight	N	15 mins.	Contractual Obligation
Information Security			
Information Security Awareness Training (LSC OTS Custom Course)	Y	20 mins.	Contractual Obligation
Cybersecurity Awareness Training – State of Texas	Y	28 mins.	Contractual Obligation
Drug and Alcohol Prevention Program			
Drug-Free Workplace	N	24 mins.	Contractual Obligation
Confidentiality			
FERPA: Confidentiality of Records	N	16 mins.	Contractual Obligation
LSC FERPA Document Review	N	10 mins.	Contractual Obligation
Fall 2023 Total Training Time		4 hrs. 6 mins.	

Community Colleges for International Development (CCID) Training Plan

Course	Spanish	Length	Contract Requirement
Equity, Diversity, and Inclusion			
Diversity and Inclusion: Faculty and Staff	N	11 mins.	Contractual Obligation
LSC Title VI Employee Compliance Training (LSC custom course from OGAC-CET for TGLTC and RDA)	Y	8 mins.	Contractual Obligation
LSC Board Policy Review: Employee Civil Rights	N	10 mins.	Contractual Obligation
LSC Board Policy Review: Student Civil Rights	N	5 mins.	Contractual Obligation
Sexual Misconduct/Title IX			
Title IX and Sexual Harassment	Y	27 mins.	Contractual Obligation
Sexual Violence Awareness for Employees (Campus SaVE Act)	Y	39 mins.	Contractual Obligation
LSC Board Policy Review: Sexual Misconduct	N	10 mins.	Contractual Obligation
Mandatory Reporting: Sexual Misconduct and Reporting Abuse or Neglect of a Minor (LSC Custom Course from LSC-Title IX Coordinator)	Y	5 mins.	Contractual Obligation
Health and Safety			
Bloodborne Pathogen Exposure Prevention <i>UPDATED</i>	N	18 mins.	Contractual Obligation
Active Shooter: Run, Hide, Fight	N	15 mins.	Contractual Obligation
Information Security			
Information Security Awareness Training (LSC OTS Custom Course)	Y	20 mins.	Contractual Obligation
Cybersecurity Awareness Training – State of Texas	Y	28 mins.	Contractual Obligation
Drug and Alcohol Prevention Program			
Drug-Free Workplace	N	24 mins.	Contractual Obligation
Fall 2023 Total Training Time		3 hrs. 40 mins.	

OFFICE OF GOVERNANCE,
ACCOUNTABILITY, AND COMPLIANCE



**Lone Star College Annual Mandatory Employee Compliance Training
AY2023-2024 Training Plans – Revised January 01, 2024**

Contents

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2023-2024 Annual Mandatory Employee Compliance Training Plan

Course	Spanish	Length	Supervisor	Non Supervisor	Requirement/Initiative
Civil Rights					
LSC Title VI Employee Compliance Training (LSC custom course from OGAC-CET for TGLTC and RDA)	Y	8 mins.	Yes	Yes	Title VI – Signed Grant MOU
LSC Board Policy Review: Employee Civil Rights	N	10 mins.	Yes	Yes	EEOC October 2017 Agreement and GER/ODEI/OCE initiative
LSC Board Policy Review: Student Civil Rights	N	5 mins.	Yes	Yes	EEOC October 2017 Agreement and GER/ODEI/OCE initiative
Sexual Misconduct/Title IX					
Title IX and Sexual Harassment	Y	27 mins.	Yes	Yes	SB 968: Sexual Assault Policy Amends §51.9363, adds § 51.9365 (repealed by Acts 2019), VAWA §304, Title IX Final Rule (2020-2023)
Sexual Violence Awareness for Employees (Campus SaVE Act)	Y	39 mins.	Yes	Yes	SB 968: Sexual Assault Policy Amends §51.9363, adds § 51.9365 (repealed by Acts 2019), VAWA §304, Title IX Final Rule (2020-2023)
LSC Board Policy Review: Sexual Misconduct	N	10 mins.	Yes	Yes	SB 968: Sexual Assault Policy Amends §51.9363, adds § 51.9365 (repealed by Acts 2019), VAWA §304, Title IX Final Rule (2020-2023)
Mandatory Reporting: Sexual Misconduct and Reporting Abuse or Neglect of a Minor (LSC Custom Course from LSC-Title IX Coordinator)	Y	5 mins.	Yes	Yes	TEC 51.251, Texas Family Code, 261.101 (training is not required, but employee reporting is required).
Health and Safety					
Bloodborne Pathogen Exposure Prevention <i>UPDATED</i>	N	18 mins.	Yes	Yes	TEC and TWC Requirements for grant and signed MOU (2018-2019) Texas Health and Safety Code §85.001, §85.012 Model Workplace Guidelines
Active Shooter: Run, Hide, Fight	N	15 mins.	Yes	Yes	LSC Police Department, DEP, and Safety & Security Committee Initiative
Information Security					
Information Security Awareness Training (LSC OTS Custom Course)	Y	20 mins.	Yes	Yes	Gramm-Leach Bliley Act (GLBA) 5 U.S.C. § 6801 -6809 FSA PPA, SAIG, Program Review, and Government Code Sec. 2054.5191
Cybersecurity Awareness Training – State of Texas	Y	28 mins.	Yes	Yes	NEW- Texas H.B. 3834
Additional Supervisor/Management Topic					
Retaliation Liability	N	29 mins.	Yes	No	EEOC October 2017 Agreement and GER/ODEI/OCE initiative
Drug and Alcohol Prevention Program					
Drug-Free Workplace	N	24 mins.	Yes	Yes	NEW- Recommended as an addition by the LSC DAAPP Review Committee as per the LSC DAAPP Biennial Review Report
2023-2024 Total Training Time			3 hrs. 58 mins.	3 hrs. 29 mins.	

