



Complete and submit this form, along with any supplemental documentation, to the Office of the President by 5:00pm on the seventh day prior to the Board meeting.

Date of Board Meeting: January 18, 2022

Subject:

Consideration and approval of the addition, revision or deletion of (LOCAL) policies as recommended by TASB Community College Services and according to the Instruction Sheet for TASB Localized Policy Manual Update 42 for Wharton County Junior College.

Recommendation:

Consideration and approval of the addition, revision or deletion of (LOCAL) policies as recommended by TASB Community College Services and according to the Instruction Sheet for TASB Localized Policy Manual Update 42 for Wharton County Junior College.

Background and Rationale:

Update 42 to the Wharton County Junior College localized policy contains new or revised (LEGAL) policies citing current legal requirements and new or revised (LOCAL) policy recommendations. The Explanatory Notes Community College Localized Policy Manual Update 42 (document attached) contains a full listing of the (LEGAL) and (LOCAL) policies affected.

(LEGAL) policies reflect the ever-changing legal context for governance and management of the community college and are not adopted by the Board. (LEGAL) policies are revised by the TASB Legal staff attorneys and posted to the Wharton County Junior College Board Policy Manual, located on the WCJC website.

(LOCAL) policies reflect the practices of the college and the intentions of the Board, and may only be changed by Board action (adopt, revise, or repeal). Update 42 contains eleven (LOCAL) policies for the Board to consider:

- **BBD (LOCAL):** BOARD MEMBERS – ORIENTATION AND TRAINING
- **CF (LOCAL):** PURCHASING AND ACQUISITION
- **CHF (LOCAL):** SITE MANAGEMENT – WEAPONS
- **CKD (LOCAL):** INSURANCE AND ANNUITIES MANAGEMENT – HEALTH AND LIFE INSURANCE
- **CM (LOCAL):** FACILITIES CONSTRUCTION
- **DEC (LOCAL):** COMPENSATION AND BENEFITS - LEAVES AND ABSENCES
- **DK (LOCAL):** PROFESSIONAL DEVELOPMENT
- **DMD (LOCAL):** TERMINATION OF EMPLOYMENT – RESIGNATION
- **ECC (LOCAL):** INSTRUCTIONAL ARRANGEMENTS – COURSE LOAD AND SCHEDULES
- **FLB (LOCAL):** STUDENT RIGHTS AND RESPONSIBILITIES – STUDENT CONDUCT; and
- **GCB (LOCAL):** PUBLIC INFORMATION PROGRAM – REQUESTS FOR INFORMATION



Wharton County Junior College

Board of Trustees Agenda Item

These eleven (LOCAL) policies have been reviewed by administration and are submitted to the Board for consideration and possible approval.

Estimated Cost and Budgetary Support:

This is the cost for the Community College Localized Update 42 packet/service (\$3,305.00) plus Update 42 Printing/Shipping 776 pages @ .14 each (\$108.64), for a total cost of \$3,413.64.

Strategic Priority Alignment:

☐ Student Success

☐ Community Impact

☐ Resource Optimization

☒ Institutional Excellence

Resource Person(s):

Betty McCrohan, President

Kay Shoppa, Legislative Assistant to the President

Signatures:

Originator

1/6/22

Date

Cabinet-Level Supervisor

1-7-22

Date

President's Approval:

President

1-7-22

Date

Explanatory Notes

Community College Localized Policy Manual Update 42

Wharton County Junior College

ATTN(NOTE)

GENERAL INFORMATION ABOUT THIS UPDATE

Changes at Update 42 are based mostly on legislation from the 87th Regular Legislative Session but also include changes from the second special session and federal and state rulemaking authorities.

Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 87th Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted.

A18(INTRO)

INTRODUCTION

This introduction has been updated with a margin note change to Abbreviations in Citations and additions to the table as well as a new table defining Abbreviations in Text.

At TASB-Initiated Updates, language has been added to clarify that (LEGAL) policies are not subject to board adoption.

At College District-Initiated Updates, the introduction has been amended to reflect current procedures for processing adopted policies and to indicate the college district is encouraged to review TASB Community Colleges Services' legal tips and request review by the college district's legal counsel prior to adopting a local policy.

Additional amendments are to conform to TASB style.

AFA(LEGAL)

INSTITUTIONAL EFFECTIVENESS: PERFORMANCE AND INSTITUTION REPORTS

SB 1677 eliminates the requirement that the chief executive officer of an institution of higher education annually report certain information to the institution's board regarding Affordability and Access under Education Code 51.4031.

BAA(LEGAL)

BOARD LEGAL STATUS: POWERS, DUTIES, RESPONSIBILITIES

At Regulatory Exceptions, HB 17 prohibits a college district from adopting or enforcing a measure that limits, prohibits, or discriminates against certain regulations of Utility Services and Infrastructure based on the type or source of energy provided.

A citation has been updated at Eminent Domain based on the attorney general's redesignation of the cited opinion number.

Additional amendments are to conform with statute and TASB style and to update citations.

BB(LEGAL)

BOARD MEMBERS

HB 1154 redesignates statutes, resulting in a citation update.

BBA(LEGAL)

BOARD MEMBERS: ELIGIBILITY/QUALIFICATIONS

At Residence, SB 1111 repeals the requirement that residence, for purposes of the Texas Election Code, be determined in accordance with the common-law rule as enunciated by Texas courts and adds limitations on establishing residence.

