

*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 17, 2023

**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 44 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 44 for Wharton County Junior College.

**Background and Rationale:**

Update 44 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 44 (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 44 contains three (LOCAL) policies for the Board to consider:

- **BBB (LOCAL): Board Members: Elections**
- **FLBE (LOCAL): Student Conduct: Alcohol and Drug Use**
- **GDA (LOCAL): Community Expression and Use of College Facilities: Conduct on College District Premises**

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



**Estimated Cost and Budgetary Support:**

The cost of the Community College Localized Update 44 packet/service is expected to be invoiced at \$1,567.00 plus Update 44 Printing/Shipping 149 pages @ .14 each (\$20.86), for a total approximate cost of \$1,587.86.

**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:**

*Kay Shoppa B. McCrohan*  
Originator

1/5/23  
Date

\_\_\_\_\_  
Cabinet-Level Supervisor

\_\_\_\_\_  
Date

**President's Approval:**

*Betty A. McCrohan*  
President

1-9-23  
Date

## Instruction Sheet

### Community College Localized Policy Manual Update 44

#### Wharton County Junior College

<b>Code</b>	<b>Type</b>	<b>Action To Be Taken</b>	<b>Note</b>
ATTN	(NOTE)	No policy enclosed	See explanatory note
B	(LEGAL)	Replace policy	Revised policy
BBB	(LEGAL)	Replace policy	Revised policy
BBB	(LOCAL)	Replace policy	Revised policy
BBB	(EXHIBIT)	DELETE exhibit	See explanatory note
BBBA	(LEGAL)	Replace policy	Revised policy
BBBB	(LEGAL)	Replace policy	Revised policy
BBBB	(EXHIBIT)	ADD exhibit	See explanatory note
BBBC	(LEGAL)	ADD policy	See explanatory note
BBBD	(LEGAL)	ADD policy	See explanatory note
BCB	(LEGAL)	Replace policy	Revised policy
BD	(LEGAL)	Replace policy	Revised policy
CAIA	(LEGAL)	Replace policy	Revised policy
CF	(LEGAL)	Replace policy	Revised policy
CIB	(LEGAL)	Replace policy	Revised policy
CKE	(LEGAL)	Replace policy	Revised policy
EJB	(LEGAL)	Replace policy	Revised policy
FEA	(LEGAL)	Replace policy	Revised policy
FEB	(LEGAL)	Replace policy	Revised policy
FLBE	(LOCAL)	Replace policy	Revised policy
GDA	(LOCAL)	Replace policy	Revised policy

# Explanatory Notes

## Community College Localized Policy Manual Update 44

### Wharton County Junior College

#### **ATTN(NOTE)                      GENERAL INFORMATION ABOUT THIS UPDATE**

Changes at Update 44 incorporate clarification of existing materials and new materials arising from court opinions and rule changes from the Texas Higher Education Coordinating Board and other state agencies.

#### **B(LLEGAL)                      LOCAL GOVERNANCE**

This table of contents has been edited based on the reorganization of the BBB series.

#### **BBB(LLEGAL)                      BOARD MEMBERS: ELECTIONS**

To accommodate the reorganization of the BBB series:

- All content from the previous Section II on Conducting an Election has been moved to BBBA; and
- All content from the previous Section III on Post-Election Procedures has been moved to BBBB.

Additional amendments are for clarity and to conform with statute.

#### **BBB(LOCAL)                      BOARD MEMBERS: ELECTIONS**

To enable greater customization, this policy has been updated to a template format. As a result, each college's policy will be considered unique.

Recommended revisions clarify existing provisions in the policy and add more details on the board's Terms and Election Schedule based on your response to our email inquiry. Please review this draft to confirm that it conforms with your current election practices.

#### **BBB(EXHIBIT)                      BOARD MEMBERS: ELECTIONS**

All previous content from this exhibit has been moved to BBBB to accommodate the reorganization of the BBB series.

#### **BBBA(LLEGAL)                      ELECTIONS: CONDUCTING AN ELECTION**

To accommodate the reorganization of the BBB series:

- All previous content has been moved to the new BBBC;
- All previous content from Section II of BBB on Conducting an Election has been moved to this policy with limited amendments at Ballot Position for clarity; and
- A note was added to reference other legally binding determinations, including court orders, that may apply to a specific college.

#### **BBBB(LLEGAL)                      ELECTIONS: POST-ELECTION PROCEDURES**

To accommodate the reorganization of the BBB series:

- All previous content has been moved to the new BBBB; and
- All previous content from Section III of BBB on Post-Election Procedures has been moved to this policy.

#### **BBBB(EXHIBIT)                      ELECTIONS: POST-ELECTION PROCEDURES**

All previous content from BBB(EXHIBIT) has been moved to this exhibit to accommodate the reorganization of the BBB series.



# Explanatory Notes

## Community College Localized Policy Manual Update 44

### Wharton County Junior College

#### **BBBC(LLEGAL) ELECTIONS: REPORTING CAMPAIGN FUNDS**

All previous content from BBBA has been moved to this policy without changes to accommodate the reorganization of the BBB series.