2023-2024 Annual Mandatory Third-Party Persons/Contractors Training Plan

Training Plans for four (4) LSC partnership groups are outlined on pages 3 through 5 in accordance

1. US Aviation Group
2. Communities in Schools of Houston, Inc. (CIS)
3. Harris County Library (CyFair & Tomball Libraries)
4. Community Colleges for International Development (CCID)

US Aviation Group Training Plan

Course	Spanish	Length	Contract Requirement
Sexual Misconduct/Title IX			
Title IX and Sexual Harassment	Y	27 mins.	Contractual Obligation
Sexual Violence Awareness for Employees (Campus SaVE Act)	Y	39 mins.	Contractual Obligation
LSC Board Policy Review: Sexual Misconduct	N	10 mins.	Contractual Obligation
Mandatory Reporting: Sexual Misconduct and Reporting Abuse or Neglect of a Minor (LSC custom course from LSC-Title IX Coordinator)	Y	5 mins.	Contractual Obligation
Confidentiality			
FERPA: Confidentiality of Records	Y	16 mins.	Contractual Obligation
LSC FERPA Document Review	N	10 mins.	Contractual Obligation
2023-2024 Total Training Time		1 hr. 47 mins.	

Communities in Schools of Houston, Inc. Training Plan

Course	Spanish	Length	Contract Requirement
Sexual Misconduct/Title IX			
Title IX and Sexual Harassment	Y	27 mins.	Contractual Obligation
Sexual Violence Awareness for Employees (Campus SaVE Act)	Y	39 mins.	Contractual Obligation
LSC Board Policy Review: Sexual Misconduct	N	10 mins.	Contractual Obligation
Mandatory Reporting: Sexual Misconduct and Reporting Abuse or Neglect of a Minor (LSC custom course from LSC-Title IX Coordinator)	Y	5 mins.	Contractual Obligation
2023-2024 Total Training Time		1 hr. 21 mins.	

Harris County Library (CyFair & Tomball) Training Plan

Course	Spanish	Length	Contract Requirement
Civil Rights			
LSC Title VI Employee Compliance Training (LSC custom course from OGAC-CET for TGLTC and RDA)	Y	8 mins.	Contractual Obligation
LSC Board Policy Review: Employee Civil Rights	N	10 mins.	Contractual Obligation
LSC Board Policy Review: Student Civil Rights	N	5 mins.	Contractual Obligation
Sexual Misconduct/Title IX			
Title IX and Sexual Harassment	Y	27 mins.	Contractual Obligation
Sexual Violence Awareness for Employees (Campus SaVE Act)	Y	39 mins.	Contractual Obligation
LSC Board Policy Review: Sexual Misconduct	N	10 mins.	Contractual Obligation
Mandatory Reporting: Sexual Misconduct and Reporting Abuse or Neglect of a Minor (LSC Custom Course from LSC-Title IX Coordinator)	Y	5 mins.	Contractual Obligation
Health and Safety			
Bloodborne Pathogen Exposure Prevention <i>UPDATED</i>	N	18 mins.	Contractual Obligation
Active Shooter: Run, Hide, Fight	N	15 mins.	Contractual Obligation
Information Security			
Information Security Awareness Training (LSC OTS Custom Course)	Y	20 mins.	Contractual Obligation
Cybersecurity Awareness Training – State of Texas	Y	28 mins.	Contractual Obligation
Drug and Alcohol Prevention Program			
Drug-Free Workplace	N	24 mins.	Contractual Obligation
Confidentiality			
FERPA: Confidentiality of Records	N	16 mins.	Contractual Obligation
LSC FERPA Document Review	N	10 mins.	Contractual Obligation
2023-2024 Total Training Time		3 hrs.55 mins.	

Community Colleges for International Development (CCID) Training Plan

Course	Spanish	Length	Contract Requirement
Civil Rights			
LSC Title VI Employee Compliance Training (LSC custom course from OGAC-CET for TGLTC and RDA)	Y	8 mins.	Contractual Obligation
LSC Board Policy Review: Employee Civil Rights	N	10 mins.	Contractual Obligation
LSC Board Policy Review: Student Civil Rights	N	5 mins.	Contractual Obligation
Sexual Misconduct/Title IX			
Title IX and Sexual Harassment	Y	27 mins.	Contractual Obligation
Sexual Violence Awareness for Employees (Campus SaVE Act)	Y	39 mins.	Contractual Obligation
LSC Board Policy Review: Sexual Misconduct	N	10 mins.	Contractual Obligation
Mandatory Reporting: Sexual Misconduct and Reporting Abuse or Neglect of a Minor (LSC Custom Course from LSC-Title IX Coordinator)	Y	5 mins.	Contractual Obligation
Health and Safety			
Bloodborne Pathogen Exposure Prevention <i>UPDATED</i>	N	18 mins.	Contractual Obligation
Active Shooter: Run, Hide, Fight	N	15 mins.	Contractual Obligation
Information Security			
Information Security Awareness Training (LSC OTS Custom Course)	Y	20 mins.	Contractual Obligation
Cybersecurity Awareness Training – State of Texas	Y	28 mins.	Contractual Obligation
Drug and Alcohol Prevention Program			
Drug-Free Workplace	N	24 mins.	Contractual Obligation
2023-2024 Total Training Time		3 hrs. 29 mins.	

