

Complete this form and submit it to the Office of the President by 5:00 pm on the eleventh day before the following Tuesday meeting of the Board of Trustees. If this form does not provide enough space, you may use an expanded version *as long as you follow the format specified below*.

Date of Board Meeting: February 16, 2021

Date of This Proposal: February 8, 2021

**SUBJECT (item as it will appear on agenda):**

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 40 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 40 for Wharton County Junior College.

**BACKGROUND/RATIONALE:**

Update 40 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 40 (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 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 40 contains four (LOCAL) policies for the Board to consider:

- **BBE(LOCAL):** BOARD MEMBERS – AUTHORITY
- **BE(LOCAL):** POLICY AND BYLAW DEVELOPMENT
- **DHC(LOCAL):** EMPLOYEE STANDARDS OF CONDUCT – CHILD ABUSE AND NEGLECT REPORTING; and
- **EFB(LOCAL):** CURRICULUM DESIGN – DEGREES AND CERTIFICATES

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

Reg 113

6-21-95, 12-16-99



Proposed Agenda Item  
Board of Trustees Meeting

**Estimated Cost and Budgetary Support (how will this be paid for?):** \$ 1,056.16

This is the cost for the Community College Localized Update 40 packet/service (\$1,029.00) plus Update Printing/Shipping 194 pages @ .14 each (\$27.16), for a total cost of \$1,056.16.

**RESOURCE PERSON(S) [name(s) and title(s)]:**

Betty McCrohan, President

Kay Shoppa, Legislative Assistant to the President

**SIGNATURES:**

Betty A. McCrohan  
Originator

2-9-21  
Date

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

\_\_\_\_\_  
Date

**PRESIDENT'S APPROVAL:**

Betty A. McCrohan

2-9-21

# Explanatory Notes

## Community College Localized Policy Manual Update 40

### Wharton County Junior College

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

Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 86th Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted.

#### **A25(INDEX)                      CROSS-INDEX**

The cross-index has been updated to incorporate recommended course sequences at EFB and the mentorship program at FEB.

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

A statutory citation has been updated in this policy due to Administrative Code renumbering.

#### **BBE(LOCAL)                      BOARD MEMBERS: AUTHORITY**

Recommended revisions to this policy include:

- When Transacting Business, board members must discuss all proposals presented to the board and reach decisions, which can include dissenting votes;
- Board members have Limitations in relation to requesting records and Requests for Reports; and
- Board members must adhere to the college district's security controls for Confidentiality reasons.

#### **BDB(LLEGAL)                      BOARD MEETINGS: PUBLIC PARTICIPATION**

A citation to a recent Attorney General opinion has been added addressing Reasonable Rules for conducting a public comment period.

#### **BE(LOCAL)                      POLICY AND BYLAW DEVELOPMENT**

A revision to this local policy clarifies that a college district's legally referenced policies are not adopted by the board. Also, the Official Policy Manual is the sole responsibility of the chief executive officer of the college district and cannot be designated to another employee.

#### **CAAB(LLEGAL)                      STATE AND FEDERAL REVENUE SOURCES: FEDERAL**

This legally referenced policy has been updated to reflect recent U.S. Office of Management and Budget (OMB) amendments to its guidance for grants and agreements.

#### **CAI(LLEGAL)                      APPROPRIATIONS AND REVENUE SOURCES: AD VALOREM TAXES**

This policy was updated in response to SB 2, effective January 1, 2021, which requires an officer or employee designated by the college district to submit the college district's Tax Rate Calculation forms to the county assessor-collector for each applicable county.

#### **CC(LLEGAL)                      ANNUAL OPERATING BUDGET**

Effective January 1, 2021, SB 2 requires a college district's governing body to include the forms used by the college district in the appendix to its budget.

#### **CDA(LLEGAL)                      ACCOUNTING: FINANCIAL REPORTS AND STATEMENTS**

This legally referenced policy has been updated at Form and Availability and Posting to reflect recent changes to Administrative Code rules related to the Annual Local Debt Report.

# Explanatory Notes

## Community College Localized Policy Manual Update 40

### Wharton County Junior College

#### **CGE(LEGAL) SAFETY PROGRAM: MEDICAL TREATMENT**

This legally referenced policy has been updated to reflect recent Administrative Code changes related to the Administration of Epinephrine. The administration of epinephrine is also addressed in the FAQ [What Do Colleges Need to Know About Epinephrine Auto-Injectors?](#), available on [TASB College eLaw](#).

A model local policy is available for this code. If the college district is considering adopting a policy addressing the administration of epinephrine, please contact the college district's policy consultant to request the model.

#### **CHE(LEGAL) SITE MANAGEMENT: MAIL AND DELIVERY**

This legally referenced policy has been updated at Political Advertising to reflect the renumbering of the Administrative Code provision. Additional changes were made to align more closely with the Administrative Code.