Additional amendments are to conform with statute and TASB style.

BBB(LEGAL)

BOARD MEMBERS: ELECTIONS

Revisions have been made throughout this legally referenced policy to reflect statutory changes from HB 3107:

Explanatory Notes

Community College Localized Policy Manual Update 42

Wharton County Junior College

- At General Election Dates, minor wording changes have been made.
- At Delivery or Submission of Election Documents, a document or paper may be delivered, submitted, or filed under the Texas Election Code by email.
- At Election Order and at Contents, a list of information required for general or special elections has been added.
- At Early Voting, notice requirements have been updated to delete the requirement that the election notice under Election Code 85.007 be forwarded to the Secretary of State or that the Secretary of State post the notice to its website.
- At Notice to Candidates, a filing authority's notice of filing period dates for an application for a place on the ballot must include a designated email address for filing the application.
- At Single-Member Districts, at-large proposition language has been deleted.
- At Temporary Branch, language has been added regarding temporary branch voting based on the population of the area.

At Publication of Election Date and Location Online and at Publication of Filing Information Online, HB 1154 redesignates statutes, resulting in a citation change.

Revisions have been made in this policy to reflect statutory changes from SB 1 of the second special session:

- At Declaration of Election, a governing body of a college district must declare an unopposed candidate elected to an office on receipt of certification.
- At Polling Place for Early Voting, language excluding certain temporary branch polling places from the definition of an eligible county polling place for purposes of early voting has been deleted.
- At Voting System Standards, SB 1387 requires a voting system or voting system equipment approved for election use to be manufactured, stored, and held in the U.S. and sold by a company whose headquarters and parent company's headquarters, if applicable, are in the U.S.

At Multiple Voting Systems Permitted, a cross reference has been updated.

BBBB(LEGAL) ELECTIONS: ETHICS

This legally referenced policy has been updated to reflect Ethics Commission amendments to a rule related to political advertising by text message.

BBC(LEGAL) BOARD MEMBERS: VACANCIES AND REMOVAL FROM OFFICE

A citation has been updated at Holdover Doctrine based on the attorney general's redesignation of the cited opinion number.

At Residency, clarifying changes have been made and a cross reference has been added.

At Residence Defined, SB 1111 repeals the requirement that residence, for purposes of the Texas Election Code, be determined in accordance with the common-law rule as enunciated by Texas courts and adds limitations on establishing residence.

Additional amendments are to conform to TASB style.

BBD(LEGAL) BOARD MEMBERS: ORIENTATION AND TRAINING

At Cybersecurity Training, clarifying language has been added and HB 1118 amends the training program requirements to exclude individuals who have been granted military leave.

Explanatory Notes

Community College Localized Policy Manual Update 42

Wharton County Junior College

BBD(LOCAL)

BOARD MEMBERS: ORIENTATION AND TRAINING

As permitted by state law, recommended revisions to this policy reflect the choice of the board to designate the college district's chief executive officer (CEO) or the CEO's designee to select a Cybersecurity Training program. The revisions also provide that the CEO may remove a board member's access to the college district's computer systems if the board member does not satisfy the training requirements, and, in compliance with law, that the CEO must periodically require the review of the college district's compliance with the cybersecurity training requirements.

Additional amendments are to conform to TASB style.

BD(LEGAL)

BOARD MEETINGS

At Internet Posting, HB 1154 redesignates statutes, resulting in a citation change.

Citations have been updated at Specificity of Agenda / Notice and Secret Ballot based on the attorney general's redesignation of the cited opinion numbers.

BI(LEGAL)

REPORTS

SB 1677 eliminates the requirement that the chief executive officer of an institution of higher education annually report certain information to the institution's board regarding affordability and access under Texas Education Code 51.4031.

CAAB(LEGAL)

STATE AND FEDERAL REVENUE SOURCES: FEDERAL

At U.S. Department of Labor, a federal rule update has been reflected in this legally referenced policy.

CAD(LEGAL)

APPROPRIATIONS AND REVENUE SOURCES: BOND ISSUES

At Posting Notice of Election, this legally referenced policy has been amended to conform with statute.

CAI(LEGAL)

APPROPRIATIONS AND REVENUE SOURCES: AD VALOREM TAXES

SB 1438 amends the authority for a college district to adopt a tax rate that exceeds the voter-approved tax rate without an election if increased expenditures are necessary to respond to a disaster that has affected the college district and the governor has declared any part of the area in which the college district is located as a disaster area. Because of these changes, some information from Election to Approve Increase was moved to the new Exception margin note.

CAIA(LEGAL)

AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS

SB 742 covers tax installment plans for both damaged and undamaged property in a disaster and Additional Penalties.

Language at Goods-in-Transit has been amended to conform to TASB style and at Exception to conform to the statute. Also, language regarding Partial Payments has been moved for clarity.

The following changes take effect on January 1, 2022:

- At Total Appraised Value, SB 794 entitles certain disabled veterans to a homestead exemption.
- SB 1438 repeals Texas Tax Code Section 11.35(c), which prohibits a person from claiming a temporary tax exemption for a property damaged in a declared disaster during the tax year the disaster was declared unless the governing body of the taxing unit adopts the exemption and repeals related sections.

Explanatory Notes

Community College Localized Policy Manual Update 42

Wharton County Junior College

- At Extension for Property in Disaster Area, HB 988 provides a date extension for the tax exemption for goods-in-transit.