In addition, all partnership groups will be provided access to the recommended courses in the table below but not required to complete them.

Recommended Not Required Courses	Spanish	Length
Active Shooter: Run, Hide, Fight	N	15 mins.

Fall 2023 Search Committee Part 2 Training

Effective January 01, 2024, the Search Committee Part 2 Training Plan owned by Carlecia Wright, Chief Culture and Engagement Officer was deactivated and is no longer assigned to any employee.

LSC Search Committee Part 2		
Course	Spanish	Length
Diversity and Inclusion: Faculty and Staff	Y	8 mins.
Implicit Bias and Microaggression Awareness	N	23 mins.
Sensitivity Awareness	N	34 mins.
AY23-24 Diversity Course for Search Committees	Y	1 min.

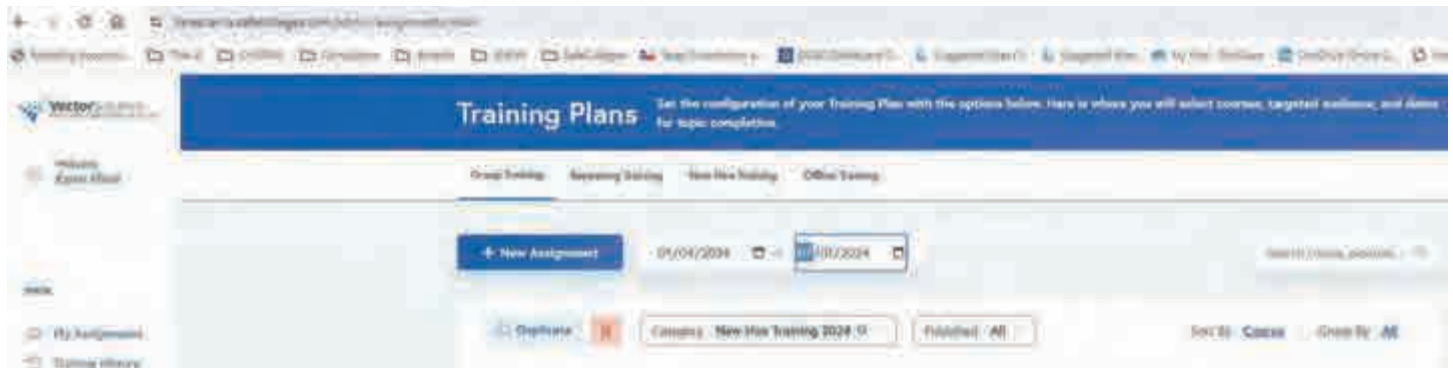
In addition, all partnership groups will be provided access to the recommended courses in the table below but not required to complete them.

Recommended Not Required Courses	Spanish	Length
Discrimination: Avoiding Discriminatory Practices	Y	31 mins.
Diversity Awareness: Staff-to-Staff - UPDATED	N	24 mins.
Diversity and Inclusion: Faculty and Staff	N	11 mins.
Active Shooter: Run, Hide, Fight	N	15 mins.





















Exhibit G.3

New Hire Employee Training Plan as of January 16, 2024

Screenshots directly from the Vector Solutions SafeColleges Training Platform



COURSE	JOB	DATES		
 Active Shooter: Run, Hide, Fight Full Course New Hire Training 2024	 New Hire Training 2024 at Lone Star College	 Jan 16, 2024 Effective → Jul 1, 2024 Due		
 Bloodborne Pathogen Exposure Prevention Full Course New Hire Training 2024	 New Hire Training 2024 at Lone Star College	 Jan 16, 2024 Effective → Jul 1, 2024 Due		
 Cybersecurity Awareness Training - State of Texas Custom New Hire Training 2024	 New Hire Training 2024 at Lone Star College	 Jan 16, 2024 Effective → Jul 1, 2024 Due		
 Drug Free Workplace Full Course New Hire Training 2024	 New Hire Training 2024 at Lone Star College	 Jan 16, 2024 Effective → Jul 1, 2024 Due		
 Information Security Awareness Training Custom New Hire Training 2024	 New Hire Training 2024 at Lone Star College	 Jan 16, 2024 Effective → Jul 1, 2024 Due		
 LSC Board Policy on Employee Civil Rights Custom New Hire Training 2024	 New Hire Training 2024 at Lone Star College	 Jan 16, 2024 Effective → Jul 1, 2024 Due		
 LSC Board Policy on Sexual Misconduct Custom New Hire Training 2024	 New Hire Training 2024 at Lone Star College	 Jan 16, 2024 Effective → Jul 1, 2024 Due		