#### **CIA(LEGAL) EQUIPMENT AND SUPPLIES MANAGEMENT: RECORDS MANAGEMENT**

In the Note, the cross references to additional records retention provisions have been replaced with a global reference to policies containing retention provisions found in specific laws.

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

A paragraph at Leaves of Absence that described a court decision related to employees who violate absence policies has been replaced with a reference to related provisions in policy DEC.

#### **CRA(LEGAL) TECHNOLOGY RESOURCES: WEBSITE POSTINGS**

Beginning the 2021–22 academic year, SB 25 requires college districts to develop at least one recommended course sequence for each undergraduate certificate or degree program they offer.

#### **CS(LEGAL) INFORMATION SECURITY**

This legally referenced policy has been updated to include additional statutory information addressing the Biennial Information Security Plan. Additionally, citations were updated throughout.

#### **DAA(LEGAL) EMPLOYMENT OBJECTIVES: EQUAL EMPLOYMENT OPPORTUNITY**

This legally referenced policy has been updated to include the U.S. Supreme Court decision in *Bostock v. Clayton County, Georgia* that states Title VII prohibits discrimination based on sexual orientation and gender identity.

#### **DEA(LOCAL) COMPENSATION AND BENEFITS: SALARIES AND WAGES**

A new version of this policy that includes a section on Premium Pay During Disasters is now available.

Please contact your policy consultant if you are interested in this version. Note that, in most circumstances, the language would need to be adopted before the emergency occurs to qualify for FEMA reimbursement.

#### **DHC(LOCAL) EMPLOYEE STANDARDS OF CONDUCT: CHILD ABUSE AND NEGLECT REPORTING**

Revisions throughout this policy reflect Education Code requirements that a college district must develop procedures governing the reporting of child abuse and neglect as required by the Family Code.

Explanatory Notes  
Community College Localized Policy Manual Update 40

**Wharton County Junior College**

**EFB(LLEGAL)                      CURRICULUM DESIGN: DEGREES AND CERTIFICATES**

Beginning the 2021–22 academic year, SB 25 requires college districts to develop at least one Recommended Course Sequence for each undergraduate certificate or degree program they offer.

**EFB(LOCAL)                      CURRICULUM DESIGN: DEGREES AND CERTIFICATES**

Revisions were added to comply with provisions in SB 25 that require college districts to develop at least one recommended course sequence for each undergraduate degree or certificate program beginning with the 2021–22 academic year.

**EI(LLEGAL)                      TESTING PROGRAMS**

The TSI Assessment Time Periods section has been removed from this policy to align more closely with the Administrative Code.

**FAA(LLEGAL)                      EQUAL EDUCATIONAL OPPORTUNITY: SERVICE ANIMALS**

The U.S. Department of Housing and Urban Development provided new guidance related to a Fair Housing Act Assistance Animal. The new guidance prohibits housing providers from reassessing requests granted before this guidance was issued.

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

This policy has been revised at Contents of Disclosures to reflect recent changes to the Administrative Code clarifying that student debt letters are not required to include private loan information.

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

This legally referenced policy has been updated in response to recent amendments to the Administrative Code that incorporate an existing Mentorship Program into provisions addressing the Texas College Work-Study Program.



## (LOCAL) Policy Comparison Packet

This packet is generated by an automated process that compares the updated policy to the district's 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; omitted in Word)

Annotations are shown as follows.

- *Deletions* are shown in a red strike-through font: ~~deleted text~~.
- *Additions* are shown in a blue, bold font: **new text**.
- Blocks of text that have been *moved* without alteration are shown in green, with double underline and double strike-through formatting to distinguish the text's destination from its origin: ~~moved text~~ becomes **moved text**.
- *Revision bars* appear in the right margin, as above.

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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

