



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: June 20, 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 45 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 45 for Wharton County Junior College.

Background and Rationale:

Update 45 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 45 (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 45 contains eight (LOCAL) policies for the Board to consider:

- **CDB (LOCAL): Accounting: Inventories**
- **CT (LOCAL): Intellectual Property**
- **DEA (LOCAL): Compensation and Benefits: Compensation Plan**
- **DEAA (LOCAL): Compensation Plan: Incentives and Stipends**
- **DEAB (LOCAL): Compensation Plan: Wage and Hour Laws**
- **DH (LOCAL): Employee Standards of Conduct**
- **FD (LOCAL): Tuition and Fees**
- **FFE (LOCAL): Student Welfare: Freedom From Bullying**

These eight (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 45 packet/service is expected to be invoiced at \$2,000.00 plus Update 45 Printing/Shipping 350 pages @ .14 each (\$49.00), for a total cost of \$2,049.00.

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
Originator

6-12-23
Date

Betty McCrohan
Cabinet-Level Supervisor

6-12-23
Date

President's Approval:

Betty McCrohan
President

6-12-23
Date

Instruction Sheet

Community College Localized Policy Manual Update 45

Wharton County Junior College

Code	Type	Action To Be Taken	Note
ATTN	(NOTE)	No policy enclosed	See explanatory note
AFA	(LEGAL)	Replace policy	Revised policy
BI	(LEGAL)	Replace policy	Revised policy
CDB	(LOCAL)	ADD policy	See explanatory note
CDC	(LEGAL)	Replace policy	Revised policy
CF	(LEGAL)	Replace policy	Revised policy
CH	(LEGAL)	Replace policy	Revised policy
CI	(LEGAL)	Replace policy	Revised policy
CKD	(LEGAL)	Replace policy	Revised policy
CT	(LOCAL)	Replace policy	Revised policy
D	(LEGAL)	Replace table of contents	Revised table of contents
DAA	(LEGAL)	Replace policy	Revised policy
DBA	(LEGAL)	Replace policy	Revised policy
DEA	(LEGAL)	Replace policy	Revised policy
DEA	(LOCAL)	Replace policy	Revised policy
DEAA	(LOCAL)	ADD policy	See explanatory note
DEAB	(LEGAL)	ADD policy	See explanatory note
DEAB	(LOCAL)	ADD policy	See explanatory note
DG	(LEGAL)	Replace policy	Revised policy
DH	(LOCAL)	Replace policy	Revised policy
EFB	(LEGAL)	Replace policy	Revised policy
EFBA	(LEGAL)	Replace policy	Revised policy
EFBB	(LEGAL)	Replace policy	Revised policy
EGC	(LEGAL)	Replace policy	Revised policy
EI	(LEGAL)	Replace policy	Revised policy
FD	(LEGAL)	Replace policy	Revised policy
FD	(LOCAL)	Replace policy	Revised policy
FEA	(LEGAL)	Replace policy	Revised policy
FEB	(LEGAL)	Replace policy	Revised policy
FFAA	(LEGAL)	Replace policy	Revised policy
FFE	(LOCAL)	Replace policy	Revised policy
FG	(LEGAL)	Replace policy	Revised policy
FI	(LEGAL)	Replace policy	Revised policy
FJ	(LEGAL)	Replace policy	Revised policy

Instruction Sheet

Community College Localized Policy Manual Update 45

Wharton County Junior College

Code	Type	Action To Be Taken	Note
FK	(LEGAL)	Replace policy	Revised policy
FLD	(LEGAL)	Replace policy	Revised policy
GCA	(LEGAL)	Replace policy	Revised policy
GCC	(LEGAL)	Replace policy	Revised policy
GE	(LEGAL)	Replace policy	Revised policy
GL	(LEGAL)	Replace policy	Revised policy

Explanatory Notes

Community College Localized Policy Manual Update 45

Wharton County Junior College

ATTN(NOTE)

GENERAL INFORMATION ABOUT THIS UPDATE

Changes at Update 45 incorporate clarification of existing materials and new materials arising from changes to federal statutes and rules issued by the Texas Higher Education Coordinating Board and other state and federal agencies.

AFA(LLEGAL)

INSTITUTIONAL EFFECTIVENESS: PERFORMANCE AND INSTITUTION REPORTS

Language at Required Information has been updated to reflect an amended federal regulation, effective July 1, 2023, addressing the availability of information related to a prison education program.

Existing federal regulation language has been added describing the required Notice to Enrolled Students of the availability of certain college information and the Disclosure Through Internet or Intranet Websites of that information to current and prospective students and employees.

In addition, the related definition of Prospective Employee has been added.

BI(LLEGAL)

REPORTS

A reference in this index of college district reports to a financial report has been updated to reflect the current name of the report. The deadline for the annual security report has also been added.

In addition, the list has been expanded to reference reports addressing fees related to qualifying purchasing contracts, changes to course sequences, baccalaureate degrees, completion and transfer-out rates, tuition rates adjusted for excessive and repeat courses, and fire safety.