#### **BBBD(LLEGAL) ELECTIONS: ETHICS**

All previous content from BBBB has been moved to this policy without changes to accommodate the reorganization of the BBB series.

#### **BCB(LLEGAL) BOARD INTERNAL ORGANIZATION: BOARD COMMITTEES**

Provisions on the application of the Open Meetings Act to board committee meetings have been revised for clarity based on current legal authority.

#### **BD(LLEGAL) BOARD MEETINGS**

Revised Department of Information Resources rules have been added pertaining to a Meeting by Videoconference, including provisions on Meetings Held by Computer-Based Videoconferencing Applications and Meetings Conducted Between Dedicated Video Room Environments, as well as related Definitions.

#### **CAIA(LLEGAL) AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS**

Recently adopted Administrative Code provisions have been added addressing installment payment plans for taxes imposed on Undamaged Property in a Disaster or Emergency Area.

Additional amendments are to conform with statute.

#### **CF(LLEGAL) PURCHASING AND ACQUISITION**

A citation to the comptroller's rules for purchases of commodity items has been added at Automated Information System.

#### **CIB(LLEGAL) EQUIPMENT AND SUPPLIES MANAGEMENT: DISPOSAL OF PROPERTY**

An existing statute has been added pertaining to Surplus or Salvage Property from a State Agency.

A cross reference to CAAB addressing property acquired using federal funds has also been added.

#### **CKE(LLEGAL) INSURANCE AND ANNUITIES MANAGEMENT: WORKERS' COMPENSATION**

At Ombudsman Program, a link to the recently amended [Notice to Employees Concerning Assistance Available in the Workers' Compensation System from the Office of Injured Employee Counsel](#), has been added. The college should update its workplace signs to reflect the new language.

At First Responder Liaison, a link to the existing [Office of Injured Employee Counsel Notice Regarding First Responder Liaison to Assist in Workers' Compensation Disputes](#) has also been added.

#### **EJB(LLEGAL) MISCELLANEOUS INSTRUCTIONAL POLICIES: RELIGION IN INSTRUCTION**

A citation to [Lemon v. Kurtzman](#), 403 U.S. 602 (1971) has been removed. In [Kennedy v. Bremerton School District](#), 142 S.Ct. 2407 (2022), the U.S. Supreme Court stated that *Lemon* and the test it established had been abandoned by the Court.

Explanatory Notes  
Community College Localized Policy Manual Update 44

**Wharton County Junior College**

**FEA(LLEGAL)                      FINANCING EDUCATION: FINANCIAL AID AND SCHOLARSHIPS**

At Selective Service Status, recent amendments to the Administrative Code addressing state financial aid requirements regarding selective service registration have been added.

**FEB(LLEGAL)                      FINANCING EDUCATION: WORK STUDY**

Recent amendments to the Administrative Code have been added addressing the Transfer of funds between the Texas College Work-Study and Texas Educational Opportunity Grant programs.

**FLBE(LLOCAL)                      STUDENT CONDUCT: ALCOHOL AND DRUG USE**

Recommended revisions to this local policy specify the board's designee, who may waive provisions addressing Alcohol in certain circumstances. If the board has specified additional designees, contact your policy consultant.

The revisions also expand the application of the Alcohol and Controlled Substances provisions to encompass all college property, vehicles, and activities. Additionally, the revisions permit the board or designee to waive the college's Alcohol prohibitions at specific locations on college property.

**GDA(LLOCAL)                      COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES:  
CONDUCT ON COLLEGE DISTRICT PREMISES**

Recommended revisions to this local policy have been added to clarify rules related to using, possessing, controlling, manufacturing, transmitting, distributing, selling, or being under the influence of Alcohol that apply to visitors. If your college's practices differ, contact your policy consultant to discuss modifying the language.





## (LOCAL) Policy Comparisons

These documents are generated by an automated process that compares the updated policy to the current policy as found in TASB records.

In this packet, you will find:

- Policies being recommended for revision (annotated)
- New policies (not annotated)
- Policies recommended for deletion (annotated in PDF; not shown in Word)

Annotations are shown as follows:

- Deletions are in a red strike-through font: ~~deleted text~~.
- Additions are in a blue, bold font: **new text**.
- Blocks of text that were moved without changes are shown in green, with double underline and double strike-through formatting to distinguish the text's new placement from its original location: ~~moved text~~ becomes ~~moved text~~.
- Revision bars appear in the right margin to show sections with changes.

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**Note:** While the annotation software competently identifies simple changes, large or complicated changes—as in an extensive rewrite—may be more difficult to follow. In addition, TASB's recent changes to the policy templates to facilitate accessibility sometimes makes formatting changes appear tracked, even though the text remains the same.

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For further assistance in understanding policy changes, please refer to the explanatory notes in your Localized Policy Manual update packet or contact your policy consultant.