 LSC Board Policy on Student Civil Rights Custom New Hire Training 2024	 New Hire Training 2024 at Lone Star College	 Jan 16, 2024 Effective	 Jul 1, 2024 Due	View
 LSC Title VI Employee Compliance Training Custom New Hire Training 2024	 New Hire Training 2024 at Lone Star College	 Jan 16, 2024 Effective	 Jul 1, 2024 Due	View
 Mandatory Reporting: Sexual Misconduct and Reporting Abuse or Neglect of a Minor Custom New Hire Training 2024	 New Hire Training 2024 at Lone Star College	 Jan 16, 2024 Effective	 Jul 1, 2024 Due	View
 Sexual Violence Awareness for Employees (Campus SAVE Act) Full Course (en español), Full Course New Hire Training 2024	 New Hire Training 2024 at Lone Star College	 Jan 16, 2024 Effective	 Jul 1, 2024 Due	View
 Title IX and Sexual Harassment Full Course, Full Course (en español) New Hire Training 2024	 New Hire Training 2024 at Lone Star College	 Jan 16, 2024 Effective	 Jul 1, 2024 Due	View

LSC Supervisor Training Plan as of January 16, 2024









Screenshots directly from the Vector Solutions SafeColleges Training Platform

Vector Solutions Training Plans

Set the configuration of your Training Plan with the options below. This is where you will select courses, targeted audience, and dates for topic completion.

[New Assignment](#) | 01/01/2024 | 07/01/2024

[Assign](#) | [Configure](#) | [New Hire Supervisor 2024 IF](#) | [Published](#) | [All](#)

COURSE	JOB	DATES		
 Active Shooter: Run, Hide, Fight Full Course New Hire Supervisor 2024	 New Hire Supervisor 2024 at Lone Star College	 Jan 16, 2024 Effective	 Jul 1, 2024 Due	View
 Bloodborne Pathogen Exposure Prevention Full Course New Hire Supervisor 2024	 New Hire Supervisor 2024 at Lone Star College	 Jan 16, 2024 Effective	 Jul 1, 2024 Due	View
























































 <p>Cybersecurity Awareness Training - State of Texas Custom New Hire Supervisor 2024</p>	 <p>New Hire Supervisor 2024 at Lone Star College</p>	 <p>Jan 16, 2024 Effective → Jul 1, 2024 Due</p>	 Low 
 <p>Drug Free Workplace Full Course Custom New Hire Supervisor 2024</p>	 <p>New Hire Supervisor 2024 at Lone Star College</p>	 <p>Jan 16, 2024 Effective → Jul 1, 2024 Due</p>	 Low 
 <p>Information Security Awareness Training Custom New Hire Supervisor 2024</p>	 <p>New Hire Supervisor 2024 at Lone Star College</p>	 <p>Jan 16, 2024 Effective → Jul 1, 2024 Due</p>	 Low 
 <p>LSC Board Policy on Employee Civil Rights Custom New Hire Supervisor 2024</p>	 <p>New Hire Supervisor 2024 at Lone Star College</p>	 <p>Jan 16, 2024 Effective → Jul 1, 2024 Due</p>	 Low 
 <p>LSC Board Policy on Sexual Misconduct Custom New Hire Supervisor 2024</p>	 <p>New Hire Supervisor 2024 at Lone Star College</p>	 <p>Jan 16, 2024 Effective → Jul 1, 2024 Due</p>	 Low 
 <p>LSC Board Policy on Student Civil Rights Custom New Hire Supervisor 2024</p>	 <p>New Hire Supervisor 2024 at Lone Star College</p>	 <p>Jan 16, 2024 Effective → Jul 1, 2024 Due</p>	 Low 
 <p>LSC Title VI Employee Compliance Training Custom New Hire Supervisor 2024</p>	 <p>New Hire Supervisor 2024 at Lone Star College</p>	 <p>Jan 16, 2024 Effective → Jul 1, 2024 Due</p>	 Low 
 <p>Mandatory Reporting: Sexual Misconduct and Reporting Abuse or Neglect of a Minor Custom New Hire Supervisor 2024</p>	 <p>New Hire Supervisor 2024 at Lone Star College</p>	 <p>Jan 16, 2024 Effective → Jul 1, 2024 Due</p>	 Low 
 <p>Retaliation Liability Full Course New Hire Supervisor 2024</p>	 <p>New Hire Supervisor 2024 at Lone Star College</p>	 <p>Jan 16, 2024 Effective → Jul 1, 2024 Due</p>	 Low 
 <p>Sexual Violence Awareness for Employees (Campus SAVE Act) Full Course (en español), Full Course New Hire Supervisor 2024</p>	 <p>New Hire Supervisor 2024 at Lone Star College</p>	 <p>Jan 16, 2024 Effective → Jul 1, 2024 Due</p>	 Low 
 <p>Title IX and Sexual Harassment Full Course, Full Course (en español) New Hire Supervisor 2024</p>	 <p>New Hire Supervisor 2024 at Lone Star College</p>	 <p>Jan 16, 2024 Effective → Jul 1, 2024 Due</p>	 Low 

Exhibit G.4

From: [Miner, Karen](#)
To: [Bonnin, Kristi](#)
Cc: [Gregerson, Sandra](#); [Woods, Patricia](#); [Hayes, Lauren](#)
Subject: Search Committee Part 2 Training
Date: Thursday, January 4, 2024 10:20:00 AM
Attachments: [image001.png](#)
Importance: High

Good morning, Kristi and Happy New Year!