CAID(LEGAL)

AD VALOREM TAXES: APPRAISAL DISTRICT

SB 63 prohibits an individual from serving on an appraisal district board of directors if the individual has Prior Service or Involvement with Appraisals. Also, at Appraisal District Employment Restriction, an individual is prohibited from being employed by the district if the individual has served as a member of the ARB for an appraisal district at any time during the preceding two years.

At Prohibited Communications, HB 988 prohibits a college district board member, officer, or employee from communicating with the chief appraiser or an appraisal district employee to influence a property's appraisal value unless the individual owns or leases the property.

At Appraisal Review Boards, HB 2941 shifts the power to appoint and remove ARB members in all counties from the appraisal district to the local administrative judge.

CAO(LEGAL)

APPROPRIATIONS AND REVENUE SOURCES: PUBLIC FACILITIES CORPORATIONS

SB 1942 provides that a public facility corporation created under Local Government Code Chapter 303 must retain its Status as a Public Facility Corporation.

CDA(LEGAL)

ACCOUNTING: FINANCIAL REPORTS AND STATEMENTS

At Financial Reports, the citation has been updated to reflect SB 1.

CDC(LEGAL)

ACCOUNTING: AUDITS

This legally referenced policy has been updated with a link to the 2021 fiscal year Texas Higher Education Coordinating Board publication [Budget Requirements and Annual Financial Reporting Requirements for Texas Public Community Colleges, Fiscal Year 2021](#).

CF(LEGAL)

PURCHASING AND ACQUISITION

At Companies that Boycott Israel, clarifying language has been added and the citation has been updated.

At Companies that Boycott Energy Companies, SB 13 prohibits a college district from contracting with a company for goods or services unless the contract contains a written verification from the company that it does not boycott energy companies and will not during the term of the contract.

At Companies that Discriminate Against a Firearm Entity or Firearm Trade Association, SB 19 prohibits a college district from contracting with a company for the purchase of goods or services unless the contract contains a written verification from the company that it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate against an entity or association during the term of the contract.

At Contracts with Foreign-Owned Companies, SB 2116 prohibits a college district from entering into an agreement relating to critical infrastructure in Texas with a company if the company would be granted direct or remote access to or control of the critical infrastructure, unless the access is allowed for product warranty and support services.

HB 3774 adds forensic science performed by a forensic analyst or forensic science expert to the list of services that may be procured under Professional Services.

SB 799 provides a procurement method for Certain Medical Services. Also, the contract notification threshold and amount of time required to report to the LBB for certain professional services has been increased. Additionally, Contract-Related Fee Report requirements have been amended.

Explanatory Notes

Community College Localized Policy Manual Update 42

Wharton County Junior College

HB 1428 expands the Exceptions applicable to delinquent taxes to apply to a contingent fee contract for the collection of any obligation.

SB 475 requires college districts to follow certain contracting procedures related to Cloud Computing Services. In addition, at Data Security Controls for Vendors, certain contracted vendors must meet the college district's security controls and periodically provide evidence that they meet the security controls.

At Recycled Products, language has been amended to match new Texas Commission on Environmental Quality (TCEQ) regulations.

CF(LOCAL) PURCHASING AND ACQUISITION

To ease the college district's response to emergencies, consistent with law, new recommended language at Emergency Exception reflects the board's delegation of authority to the college district CEO to contract for the replacement, construction, or repair of equipment or facilities in the event of a catastrophe, emergency, or natural disaster under certain circumstances. The CEO must report to the board any contracts made under the delegated authority at the next regular meeting.

CFF(LEGAL) PURCHASING AND ACQUISITION: PAYMENT PROCEDURES

HB 1476 addresses notices to a vendor of an error in an invoice related to a Disputed Payment.

CFG(LEGAL) PURCHASING AND ACQUISITION: REAL PROPERTY AND IMPROVEMENTS

At Eminent Domain, a citation and clarifying language have been added.

Additional amendments are to conform to TASB style.

CFH(LEGAL) PURCHASING AND ACQUISITION: FINANCING PERSONAL PROPERTY PURCHASES

SB 58 amends the definition of Personal Property to include cloud computing services.

Additional amendments are to conform with TASB style.

CGA(LEGAL) SAFETY PROGRAM: INSPECTIONS

Citations in this legally referenced policy have been updated to reflect the repeal and replacement of Administrative Code provisions addressing Asbestos-Related Activity.

CGC(LEGAL) SAFETY PROGRAM: EMERGENCY PLANS AND ALERTS

HB 3597 provides that a document related to a community college's multihazard EOP is subject to Public Disclosure if it enables an individual to verify that the plan addresses the five stages of emergency management instead of just four.

CGE(LEGAL) SAFETY PROGRAM: MEDICAL TREATMENT

SB 199 requires a college district that owns or leases an Automated External Defibrillator (AED) to inspect it monthly to verify it is placed in its designated location, reasonably appears ready for use, and does not reasonably appear damaged in a manner that would prevent operation.

Additional amendments are to conform with TASB style.

Explanatory Notes

Community College Localized Policy Manual Update 42

Wharton County Junior College

CH(LEGAL)

SITE MANAGEMENT

At Energy or Water Conservation Measures, HB 3583 amends the definition of energy savings performance contract into which a college district may enter.