<b>Contact:</b>	<b>School Districts and Education Service Centers</b>	<b>Community Colleges</b>
	<a href="mailto:policy.service@tasb.org">policy.service@tasb.org</a>	<a href="mailto:colleges@tasb.org">colleges@tasb.org</a>
	800.580.7529 512.467.0222	800.580.1488 512.467.3689



BOARD MEMBERS  
ELECTIONS

BBB  
(LOCAL)

<b>Election Date</b> <del>Dates</del>	The <b>general</b> election of Board members shall be on <b>the May uniform election date in an even-numbered year</b> . <del>the first Saturday in May in an even-numbered year.</del>
<b>Membership</b>	The Board shall consist of <del>nine</del> <b>nine</b> members.
<b>Method of Election</b>	Election of Board members shall be at large.
<b>Terms and Election Schedule</b>	Board members shall be elected for six-year terms, with elections conducted biennially, as follows:
Positions 5, 6, and 7	The election for positions 5, 6, and 7 shall be held in 2024, 2030, 2036, and in six-year intervals thereafter.
Positions 3, 4, and 8	The election for positions 3, 4, and 8 shall be held in 2026, 2032, 2038, and in six-year intervals thereafter.
Positions 1, 2, and 9	The election for positions 1, 2, and 9 shall be held in 2028, 2034, 2040, and in six-year intervals thereafter. <del>at large.</del>



**Alcohol**

A student shall be prohibited from using, possessing, controlling, manufacturing, transmitting, distributing, selling, or being under the influence of intoxicating beverages **on College District property, in College District vehicles, classroom buildings, laboratories, auditoriums, library buildings, museums, faculty and at College District-related activities, administrative offices, intercollegiate and intramural athletic facilities, and all other public campus areas.** With the prior consent of the Board or the **College President, these Board's designee, the provisions herein** may be waived with respect to **a specific location on College District property or any** specific event that is sponsored by the College District.

State law shall be strictly enforced at all times on all property controlled by the College District in regard to the possession and consumption of alcoholic beverages.

**Controlled Substances**

No student shall possess, use, control, manufacture, transmit, distribute, sell, or attempt to possess, use, control, manufacture, transmit, distribute, sell, or be under the influence of, any of the following substances on College District **property, in premises or off premises at a College District vehicles, or at College District-related activities-sponsored activity, function, or event.**

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Any abusable glue, aerosol paint, or any other volatile chemical substance for inhalation.
3. Any performance-enhancing substance, including steroids.
4. Any designer drug.
5. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

The transmittal, sale, or attempted sale of what is represented to be any of the above-listed substances shall also be prohibited under this policy.

**Exceptions**

It shall not be considered a violation of this policy if the student:

1. Uses or possesses a controlled substance or drug authorized by a licensed physician through a prescription specifically for that student's use;
2. Possesses a controlled substance or drug that a licensed physician has prescribed for the student's child or other individual for whom the student is a legal guardian;



STUDENT CONDUCT  
ALCOHOL AND DRUG USE

FLBE  
(LOCAL)

3. Cultivates, possesses, transports, or sells hemp as authorized by law; or
4. Possesses, sells, or distributes Dextromethorphan.

**Paraphernalia**

The use, possession, control, manufacture, transmission, distribution, or sale of paraphernalia related to any prohibited substance is prohibited.

**Violation**

Students who violate this policy shall be subject to appropriate disciplinary action. [See FM and FMA] Such disciplinary action may include referral to drug and alcohol counseling or rehabilitation programs or student assistance programs, suspension, expulsion, and referral to appropriate law enforcement officials for prosecution.

**Notice**

Each student taking one or more classes for any type of academic credit except for continuing education units shall be given a copy of the College District's policy prohibiting the unlawful possession, use, or distribution of illicit drugs and alcohol, a description of the applicable legal sanctions under local, state, or federal law, and a description of the health risks associated with the use of illicit drugs and the abuse of alcohol.



COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES  
CONDUCT ON COLLEGE DISTRICT PREMISES

GDA  
(LOCAL)

<b>Withdrawal of Consent to Remain on Campus</b>	In accordance with law, during a period of disruption, the <b>College President</b> <del>College President</del> or designee may notify a person that consent to remain on a College District campus or facility has been withdrawn for no longer than 14 days if there is reasonable cause to believe that the person willfully disrupted the orderly operation of the College District and that his or her presence on College District property will constitute a substantial and material threat to the orderly operation of the College District.
Hearing Procedures	A party from whom consent has been withdrawn may request a hearing on the withdrawal to be held in accordance with law.
Appeal	The person may appeal the outcome of the hearing through the applicable grievance policy beginning at the appropriate level. [See DGBA(LOCAL) for employees, FLD(LOCAL) for students, and GB(LOCAL) for community members]
<b>Tobacco and E-cigarettes</b>	The College District prohibits the use of tobacco products and e-cigarettes on College District property, in College District vehicles, and at College District-related activities, unless authorized by the <b>College President</b> <del>College President</del> or designee. [See FLBD]
<b>Alcohol</b>	<p>The College District prohibits using, possessing, controlling, manufacturing, transmitting, distributing, selling, or being under the influence of intoxicating beverages on College District property, in College District vehicles, and at College District-related activities. With the prior consent of the Board or the College President, these provisions may be waived with respect to a specific location on College District property or a specific event that is sponsored by the College District.</p> <p>State law shall be strictly enforced at all times on all property controlled by the College District in regard to the possession and consumption of alcoholic beverages.</p>