<b>Board Authority</b>	The Board has final authority to determine and interpret the policies that govern the College District and, within the limits imposed by other legal authorities, has complete and full control of the College District.
<b>Transacting Business</b>	Official Board action shall be taken only in meetings that comply with the Open Meetings Act. <a href="#">When a proposal is presented to the Board, the Board shall hold a discussion and reach a decision.</a> The affirmative vote of a majority of all Board members shall be required to transact business. [See BD] <a href="#">Although there may be dissenting votes, which are a matter of public record, each</a> <del>Each</del> action of the Board supported by the majority is binding on the whole Board.
<b>Individual Authority for Committing the Board</b>	Board members as individuals shall not exercise authority over the College District, its property, or its employees. Except for appropriate duties and functions of the Board President, an individual member may act on behalf of the Board only with the express authorization of the Board. Without such authorization, no individual member may commit the Board on any issue. [See BCAB]
<b>Individual Access to Information</b>	An individual Board member, acting in <a href="#">the member's</a> <del>his or her</del> official capacity, shall have the right to seek information pertaining to College District fiscal affairs, business transactions, governance, and personnel matters, including information that properly may be withheld from members of the general public in accordance with the Public Information Act. <del>Chapter of the Government Code.</del> [See GCA]
Limitations	<a href="#">If a Board member is not acting in the member's official capacity, the Board member has no greater right to College District records than a member of the public.</a>  An individual member shall not have access to confidential student records unless the member is acting in <a href="#">the member's</a> <del>his or her</del> official capacity and has a legitimate educational interest in the records in accordance with policies FJ(LEGAL) and (LOCAL).
Requests for Records	Individual members shall seek access to records or request copies of records from the College President or other designated custodian of records. When a custodian of records other than the College President provides access to records or copies of records to individual Board members, the provider shall inform the College President of the records provided.  <a href="#">A Board member who is denied access to a record under this policy may ask the Board to determine whether the record should be provided or may file a request under the Public Information Act. [See GCA]</a>

BOARD MEMBERS  
AUTHORITY

BBE  
(LOCAL)

Requests for Reports	<p>No individual Board member shall direct or require College District employees to prepare reports derived from an analysis of information in existing College District records or to create a new record compiled from information in existing College District records.</p> <p>Directives to the College President or other College District staff regarding the preparation of reports that will, in the opinion of the College President, require excessive staff time or expense shall be authorized by action of the Board.</p>
Confidentiality	<p>At the time Board members are provided access to confidential records or to reports compiled from such records, the College President or other College District employee shall advise them of their responsibility to comply with confidentiality requirements and the College District's information security controls.</p>
<b>Referring Complaints</b>	<p>If employees, students, or citizens bring a concern or complaint to an individual Board member, the Board member <del>he or she</del> shall refer them to the College President or designee, who shall proceed according to appropriate Board policy. [See DGBA, FLD, and GB]</p> <p>When the concern or complaint directly pertains to the Board's own actions or policy, for which there is no administrative remedy, the Board member may request that the issue be placed on the agenda.</p>
<b>Staff Authority</b>	<p>Except as authorized by these policies, no employee or agent shall have the authority to bind the College District contractually.</p>



Within the context of current law, the College District shall be guided by Board-adopted written policies that are given appropriate distribution and are accessible to staff members, parents, students, and community residents.

**Organization**

Legally referenced policies contain provisions from federal and state statutes and regulations, case law, and other legal authority that together form the framework for local decision making and implementation. These policies are binding on the College District until the cited provisions are repealed, revised, or superseded by legislative, regulatory, or judicial action.

At each policy code, the legally referenced policy and the Board-adopted local policy must be read together to further a full understanding of a topic.

**Terms**

The terms "Trustee" and "Board member" are used interchangeably in the local policy manual. Both terms are intended to reflect all the duties and obligations of the office.

[See AB for College District name terminology]

**Harmony with Law**

Newly enacted law is applicable when effective. No policy or regulation, or any portion thereof, shall be operative if it is found to be in conflict with applicable law.

**Severability**

If any portion of a policy or its application to any person or circumstance is found to be invalid, that invalidity shall not affect other provisions or applications of policy that can be given effect without the invalid provision or application. To this end, the provisions of this policy manual are declared to be severable.

**Policy Development**

Policies and policy amendments may be initiated by the College President, Board members, College District personnel, students, or community citizens but generally shall be recommended for the Board's consideration by the College President.

**Adoption and Amendment**

Local policies may be adopted or amended by a majority of the Board at any regular or special meeting, provided that Board members have had advance written notice of the proposed change and that it has been placed on the agenda for such meeting.

Local policies shall become effective upon Board adoption or at a future date designated by the Board at the time of adoption.

[Legally referenced policies are not adopted by the Board.](#)

**Official Policy Manual**

The Board shall designate one copy of the local policy manual as the official policy manual of the College District. The official copy shall be kept in the central administration office, and the College

POLICY AND BYLAW DEVELOPMENT

BE  
(LOCAL)

TASB Localized  
Updates

President ~~or designee~~ shall be responsible for its accuracy and integrity and shall maintain a historical record of the College District's policy manual.

After Board review of legally referenced policies and adoption of local policies, the new material shall be incorporated into the official policy manual and into other localized policy manuals maintained by the College District. If discrepancies occur between different copies of the manual, the version contained in the official policy manual shall be regarded as authoritative.

## Reporting

Any person who has cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect has a responsibility under state law to immediately report the suspected abuse or neglect to an appropriate authority.

As defined in state law, child abuse and neglect include both sex and labor trafficking of a child.