CDB(LLOCAL)

ACCOUNTING: INVENTORIES

This recommended new local policy includes financial reporting requirements and guidance from the state Budget Requirements and Annual Financial Reporting Requirements for Texas Public Community Colleges and the Governmental Accounting Standards Board (GASB) Implementation Guide regarding the Capitalization Threshold for individual and group assets. The GASB guidance regarding group assets applies to reporting periods beginning after June 15, 2023.

If the college's capitalization threshold or the individual authorized to determine the capitalization threshold for a group of assets differs from that included in the policy, please contact your policy consultant.

CDC(LLEGAL)

ACCOUNTING: AUDITS

The link to the Texas Higher Education Coordinating Board publication *Budget Requirements and Annual Financial Reporting Requirements for Texas Public Community Colleges* has been updated to the 2022 fiscal year version.

CF(LLEGAL)

PURCHASING AND ACQUISITION

At Automated Information System, a citation has been updated to reflect the recent repeal and replacement of the relevant Administrative Code provision.

CH(LLEGAL)

SITE MANAGEMENT

At Pools, a citation has been updated to reflect the recent repeal and replacement of the relevant Administrative Code provisions.

Explanatory Notes

Community College Localized Policy Manual Update 45

Wharton County Junior College

CI(LEGAL) EQUIPMENT AND SUPPLIES MANAGEMENT

The link to the Memorandum of Understanding between the Texas Department of Public Safety and the Texas Higher Education Coordinating Board has been updated to reflect its new location on the Coordinating Board's website.

CKD(LEGAL) INSURANCE AND ANNUITIES MANAGEMENT: HEALTH AND LIFE INSURANCE

An Exception to the ability to exempt a group health plan from requirements to provide parity in mental health and substance use disorder benefits under the Health Insurance Portability and Accountability Act has been added to reflect a recently amended federal statute. Any existing election expiring on or after June 27, 2023, may not be renewed.

CT(LOCAL) INTELLECTUAL PROPERTY

Revisions are recommended throughout this local policy to better clarify the circumstances under which the college's intellectual property may be used. Other recommended revisions clarify College District Ownership and Employee Ownership of intellectual property created by employees and the limitations on the Use of Copyrighted Works.

Additional recommended changes have been made to conform to TASB style.

D(LEGAL) PERSONNEL

This table of contents has been revised to reflect the reorganization of the DEA series:

- DEA has been renamed Compensation Plan.
- DEAA has been created to address Incentives and Stipends.
- DEAB has been created to address Wage and Hour Laws.

DAA(LEGAL) EMPLOYMENT OBJECTIVES: EQUAL EMPLOYMENT OPPORTUNITY

Language on Accommodations Based on Pregnancy has been added to reflect the new federal Pregnant Workers Fairness Act, which is effective June 27, 2023.

DBA(LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: CREDENTIALS AND RECORDS

Language at Participant in Address Confidentiality Program has been added to reflect the recently repealed and replaced Administrative Code provisions addressing the college's responsibilities related to participants in the program.

DEA(LEGAL) COMPENSATION AND BENEFITS: COMPENSATION PLAN

To accommodate the reorganization of the DEA series, all content addressing the Fair Labor Standards Act, an Employee with Multiple Appointments, and the Payday Law Exemption has been moved to DEAB.

In addition, existing Government Code provisions have been added at Teacher Retirement System (TRS) Contributions for New Hires and TRS Surcharge for Rehired Retirees.

DEA(LOCAL) COMPENSATION AND BENEFITS: COMPENSATION PLAN

To accommodate the reorganization of the DEA series:

- All content from the previous Stipend section has been moved to DEAA; and

Explanatory Notes

Community College Localized Policy Manual Update 45

Wharton County Junior College

- All content from the previous sections on Classification of Positions, Workweek Defined, and Compensatory Time has been moved to DEAB.

An Annualized Salary section has been recommended as a best practice, which addresses the payment of salaried employees over a 12-month period. If the language in this section does not match your preferred practice, please contact your policy consultant.

In addition, at Pay Increases, recommended language addresses pay increases that occur as part of the annual budget. Language has been recommended to clarify that the college president or chancellor may designate an individual to grant mid-year pay increases to Noncontract Employees.

As a reminder, we have a version of this policy that includes a section on Premium Pay During Disasters. If you are interested in that version, please contact your policy consultant. Note that, to apply to work during a disaster, the language must be adopted before the emergency begins.

DEAA(LOCAL) COMPENSATION PLAN: INCENTIVES AND STIPENDS

To accommodate the reorganization of the DEA series, a Stipend section from DEA has been moved to this new policy with minimal changes consistent with TASB style.

DEAB(LEGAL) COMPENSATION PLAN: WAGE AND HOUR LAWS

Previous content from DEA on Wage and Hour Laws has been moved, without changes, to this new policy to accommodate the reorganization of the DEA series.