As you may be aware, new regulations went into effect in Texas (SB 17) on January 1, 2024. These regulations restrict training options regarding Diversity Equity and Inclusion courses. We have received word from OGC this morning that **ALL the courses** currently included in the Search Committee Training Part 2 training plan should be discontinued for now. Courses will continue to be reviewed and we will be notified if something can again be added to the training plan.

As this direction affects all courses within the Search Committee Part 2 training plan, this means that no list will need to be sent to us regarding training participants; nor will any completion reports be forthcoming from our office for the time being.

If there are any questions or concerns, please let me know.

Thanks,
Karen

Karen L. Miner
Executive Director, Ethics and Compliance Services
Office of Governance, Accountability, & Compliance
Division of Legal and Regulatory Affairs
Lone Star College-System Office
5000 Research Forest Dr.
Office: SB 224 D
The Woodlands, TX 77381
Office Phone: 832.813.6614
karen.l.miner@LoneStar.edu



EXHIBIT H

From: [Molina, Nancy](#)
To: Jeff.Criminger@sao.texas.gov
Cc: [Board of Trustees](#); [Castillo, Mario](#); [Charbonneau, Leticia](#)
Subject: State Auditor's Office - Senate Bill 17: Request for Information
Date: Tuesday, April 30, 2024 9:05:37 AM
Attachments: [LSC - Budget Policy.pdf](#)

Dear Mr. Criminger:

I hope this email finds you well. My name is Nancy Molina, and I am Lone Star College's General Counsel. My office will be your contact for SB 17. I, along with our Internal Auditor, Ms. Letty Charbonneau submit the below and attached. Should you have any other questions feel free to contact us directly.

1. Has the Institution's governing board (Board) created specific policies, procedures, or guidelines to ensure that state funds are not spent in violation of Senate Bill 17 (SB17)? If so, please provide them.

Lone Star College's Board of Trustees has previously adopted a general budget policy that emphasizes that the College's budget authorizes fund expenditures that comply with state law. Compliance with SB17 will be factored into the budgeting process—even though not mentioned specifically—as the College's authority to expend funds—by policy—is generally limited by applicable state law requirements, including SB17. The Budget Policy is attached for reference. Additionally, the Board has created an SB17 committee that is overseeing the College's SB17 compliance efforts. The SB 17 committee has reviewed the College's policies, procedures, and programs to ensure compliance. As part of their oversight, the committee is considering additional SB17-focused policies that should help further ensure state funds are not spent in violation of SB17. The College will supplement this response with a copy of any additional policies the Board adopts regarding this effort.

2. Who would be the best point(s) of contact at the Institution for matters related to overseeing compliance with SB17?

Lone Star College
Office of the General Counsel
5000 Research Forest Drive
The Woodlands, TX 77381
LSC-OfficeoftheGeneralCounsel@lonestar.edu

3. Does the Institution's internal audit function intend to audit, or plan to review, the Institution's compliance with SB17?

Yes, the Lone Star College's internal audit function intends to include a Senate Bill compliance audit in the FY 2025 Proposed Internal Audit Plan to be submitted to the Board of Trustees for approval.

4. Will the Board or its designee certify to the Legislature and the Texas Higher Education Coordinating Board by August 31, 2024, that the Institution is in compliance with SB17?

Yes, the Board, or its designee, will certify its compliance with SB17 to the Legislature and the THECB by August 31, 2024.

Regards,
Nancy

From: Jeff Criminger <Jeff.Criminger@sao.texas.gov>
Date: April 17, 2024 at 11:45:38 AM CDT
To: Board of Trustees <Board@lonestar.edu>
Cc: "Castillo, Mario" <Mario.K.Castillo@lonestar.edu>, "Charbonneau, Leticia" <Leticia.T.Charbonneau@lonestar.edu>
Subject: State Auditor's Office - Senate Bill 17: Request for Information

CAUTION: This email originated from outside of Lone Star College. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Senate Bill 17 (88th Legislature, Regular Session) directs the State Auditor's Office (Office) to conduct a compliance audit of each institution of higher education (Institution) to determine whether the Institution has spent state money in violation of Texas Government Code, Section 51.3525. Below you will find a list of questions that will allow our Office to begin developing our procedures to address Senate Bill 17.

1. Has the Institution's governing board (Board) created specific policies, procedures, or guidelines to ensure that state funds are not spent in violation of Senate Bill 17 (SB17)? If so, please provide them.
2. Who would be the best point(s) of contact at the Institution for matters related to overseeing compliance with SB17?
3. Does the Institution's internal audit function intend to audit, or plan to review, the Institution's compliance with SB17?
4. Will the Board or its designee certify to the Legislature and the Texas Higher Education Coordinating Board by August 31, 2024, that the Institution is in compliance with SB17?