TCEQ's regulations on the Recycling Program have been updated.

HB 2205 states that Pools or spas that comply with state law on August 31, 2021, may continue to be used, maintained, and repaired in accordance with state law in effect on that date.

SB 1831 requires posting of Human Trafficking Signs at Cosmetology Facilities.

At Display of National Motto, SB 797 requires a college district to display in a conspicuous place in each of its buildings a durable poster or framed copy that includes only the national motto "In God We Trust," the U.S. flag centered under the motto, and a representation of the Texas flag. The requirement only applies if it is either donated for display or purchased from private donations and made available to the institution.

CHA(LEGAL)

SITE MANAGEMENT: SECURITY

At Duty to Request and Render Aid, SB 2212 requires a college district police officer who encounters an injured person while on duty to immediately request EMS personnel and, while waiting for EMS personnel to arrive, provide the person treatment to the extent of the officer's skill under certain circumstances.

SB 69 provides that a college district police officer has a duty to stop or prevent another officer from using Excessive Force against a suspect under certain circumstances. College district police officers are also prohibited from intentionally using certain types of force.

HB 929 requires that a college district police department's policy regarding Body-Worn Cameras include certain provisions regarding the use of those cameras and collection and storage of footage.

At Personal Cameras, HB 1938 permits a college district police department that employs body-worn cameras to apply to the governor's office for a grant to defray data storage costs for body-worn camera recordings.

At Use of Drones, HB 1758 requires each college district police department that uses or intends to use a drone to adopt a written policy on use of force by a drone and submit the policy to TCOLE by January 1st each even-numbered year.

At Custodial Interrogations, HB 375 expands Texas Penal Code Section 21.02 addressing continuous sexual abuse of a young child to also apply to continuous sexual abuse of a disabled individual.

SB 741 and HB 781 authorize college district School Marshals to carry a handgun and store it in a secure location. Marshals are not required to store the handgun in a locked container.

Additional amendments are to conform with TASB style.

CHC(LEGAL)

SITE MANAGEMENT: TRAFFIC AND PARKING CONTROLS

Effective January 1, 2022, SB 792 amends provisions related to Parking Privileges of Disabled Veterans. Additional amendments are to conform to TASB style.

Additional amendments are to conform with TASB style.

CHF(LEGAL)

SITE MANAGEMENT: WEAPONS

This legally referenced policy has been updated to reflect HB 1927, which allows permitless carry of handguns with certain exceptions. The bill repeals Texas Government Code Section 46.035, which addresses carry by a handgun license holder and moves its provisions to other statutes. Though some of

Explanatory Notes

Community College Localized Policy Manual Update 42

Wharton County Junior College

the transferred provisions have been modified, provisions addressing open carry by license holders at institutions of higher education have been moved with only the addition of provisions addressing carry as a participant in historical reenactments. Provisions in law addressing concealed carry specific to college districts as educational institutions or institutions of higher education remain unchanged.

The bill also modifies references throughout the law to a shoulder or belt holster to refer to any holster (similar provisions can be found in HB 2112 and SB 550). Other changes from this bill include:

- The prohibition on carry by Persons Under 21 or Who Committed Certain Felonies with limited exceptions;
- Amendments to provisions addressing carry at Board Meetings and the expansion of the applicable exceptions; and
- New Notice provisions under Penal Code 46.03 and 30.05.

HB 957 removes firearm silencers from the list of Prohibited Weapons in Texas Penal Code Section 46.05. The bill provides that an offense committed under Section 46.05 involving firearm silencers that occurs before the bill's effective date may not be prosecuted after that date.

At Exceptions, HB 1069 authorizes city or county first responders to carry a concealed or holstered handgun while on duty.

Beginning January 1, 2022, HB 1407 permits Open Carry by a handgun license holder if the license holder and handgun are in a motor vehicle and the handgun is in a holster.

Additional amendments are to conform with statute and TASB style.

CHF(LOCAL) SITE MANAGEMENT: WEAPONS

At Other Weapons and Devices Prohibited, in response to the removal of firearm silencers from the legal definition of *prohibited weapon* in HB 957, recommended revisions to this local policy add firearm silencers to the college district's locally developed list of prohibited weapons.

CJ(LEGAL) TRANSPORTATION MANAGEMENT

SB 1064 deleted language regarding the registration of government-owned vehicles.

SB 1831 amends existing law requiring the posting of Human Trafficking Signs at Buses and Bus Stops. A citation to a new attorney general rule has also been added.

Additional amendments are to conform to TASB style.

CK(LEGAL) INSURANCE AND ANNUITIES MANAGEMENT

At Designated Broker of Record, a citation to an attorney general opinion has been clarified. Also, at Disclosure of Interested Parties, a cross reference has been updated.

An additional amendment is to update a cross reference.

CKB(LEGAL) INSURANCE AND ANNUITIES MANAGEMENT: LIABILITY INSURANCE

SB 282 prohibits a college district from using public funds to pay Sexual Harassment Claims made against a member of the governing body, an officer, or an employee.

Also, a citation has been updated at Liability Insurance based on the attorney general's redesignation of the cited opinion number.

Explanatory Notes

Community College Localized Policy Manual Update 42

Wharton County Junior College

CKD(LOCAL)

INSURANCE AND ANNUITIES MANAGEMENT: HEALTH AND LIFE INSURANCE

At Eligibility of Employees Performing Services Outside Texas, recommended revisions to this local policy reflect the board's decision to extend group benefits program eligibility under the Insurance Code to employees who perform services outside of the state.