A professional who has cause to believe that a child has been or may be abused or neglected or may have been a victim of indecency with a child has an additional legal obligation to submit a written or oral report within 48 hours of learning of the facts giving rise to the suspicion of abuse or neglect. A "professional" is anyone licensed or certified by the state who has direct contact with children in the normal course of duties for which the individual is licensed or certified.

A person is required to make a report if the person has cause to believe that an adult was a victim of abuse or neglect as a child and the person determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.

## Making a Report

Reports may be made to any of the following:

1. A state or local law enforcement agency;
2. The Child Protective Services (CPS) division of the Texas Department of Family and Protective Services (DFPS) at (800) 252-5400 or the [Texas Abuse Hotline Website](#);
3. A local CPS office; or
4. If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is to the state agency that operates, licenses, certifies, or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Justice Department as a report of suspected abuse or neglect in a juvenile justice program or facility.

An individual does not fulfill the person's responsibilities under the law by only reporting suspicion of abuse or neglect to the College President or another College District staff member. The College District shall not require an employee to first report the employee's suspicion to a College District or campus administrator.

EMPLOYEE STANDARDS OF CONDUCT  
CHILD ABUSE AND NEGLECT REPORTING

DHC  
(LOCAL)

Confidentiality	In accordance with state law, the identity of a person making a report of suspected child abuse or neglect shall be kept confidential and disclosed only in accordance with the rules of the investigating agency.
Immunity	A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.
Failure to Report	By failing to report suspicion of child abuse or neglect, an employee: <ol style="list-style-type: none"><li>1. May be placing a child at risk of continued abuse or neglect;</li><li>2. Violates the law and may be subject to legal penalties, including criminal sanctions for knowingly failing to make a required report; and</li><li>3. Violates Board policy and may be subject to disciplinary action, including possible termination of employment.</li></ol> <p>It is a criminal offense to coerce someone into suppressing or failing to report child abuse or neglect.</p>
<b>Responsibilities Regarding Investigations</b>	<p>In accordance with law, College District officials shall be prohibited from:</p> <ol style="list-style-type: none"><li>1. Denying an investigator's request to interview a child on campus in connection with an investigation of child abuse or neglect;</li><li>2. Requiring a parent or College District employee be present during the interview; or</li><li>3. Coercing someone into suppressing or failing to report child abuse or neglect.</li></ol> <p>College District personnel shall cooperate fully and without parental consent with an investigation of reported child abuse or neglect.</p>
<b>Adverse Employment Action Prohibited</b>	The College District prohibits any adverse employment action, including termination or discrimination, against any employee who in good faith reports child abuse or neglect or participates in a related investigation.
<b>Training</b>	The College District shall provide training to employees as required by law. Training shall address reporting requirements and techniques to prevent and recognize sexual abuse, trafficking, and all other maltreatment of children.

<sup>1</sup> Texas Abuse Hotline Website: <https://www.txabusehotline.org>

Wharton County Junior College  
241500

CURRICULUM DESIGN  
DEGREES AND CERTIFICATES

EFB  
(LOCAL)

The Board shall determine the types of degrees and certificates to be awarded by the College District. The degrees and certificates offered by the College District [and the associated recommended course sequences developed by the College District administration](#) shall be described in the College District catalog [and on the College District website](#).

**Instruction Sheet**  
**Community College Localized Policy Manual Update 40**

**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
A25	(INDEX)	Replace cross-index	Revised cross-index
BBBB	(LEGAL)	Replace policy	Revised policy
BBE	(LOCAL)	Replace policy	Revised policy
BDB	(LEGAL)	Replace policy	Revised policy
BE	(LOCAL)	Replace policy	Revised policy
CAAB	(LEGAL)	Replace policy	Revised policy
CAI	(LEGAL)	Replace policy	Revised policy
CC	(LEGAL)	Replace policy	Revised policy
CDA	(LEGAL)	Replace policy	Revised policy
CGE	(LEGAL)	Replace policy	Revised policy
CHE	(LEGAL)	Replace policy	Revised policy
CIA	(LEGAL)	Replace policy	Revised policy
CKE	(LEGAL)	Replace policy	Revised policy
CRA	(LEGAL)	Replace policy	Revised policy
CS	(LEGAL)	Replace policy	Revised policy
DAA	(LEGAL)	Replace policy	Revised policy
DEA	(LOCAL)	No policy enclosed	See explanatory note
DHC	(LOCAL)	Replace policy	Revised policy
EFB	(LEGAL)	Replace policy	Revised policy
EFB	(LOCAL)	Replace policy	Revised policy
EI	(LEGAL)	Replace policy	Revised policy
FAA	(LEGAL)	Replace policy	Revised policy
FEA	(LEGAL)	Replace policy	Revised policy
FEB	(LEGAL)	Replace policy	Revised policy