Please respond by **April 30, 2024**. After we have received and reviewed the responses to these questions, we may follow-up with your Institution's point of contact.

Senate Bill 17 also directs our Office to adopt a schedule to ensure that each Institution is audited at least once every four years. Currently, your Institution is not scheduled to be audited for compliance with Senate Bill 17 in fiscal year 2025.

Thank you in advance for your prompt attention to this request.



Jeffrey Criminger, CFE

Managing Senior Auditor

1501 N. Congress Avenue
Austin, Texas 78701

EXHIBIT I

FICE	College District	Formula Funding By Institution & Payment										FY 2024 TOTAL Guaranteed Funding	FY 2024 TOTAL Guaranteed Funding	Difference	
		50%		25%		25%		25%		25%					
		FY 2024 Support by Sept 25	Fall Base Tier Payment by Oct 15	Fall Performance Tier Payment by Oct 15	Spring Base Tier Payment by Feb 15	Spring Performance Tier Payment by Feb 15	Summer Base Tier Payment by June 15	Summer Performance Tier Payment by June 15							
003607	Alamo	\$ 3,855,480	\$ -	\$ 44,320,717	\$ -	\$ 22,160,358	\$ -	\$ 22,160,358	\$ -	\$ 22,160,358	\$ -	\$ 88,641,433	\$ 88,641,433	0.0%	
003539	Alvin	\$ -	\$ 9,526,054	\$ -	\$ 4,763,027	\$ -	\$ 4,763,027	\$ -	\$ 2,381,514	\$ -	\$ 2,381,514	\$ 9,526,054	\$ 9,526,054	0.0%	
003540	Angelo	\$ -	\$ 18,576,479	\$ -	\$ 9,288,240	\$ -	\$ 9,288,240	\$ -	\$ 4,644,120	\$ -	\$ 4,644,120	\$ 18,576,479	\$ 18,576,479	0.0%	
006861	Angellina	\$ 1,187,500	\$ 845,523	\$ 3,694,294	\$ 422,761	\$ 1,847,147	\$ 422,761	\$ 1,847,147	\$ -	\$ 1,847,147	\$ -	\$ 9,079,633	\$ 9,079,633	0.0%	
012015	Austin	\$ 56,050,458	\$ -	\$ 28,025,229	\$ -	\$ 14,012,615	\$ -	\$ 14,012,615	\$ -	\$ 14,012,615	\$ -	\$ 56,050,458	\$ 56,050,458	0.0%	
003549	Blinn	\$ 32,758,761	\$ 703,084	\$ 15,676,296	\$ 351,542	\$ 7,838,148	\$ 351,542	\$ 7,838,148	\$ -	\$ 7,838,148	\$ -	\$ 32,758,761	\$ 32,758,761	0.0%	
007857	Brazosport	\$ 6,663,283	\$ -	\$ 3,331,642	\$ -	\$ 1,665,821	\$ -	\$ 1,665,821	\$ -	\$ 1,665,821	\$ -	\$ 6,663,283	\$ 6,663,283	0.0%	
004003	Central Texas	\$ 15,939,954	\$ -	\$ 7,969,977	\$ -	\$ 3,984,989	\$ -	\$ 3,984,989	\$ -	\$ 3,984,989	\$ -	\$ 15,939,954	\$ 15,939,954	0.0%	
003553	Cisco	\$ 8,910,438	\$ 1,580,611	\$ 2,874,608	\$ 790,305	\$ 1,437,304	\$ 790,305	\$ 1,437,304	\$ -	\$ 1,437,304	\$ -	\$ 8,910,438	\$ 8,910,438	0.0%	
003554	Clarendon	\$ 6,069,478	\$ 1,529,552	\$ 1,505,188	\$ 764,776	\$ 752,594	\$ 764,776	\$ 752,594	\$ -	\$ 752,594	\$ -	\$ 6,069,478	\$ 6,069,478	0.0%	
007096	College of the Mainland	\$ 10,988,947	\$ 7,738,496	\$ 3,635,665	\$ 929,405	\$ 1,817,832	\$ 929,405	\$ 1,817,832	\$ -	\$ 1,817,832	\$ -	\$ 10,988,947	\$ 10,988,947	0.0%	
023614	Collin	\$ 51,540,138	\$ -	\$ 25,770,069	\$ -	\$ 12,885,034	\$ -	\$ 12,885,034	\$ -	\$ 12,885,034	\$ -	\$ 51,540,138	\$ 51,540,138	0.0%	
009331	Dallas	\$ 96,999,738	\$ 1,831,907	\$ 48,499,869	\$ -	\$ 24,249,934	\$ -	\$ 24,249,934	\$ -	\$ 24,249,934	\$ -	\$ 96,999,738	\$ 96,999,738	0.0%	