CM(LEGAL)

FACILITIES CONSTRUCTION

Revisions have been made throughout this policy to reflect statutory changes from HB 2581:

- At Publishing Criteria, a college district is required, for certain construction contracts, to publish in its request for proposals or qualifications a detailed methodology for scoring each criterion used.
- At Disclosure to Offeror upon Request, a person who submits a bid, proposal, or response to a request for qualifications for a construction contract is permitted to make a written request after the contract is awarded to the governmental entity for documents related to the evaluation of the offeror's submission.
- At Enforcement Actions, the deadline is extended for a person to file an action for declaratory or injunctive relief from ten days to 15 calendar days after the contract is awarded.

At Companies that Boycott Israel, clarifying language has been added and the citation has been updated.

At Companies that Boycott Energy Companies, SB 13 prohibits a college district from contracting with a company for goods or services unless the contract contains a written verification from the company that it does not boycott energy companies and will not during the term of the contract.

At Companies that Discriminate Against a Firearm Entity or Firearm Trade Association, SB 19 prohibits a college district from contracting with a company for the purchase of goods or services unless the contract contains a written verification from the company that it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association, and will not discriminate against an entity or association during the term of the contract.

At Contracts with Foreign-Owned Companies, SB 2116 prohibits a college district from entering into an agreement relating to critical infrastructure in Texas with a company if the company would be granted direct or remote access to or control of the critical infrastructure, unless the access is allowed for product warranty and support services.

A citation has been updated at Registered Engineer based on the Attorney General's redesignation of the cited opinion number.

HB 3774 adds forensic science performed by a forensic analyst or forensic science expert to the list of services used when Procuring Professional Services.

SB 799 provides a procurement method for Certain Medical Services. Also, the contract notification threshold and amount of time required to report to the LBB for certain professional services has been increased.

HB 1477 requires Payment and Performance Bonds when authorizing a nongovernmental entity leasing public property from a college district to enter into a public work contract with a prime contractor, depending on the amount of the contract.

CM(LOCAL)

FACILITIES CONSTRUCTION

To ease the college district's response to emergencies, consistent with law, new recommended language at Emergency Exception reflects the board's delegation of authority to the college district CEO to contract

Explanatory Notes

Community College Localized Policy Manual Update 42

Wharton County Junior College

for the replacement, construction, or repair of equipment or facilities in the event of a catastrophe, emergency, or natural disaster, under certain circumstances. The CEO must report to the board any contracts made under the delegated authority at the next regular meeting.

CMB(LEGAL) FACILITIES CONSTRUCTION: COMPETITIVE SEALED PROPOSALS

HB 2581 requires that, for a competitive sealed proposal for Civil Works Projects, a college district must assign a weighted value to price in a specified manner and following certain provisions, and must Make Evaluations Public, including scores, within seven days after the contract is awarded. A citation at Request for Proposals has been updated in response to the bill.

Citations at Opening Proposals and Selection have been updated for clarity.

CR(LEGAL) TECHNOLOGY RESOURCES

HB 20 makes Impeding Electronic Mail Prohibited for email service providers.

FAA rules related to registration, airman certification, and operation have been adjusted to include the eligibility of a civil Small Unmanned Aircraft System to operate over human beings.

CRA(LEGAL) TECHNOLOGY RESOURCES: WEBSITE POSTINGS

HB 1154 redesignated several statutes, resulting in citation changes.

SB 1677 repealed Required Internet Postings regarding employee compensation information.

The Coordinating Board amended a regulation setting an August 1 deadline for Required Internet Postings regarding course sequences.

Additional amendments are for clarification and to conform to TASB style.

CS(LEGAL) INFORMATION SECURITY

Amendments are made throughout to conform to TASB style.

At the Note at the end of the policy, a cross reference has been added to CF(LEGAL) for vendor contracting requirements related to information security from SB 475.

DAA(LEGAL) EMPLOYMENT OBJECTIVES: EQUAL EMPLOYMENT OPPORTUNITY

SB 45 provides that a college district commits an unlawful employment practice if an employee is a victim of Sexual Harassment, as defined by the bill, and the employer or the employer's supervisors or agents know or should have known about the conduct but fail to take immediate and appropriate corrective action.

At Access for Religious Organizations During Disasters, HB 525 provides that a religious organization's religious and other related activities are essential activities, including during a declared state of disaster. A college district may not prohibit a religious organization from engaging in activities or discharging its faith-based mission and purpose at any time.

Additional amendments are to conform to TASB style.

DC(LEGAL) EMPLOYMENT PRACTICES

At Pre-Employment Inquiry for Peace Officers and Telecommunications Officers, SB 24 requires a college district police department intending to hire a police or telecommunications officer to first obtain certain background information and records and provide confirmation to TCOLE that all applicable steps have been completed. These provisions apply to officers hired on or after January 1, 2022.

Explanatory Notes

Community College Localized Policy Manual Update 42

Wharton County Junior College

Additional amendments are to conform to TASB style.

DEA(LEGAL) COMPENSATION AND BENEFITS: SALARIES AND WAGES

SB 1677 repeals the requirement that a college district post on its website Information Regarding Staff Compensation.

Additional amendments are to conform to TASB style.

DEC(LEGAL) COMPENSATION AND BENEFITS: LEAVES AND ABSENCES

SB 1359 requires a law enforcement agency to adopt a policy permitting its officers who experience a traumatic event in the scope of employment to take Mental Health Leave.

Under HB 2073, the college district board of trustees must adopt a Paid Quarantine Leave policy for college district peace officers and emergency medical technicians who are required to quarantine or isolate in response to a possible or known exposure to a communicable disease while on duty.

DEC(LOCAL) COMPENSATION AND BENEFITS: LEAVES AND ABSENCES

Recommended revisions to this local policy address HB 2073 requirements related to Quarantine Leave for Peace Officers and Emergency Medical Technicians. HB 2073 allows time off for peace officers and/or EMTs who are required to quarantine because of an exposure while on duty, which includes teaching courses.

DECB(LEGAL) LEAVES AND ABSENCES: MILITARY LEAVE

This legally referenced policy has been updated to reflect amendments to federal statute, including the expansion of the definition of "service in the uniformed services" and the addition of the definition of "state active duty," as those terms relate to Federal Military Leave—Reemployment.

Also, at Paid Leave of Absence, HB 1589 entitles an eligible college district employee to up to seven additional days of paid leave per year if the employee is on active military duty during a disaster.

DGC(LEGAL) EMPLOYEE RIGHTS AND PRIVILEGES: EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

A cross reference has been added in the Note for further information relevant to employee expression and facilities use.

HB 1239 prohibits a college district or public official from issuing an order that closes or has the effect of closing Places of Worship.

Additional amendments are to conform to TASB style.

DHB(LEGAL) EMPLOYEE STANDARDS OF CONDUCT: SEARCHES AND ALCOHOL/DRUG TESTING

At Prohibition, this legally referenced policy reflects amendments to a federal rule language clarifying that a college district may not permit certain current and prospective employee-drivers to perform a safety-sensitive function based on the results of a drug and alcohol clearinghouse query.

A citation at Searches— General Rule has also been updated.

Explanatory Notes

Community College Localized Policy Manual Update 42

Wharton County Junior College

DHC(LEGAL) EMPLOYEE STANDARDS OF CONDUCT: CHILD ABUSE AND NEGLECT REPORTING

At Reporting Abuse and Neglect, HB 3379 requires a college district employee to report child abuse and neglect if the person has reasonable cause to believe child abuse or neglect has occurred or may occur. Prior law only required cause; therefore, the policy now reflects a heightened reporting threshold.

DIAA(LEGAL) FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION: SEX AND SEXUAL VIOLENCE

At Campus Peace Officers, SB 1371 resolves a conflict in statute, clarifying that a college district peace officer may only include the type of incident in a report of sexual harassment, sexual assault, dating violence, or stalking submitted by the officer to the Title IX coordinator if the victim completes a pseudonym form and may not reveal the victim's identifying information.

DJ(LEGAL) ASSIGNMENT, WORK LOAD, AND SCHEDULES

SB 1677 repeals the requirement that a college district include its established faculty academic workload rules and regulations in its operating budget.

DK(LEGAL) PROFESSIONAL DEVELOPMENT

HB 1118 amends the Cybersecurity Training requirement to except college district employees on certain types of leave or alternative work authorization.

Additional amendments are to conform with statute.

DK(LOCAL) PROFESSIONAL DEVELOPMENT

As permitted by state law, recommended revisions to this policy reflect the board's choice to designate the college district's chief executive officer (CEO) or the CEO's designee to select a Cybersecurity Training program. Revisions provide that the CEO may remove an employee's access to the college district's computer systems if the employee does not satisfy the training requirements. The revisions also provide, in compliance with law, that the CEO must verify and report cybersecurity training by college district employees and periodically require the review of the college district's compliance with the cybersecurity training requirements.

DMD(LOCAL) TERMINATION OF EMPLOYMENT: RESIGNATION

Recommended revisions to this local policy are based on best practices and require resignations submitted by contract employees to be filed with the college district's CEO or other board designee but continue to permit the college district's CEO to delegate authority to accept at-will resignations to other administrators.

EBB(LEGAL) ALTERNATE METHODS OF INSTRUCTION: OFF CAMPUS INSTRUCTION

At Workforce Education or Programs Requested by Employers, HB 4361 permits a college district to agree with an employer to provide credit or noncredit workforce education or a lower-division program to the college district's students off-campus at a location requested by the employer without first obtaining the approval of a higher education regional council, regardless of whether the location is in the institution's service region or area, consistent with the policy's provisions.

Explanatory Notes

Community College Localized Policy Manual Update 42

Wharton County Junior College

ECC(LEGAL) INSTRUCTIONAL ARRANGEMENTS: COURSE LOAD AND SCHEDULES

SB 165 adds disaster declarations to the requirement that a college district permit a student to drop courses beyond the existing limit of six for Good Cause. College districts are also prohibited from counting toward the course drop limit calculation a course dropped during the 2020 spring semester or summer term or the 2020–21 academic year due to a limit or prohibition on in-person class attendance in response to the COVID-19 pandemic.

In addition, language has been removed regarding Block Scheduling to reflect the repeal of Coordinating Board rules following the expiration of the underlying statute.