003563	Del Mar	\$ 19,508,146	\$ -	\$ 9,754,073	\$ -	\$ 4,877,036	\$ -	\$ 4,877,036	\$ -	\$ 4,877,036	\$ -	\$ 19,508,146	\$ 19,508,146	0.0%	
010387	El Paso	\$ 38,675,854	\$ -	\$ 19,337,927	\$ -	\$ 9,668,964	\$ -	\$ 9,668,964	\$ -	\$ 9,668,964	\$ -	\$ 38,675,854	\$ 38,675,854	0.0%	
003568	Frank Phillips	\$ 5,799,197	\$ 1,499,448	\$ 1,400,150	\$ 749,724	\$ 700,075	\$ 749,724	\$ 700,075	\$ -	\$ 700,075	\$ -	\$ 5,799,197	\$ 5,799,197	0.0%	
006862	Galveston	\$ 4,871,133	\$ -	\$ 2,435,567	\$ -	\$ 1,217,783	\$ -	\$ 1,217,783	\$ -	\$ 1,217,783	\$ -	\$ 4,871,133	\$ 4,871,133	0.0%	
003570	Grayson	\$ 7,834,338	\$ -	\$ 3,917,169	\$ -	\$ 1,958,584	\$ -	\$ 1,958,584	\$ -	\$ 1,958,584	\$ -	\$ 7,834,338	\$ 7,834,338	0.0%	
003573	Hill	\$ 10,001,750	\$ 1,583,600	\$ 3,417,275	\$ 791,800	\$ 1,708,638	\$ 791,800	\$ 1,708,638	\$ -	\$ 1,708,638	\$ -	\$ 10,001,750	\$ 10,001,750	0.0%	
010633	Houston	\$ 62,670,854	\$ 1,187,500	\$ 31,335,427	\$ -	\$ 15,667,714	\$ -	\$ 15,667,714	\$ -	\$ 15,667,714	\$ -	\$ 62,670,854	\$ 62,670,854	0.0%	
003574	Howard	\$ 7,816,794	\$ 913,723	\$ 2,994,669	\$ 456,862	\$ 1,497,334	\$ 456,862	\$ 1,497,334	\$ -	\$ 1,497,334	\$ -	\$ 7,816,794	\$ 7,816,794	0.0%	
003580	Kilgore	\$ 13,778,730	\$ -	\$ 1,065,542	\$ 891,412	\$ 2,553,271	\$ 891,412	\$ 2,553,271	\$ -	\$ 2,553,271	\$ -	\$ 13,778,730	\$ 13,778,730	0.0%	
003582	Laredo	\$ 19,095,033	\$ 141,164	\$ 9,547,517	\$ -	\$ 4,773,758	\$ -	\$ 4,773,758	\$ -	\$ 4,773,758	\$ -	\$ 19,095,033	\$ 19,095,033	0.0%	
003583	Lee	\$ 20,169,021	\$ -	\$ 10,084,510	\$ -	\$ 5,042,255	\$ -	\$ 5,042,255	\$ -	\$ 5,042,255	\$ -	\$ 20,169,021	\$ 20,169,021	0.0%	
011145	Lone Star	\$ 97,794,246	\$ -	\$ 48,897,123	\$ -	\$ 24,448,561	\$ -	\$ 24,448,561	\$ -	\$ 24,448,561	\$ -	\$ 97,794,246	\$ 97,794,246	0.0%	
003590	McLennan	\$ 13,526,367	\$ -	\$ 6,763,183	\$ -	\$ 3,381,592	\$ -	\$ 3,381,592	\$ -	\$ 3,381,592	\$ -	\$ 13,526,367	\$ 13,526,367	0.0%	
009797	Midland	\$ 8,304,946	\$ -	\$ 4,152,473	\$ -	\$ 2,076,236	\$ -	\$ 2,076,236	\$ -	\$ 2,076,236	\$ -	\$ 8,304,946	\$ 8,304,946	0.0%	
003593	Navarro	\$ 14,465,850	\$ 1,505,463	\$ 5,727,463	\$ 752,731	\$ 2,863,731	\$ 752,731	\$ 2,863,731	\$ -	\$ 2,863,731	\$ -	\$ 14,465,850	\$ 14,465,850	0.0%	
003558	North Central	\$ 14,455,839	\$ 517,911	\$ 6,710,008	\$ 258,956	\$ 3,355,004	\$ 258,956	\$ 3,355,004	\$ -	\$ 3,355,004	\$ -	\$ 14,455,839	\$ 14,455,839	0.0%	
023154	Northeast Texas	\$ 6,997,358	\$ 797,000	\$ 2,701,679	\$ 398,500	\$ 1,350,840	\$ 398,500	\$ 1,350,840	\$ -	\$ 1,350,840	\$ -	\$ 6,997,358	\$ 6,997,358	0.0%	
003596	Odessa	\$ 14,145,913	\$ -	\$ 7,072,956	\$ -	\$ 3,536,478	\$ -	\$ 3,536,478	\$ -	\$ 3,536,478	\$ -	\$ 14,145,913	\$ 14,145,913	0.0%	
003600	Panola	\$ 6,707,441	\$ -	\$ 2,478,965	\$ 437,378	\$ 1,239,482	\$ 437,378	\$ 1,239,482	\$ -	\$ 1,239,482	\$ -	\$ 6,707,441	\$ 6,707,441	0.0%	
003601	Paris	\$ 11,133,179	\$ -	\$ 4,296,871	\$ 634,859	\$ 2,148,435	\$ 634,859	\$ 2,148,435	\$ -	\$ 2,148,435	\$ -	\$ 11,133,179	\$ 11,133,179	0.0%	