ECC(LOCAL) INSTRUCTIONAL ARRANGEMENTS: COURSE LOAD AND SCHEDULES

At Exceptions for Good Cause and Exception for COVID-19 Pandemic, recommended revisions to this local policy address the SB 165 requirements that college districts allow students to exceed the six-course limit on the number of dropped courses in the event of certain disasters.

EFA(LEGAL) CURRICULUM DESIGN: INSTRUCTIONAL PROGRAMS AND COURSES

At Texas Common Course Numbering System, this legally referenced policy has been updated to reflect the repeal and replacement of the Administrative Code.

Additional amendments are to conform to TASB style.

EFAA(LEGAL) INSTRUCTIONAL PROGRAMS AND COURSES: ACADEMIC COURSES

This legally referenced policy has been updated throughout to reflect the repeal and replacement of the Administrative Code course transfer, core curriculum, and field of study curricula provisions.

EFB(LEGAL) CURRICULUM DESIGN: DEGREES AND CERTIFICATES

Language has been added to this legally referenced policy to reflect recently adopted Coordinating Board rules addressing the development of a Recommended Course Sequence. Further information is available on the Coordinating Board's [Recommended Course Sequence website](#).

EFBA(LEGAL) DEGREES AND CERTIFICATES: ASSOCIATE DEGREES AND CERTIFICATES

At Academic Certificate, this legally referenced policy has been updated to reflect the repeal and replacement of Administrative Code provisions.

EFBB(LEGAL) DEGREES AND CERTIFICATES: BACCALAUREATE DEGREES

HB 885 permits Navarro College to offer a bachelor's degree in nursing if approved under existing provisions applicable to community colleges with larger taxable property valuations.

HB 3348 removes previous Limitations and permits all college districts that are eligible to offer bachelor's degrees to offer up to five degrees at a time.

EG(LEGAL) ACADEMIC ACHIEVEMENT

This legally referenced policy has been updated to reflect the repeal and replacement of the Administrative Code Field of Study provisions.

EGA(LEGAL) ACADEMIC ACHIEVEMENT: GRADING AND CREDIT

At Course Credit for Entering Freshmen Students, beginning in spring 2022, SB 1227 prohibits a college district from requiring a College-Level Examination Program (CLEP) exam score to award credit in a

Explanatory Notes

Community College Localized Policy Manual Update 42

Wharton County Junior College

lower-division course that is higher than the minimum recommended by the American Council on Education, unless certain criteria are met.

HB 33 amends existing provisions guiding the determination by a college district as to whether to grant a student Course Credit for Military Training toward a degree. The bill applies the same standards to credit awarded for a certificate.

In addition, changes to language and citations in response to the repeal and replacement of Administrative Code provisions have been made throughout the Transfer of Credit and Nondiscrimination sections.

EGC(LEGAL) ACADEMIC ACHIEVEMENT: GRADUATION

This legally referenced policy has been updated to conform with statute and TASB style.

EI(LEGAL) TESTING PROGRAMS

This legally referenced policy has been updated to reflect recently adopted Coordinating Board rules addressing exemptions to the Texas Success Initiative Assessment (TSIA) based on High School Equivalency Examination scores.

HB 4545 addresses the TSIA exemptions granted to students based on performance on End-of-Course Assessments adopted by the Texas Education Agency for Algebra II and English III.

EJA(LEGAL) MISCELLANEOUS INSTRUCTIONAL POLICIES: OTHER INSTRUCTIONAL INITIATIVES

A citation has been updated in this legally referenced policy in accordance with HB 3607.

FA(LEGAL) EQUAL EDUCATIONAL OPPORTUNITY

At Access for Religious Organizations During Disasters, HB 525 provides that a religious organization's religious and other related activities are essential activities, including during a declared state of disaster. A college district may not prohibit a religious organization from engaging in activities or discharging its faith-based mission and purpose at any time.

Additional amendments are to conform with TASB style.

FC(LEGAL) ATTENDANCE

SB 937 amends provisions requiring a college district to excuse a student's absence due to "active" Military Service to encompass all forms of "required" military service, including annual training, inactive drill time, and similar activities.

FEB(LEGAL) FINANCING EDUCATION: WORK STUDY

This legally referenced policy has been updated to reflect changes to Federal Work-Study Program regulations made in response to *Lutheran Church of Columbia, Inc. v. Comer*, 137 S.Ct. 2012 (2017), and federal guidance.

FFC(LEGAL) STUDENT WELFARE: STUDENT-SUPPORT SERVICES

At Support for Transfer Students, this legally referenced policy has been updated to reflect the repeal and replacement of the Administrative Code course transfer provisions.

Explanatory Notes

Community College Localized Policy Manual Update 42

Wharton County Junior College

FFDA(LEGAL) FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION: SEX AND SEXUAL VIOLENCE

At Campus Peace Officers, SB 1371 resolves a conflict in statute, clarifying that a college district peace officer may only include the type of incident in a report of sexual harassment, sexual assault, dating violence, or stalking submitted by the officer to the Title IX coordinator if the victim completes a pseudonym form and may not reveal the victim's identifying information.

FJ(LEGAL) STUDENT RECORDS

SB 279 requires a college district to include contact information for the National Suicide Prevention Life-line and the Crisis Text Line on each Student Identification Card and permits the inclusion of certain other health and safety information.

FLA(LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

A cross reference has been added in the Note for further information relevant to student expression and facilities use.

HB 1239 prohibits a college district or public official from issuing an order that closes or has the effect of closing Places of Worship.

FLB(LOCAL) STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT CONDUCT

Recommended revisions to this local policy have been made to clarify language related to Prohibited Weapons and Devices to better match the corresponding language at CHF(LOCAL).

FLBD(LEGAL) STUDENT CONDUCT: TOBACCO USE

SB 248 amends the definition of E-cigarette to include a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette or other device described by the prior e-cigarette definition.

GA(LEGAL) ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES

At Access for Religious Organizations During Disasters, HB 525 provides that a religious organization's religious and other related activities are essential activities, including during a declared state of disaster. A college district may not prohibit a religious organization from engaging in activities or discharging its faith-based mission and purpose at any time.

In addition, citations have been amended based on changes from HB 3607 and to conform to TASB style.

GC(LEGAL) PUBLIC INFORMATION PROGRAM

HB 1154 redesignates statutes, resulting in a citation change.

GCA(LEGAL) PUBLIC INFORMATION PROGRAM: ACCESS TO INFORMATION

SB 1 of the second special session requires Communications with Voting Systems Vendors to be public under the PIA unless a certain Exception applies.

HB 1082 and SB 841 adds honorably retired college district peace officers and elected board members to the list of those individuals whose Personal Information and Contact Information must remain confidential.

HB 2357, as well as HB 4173 from the 86th Legislative Session, make certain Crime Victim Information confidential.

Explanatory Notes

Community College Localized Policy Manual Update 42

Wharton County Junior College

HB 3597 provides that a document related to a college district's multihazard EOP is subject to public disclosure if it enables an individual to verify that the plan addresses the five stages of emergency management instead of just four.

In addition, some citations have been updated based on changes from HB 3607, citations and language have been amended to conform to TASB style, and a cross reference has been added at Contracting Information.

GCB(LEGAL) PUBLIC INFORMATION PROGRAM: REQUESTS FOR INFORMATION

At Production of Public Information During Office Closure, SB 1225 requires a college district to make good faith efforts to continue to respond to public information requests when its administrative offices are closed, with certain exceptions.

At Temporary Suspension of Requirements During Catastrophe, the bill also limits a college district's authority to initially suspend the PIA to only one instance for each catastrophe and permits only one extension of the suspension, resulting in a maximum possible suspension of 14 consecutive calendar days for any single catastrophe. A catastrophe does not include a period when staff is required to work remotely because the governmental body's physical office is closed, but staff can still access information electronically.

In addition, citations and language have been amended based on changes from HB 3607 and to conform to TASB style, and a cross reference has been added at Request to Contracting Entity.

GCB(LOCAL) PUBLIC INFORMATION PROGRAM: REQUESTS FOR INFORMATION

Recommended revisions to this local policy address the SB 1225 requirements related to the Suspension of Public Information During a Catastrophe.

GD(LEGAL) COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES

A cross reference has been added in the Note for further information relevant to community expression and facilities use.

HB 1239 prohibits a college district or public official from issuing an order that closes or has the effect of closing Places of Worship.

Additional amendments are to conform with TASB style.

GG(LEGAL) RELATIONS WITH GOVERNMENTAL AGENCIES AND AUTHORITIES

At Cybersecurity Training for Contractors, SB 800 provides that contractors required by a state agency to complete a cybersecurity training program must verify completion by August 31st each year. Additional amendments are to conform with statute.

GGC(LEGAL) RELATIONS WITH GOVERNMENTAL AGENCIES AND AUTHORITIES: STATE GOVERNMENTAL AUTHORITIES

At Notice to the State Regarding Contracts, SB 1 requires college districts to report certain contract information for certain contract values to the LBB. Citations were also updated in response to the bill.

GGD(LEGAL) RELATIONS WITH GOVERNMENTAL AGENCIES AND AUTHORITIES: FEDERAL GOVERNMENTAL AUTHORITIES

SB 780 authorizes a college district to enter into an intergovernmental support agreement with a branch of the U.S. armed forces to provide installation-support services to a military installation located in Texas.

Explanatory Notes

Community College Localized Policy Manual Update 42

Wharton County Junior College

GH(LEGAL)

RELATIONS WITH SCHOOLS AND DISTRICTS

SB 1277 requires that Dual Credit Agreements between college districts and school districts designate an employee of either entity to provide academic advising to a student who enrolls in a dual credit course prior to the start of the course. The bill applies to agreements entered into or renewed on or after September 1, 2021.

SB 1677 repeals the requirements that a school district identified by the Coordinating Board and TEA collaborate with a college district or other institution of higher education to develop plans to increase the school district's students' enrollment in higher education.

GL(LEGAL)

RELATIONS WITH BUSINESSES AND THE COMMUNITY

This legally referenced policy has been updated to reflect amendments to Texas Workforce Commission rules related to the Skills Development Fund.

SB 4 prohibits college districts from entering into certain Contracts with Professional Sports Teams unless the agreements include a written verification that the team will play the national anthem at the beginning of each preseason, regular season, and postseason game held at the team's home venue or other facility controlled by the team for the event.

At Restricted Use of Individual-Identifying Information, SB 475 prohibits a college district from using global positioning system technology, including contact tracing, or technology designed to obtain biometric identifiers to acquire, retain, or disseminate information that identifies an individual or the individual's location.

Citations have been amended throughout based on changes from HB 3607.