003603	Ranger	\$ 7,343,309	\$ 1,612,069	\$ 2,059,585	\$ 806,035	\$ 1,029,793	\$ 806,035	\$ 1,029,793	\$ -	\$ 1,029,793	\$ -	\$ 7,343,309	\$ 7,343,309	0.0%	
029137	San Jacinto	\$ 54,995,750	\$ -	\$ 27,497,875	\$ 1,412,440	\$ 13,748,938	\$ 1,412,440	\$ 13,748,938	\$ -	\$ 13,748,938	\$ -	\$ 54,995,750	\$ 54,995,750	0.0%	
003611	South Plains	\$ 19,272,422	\$ 2,824,880	\$ 6,811,331	\$ 806,035	\$ 3,405,666	\$ 806,035	\$ 3,405,666	\$ -	\$ 3,405,666	\$ -	\$ 19,272,422	\$ 19,272,422	0.0%	
031034	South Texas	\$ 52,949,625	\$ -	\$ 26,474,813	\$ 761,331	\$ 13,237,406	\$ 761,331	\$ 13,237,406	\$ -	\$ 13,237,406	\$ -	\$ 52,949,625	\$ 52,949,625	0.0%	
003614	Southwest Texas	\$ 14,559,626	\$ 1,522,661	\$ 5,757,152	\$ -	\$ 2,878,576	\$ -	\$ 2,878,576	\$ -	\$ 2,878,576	\$ -	\$ 14,559,626	\$ 14,559,626	0.0%	
003626	Tarrant	\$ 63,972,046	\$ -	\$ 31,986,023	\$ -	\$ 15,993,011	\$ -	\$ 15,993,011	\$ -	\$ 15,993,011	\$ -	\$ 63,972,046	\$ 63,972,046	0.0%	
003627	Temple	\$ 8,374,879	\$ 545,567	\$ 3,641,873	\$ 272,783	\$ 1,820,936	\$ 272,783	\$ 1,820,936	\$ -	\$ 1,820,936	\$ -	\$ 8,374,879	\$ 8,374,879	0.0%	
003628	TexasKana	\$ 9,476,888	\$ 1,070,894	\$ 3,667,550	\$ 535,447	\$ 1,833,775	\$ 535,447	\$ 1,833,775	\$ -	\$ 1,833,775	\$ -	\$ 9,476,888	\$ 9,476,888	0.0%	
003643	Texas Southmost	\$ 14,173,096	\$ -	\$ 7,086,548	\$ -	\$ 3,543,274	\$ -	\$ 3,543,274	\$ -	\$ 3,543,274	\$ -	\$ 14,173,096	\$ 14,173,096	0.0%	
003572	Trinity Valley	\$ 12,247,092	\$ -	\$ 6,123,546	\$ -	\$ 3,061,773	\$ -	\$ 3,061,773	\$ -	\$ 3,061,773	\$ -	\$ 12,247,092	\$ 12,247,092	0.0%	
003648	Tyler	\$ 21,256,475	\$ -	\$ 10,179,408	\$ 224,414	\$ 5,089,704	\$ 224,414	\$ 5,089,704	\$ -	\$ 5,089,704	\$ -	\$ 21,256,475	\$ 21,256,475	0.0%	
010060	Vernon	\$ 8,237,927	\$ 1,557,565	\$ 2,561,398	\$ 778,783	\$ 1,280,699	\$ 778,783	\$ 1,280,699	\$ -	\$ 1,280,699	\$ -	\$ 8,237,927	\$ 8,237,927	0.0%	
003662	Victoria	\$ 5,334,446	\$ -	\$ 2,667,223	\$ -	\$ 1,333,611	\$ -	\$ 1,333,611	\$ -	\$ 1,333,611	\$ -	\$ 5,334,446	\$ 5,334,446	0.0%	
003664	Weatherford	\$ 9,682,488	\$ -	\$ 4,841,244	\$ -	\$ 2,420,622	\$ -	\$ 2,420,622	\$ -	\$ 2,420,622	\$ -	\$ 9,682,488	\$ 9,682,488	0.0%	
009549	Western Texas	\$ 4,824,244	\$ 1,064,601	\$ 1,347,521	\$ 532,301	\$ 673,760	\$ 532,301	\$ 673,760	\$ -	\$ 673,760	\$ -	\$ 4,824,244	\$ 4,824,244	0.0%	
003668	Wharton	\$ 9,305,255	\$ 13,178	\$ 4,639,450	\$ 6,589	\$ 2,319,725	\$ 6,589	\$ 2,319,725	\$ -	\$ 2,319,725	\$ -	\$ 9,305,255	\$ 9,305,255	0.0%	
TOTAL		\$ 1,133,240,836	\$ 27,922,266	\$ 538,698,152	\$ 13,961,133	\$ 269,349,076	\$ 13,961,133	\$ 269,349,076	\$	\$ 269,349,076	\$	\$ 1,133,240,836	\$ 1,133,240,836	\$ -	

*Relative to the prior version (7/14/23), this version breaks out each of the three payments into its Base and Performance components, reflecting the agency's accounting and disbursement process

Note: Performance Tier Includes Transition Funding