DEAB(LOCAL) COMPENSATION PLAN: WAGE AND HOUR LAWS

To accommodate the reorganization of the DEA series, previous content from DEA, including Classification of Positions, Workweek Defined, and Compensatory Time, has been moved to this new policy with minimal changes consistent with TASB style.

DG(LEGAL) EMPLOYEE RIGHTS AND PRIVILEGES

New language at Breaks for Nursing Mothers has been added to reflect the recent repeal and replacement of the federal statute with the PUMP for Nursing Mothers Act. Federal law now requires accommodations for all, not just nonexempt, employees to express breast milk like existing state law, though certain other parameters differ.

An additional change has been made to conform to TASB style.

DH(LOCAL) EMPLOYEE STANDARDS OF CONDUCT

Recommended revisions to this local policy have been made to clarify employee rules related to Alcohol and Drugs, including use, control, transmittal, sale, and associated Paraphernalia.

Additional recommended changes have been made to conform to TASB style. As a reminder, we have a version of this policy that provides for a limited waiver of the alcohol provisions. If you are interested in that version, please contact your policy consultant.

EFB(LEGAL) CURRICULUM DESIGN: DEGREES AND CERTIFICATES

Language has been added to reflect new Coordinating Board rules on Program Planning and Program Approval and related Definitions.

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Wharton County Junior College

The rules apply to programs for which the college submits a required planning notification on or after June 1, 2023. For proposed programs that are not subject to the planning notification requirements, the rules apply to programs submitted on or after September 1, 2023.

In addition, at Program Phase-Out, language has been added to reflect new Administrative Code requirements to close a program on or after September 1, 2023.

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

Language has been added to reflect new Coordinating Board rules addressing the Approval Process for a new or revised academic associate degree program and the Program Phase-Out and the Approval Process for developing an Academic Certificate program. Related Definitions have been added, and Multidisciplinary Studies Associate Degree program provisions have been revised.

With the exception of the embedded associate degree provisions that are already in effect, the associate degree program provisions and the definitions apply to programs for which the college submits a required planning notification on or after June 1, 2023. For proposed programs that are not subject to the planning notification requirements, the rules apply to programs submitted on or after September 1, 2023. The academic certificate provisions apply to a certificate submitted for approval on or after September 1, 2023.

EFBB(LLEGAL) DEGREES AND CERTIFICATES: BACCALAUREATE DEGREES

Language has been added to reflect new Coordinating Board rules addressing the Approval Process for a new or revised baccalaureate degree program and the Program Phase-Out process.

The rules apply to programs for which the college submits a required planning notification on or after June 1, 2023. For proposed programs that are not subject to the planning notification requirements, the rules apply to programs submitted on or after September 1, 2023.

EGC(LLEGAL) ACADEMIC ACHIEVEMENT: GRADUATION

Existing federal regulations have been added related to reporting the completion and transfer-out rates of Student Athletes.

Additional changes were made to update a citation, add a cross reference, and conform to TASB style.

EI(LLEGAL) TESTING PROGRAMS

Language has been added to reflect recently amended Coordinating Board rules related to the ACT scores that qualify students for a TSI assessment exemption.

FD(LLEGAL) TUITION AND FEES

Existing Education Code and Administrative Code language has been added to provide clarity on Adjusted Rates for tuition based on excessive hours or repeated courses.

FD(LOCAL) TUITION AND FEES

Recommended revisions to this local policy have been added addressing the board's decision whether to charge a higher tuition rate for Excessive Hours or Repeated Courses taken by a student.

FEA(LLEGAL) FINANCING EDUCATION: FINANCIAL AID AND SCHOLARSHIPS

Language has been added to reflect Administrative Code rules on the Texas Application for State Financial Aid (TASFA), which are effective May 19, 2022.

Explanatory Notes

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Wharton County Junior College

In addition, at Timely Distribution of Funds, revisions have been made based on recent Administrative Code changes related to work-study programs.

FEB(LLEGAL) FINANCING EDUCATION: WORK STUDY

Language on the distribution of work-study Funds has been replaced to reflect recent changes to the Administrative Code.

In addition, language at Mentorship Program Funds has been removed to reflect the recent repeal of the Coordinating Board rule.

FFAA(LLEGAL) WELLNESS AND HEALTH SERVICES: IMMUNIZATIONS

At Varicella Vaccine, the link to the [history of varicella form](#) has been updated to the new location on the Department of State Health Services website.

FFE(LOCAL) STUDENT WELFARE: FREEDOM FROM BULLYING

Recommended revisions to this local policy have been made to update cross references to FFDA and FFDB. Also, recommended language has been added at Prohibited Conduct addressing harassment and discrimination on the basis of sex, consistent with the terminology at FFDA.

Additional recommended changes have been made to conform to TASB style.

FG(LLEGAL) STUDENT HOUSING

At Fire Safety, existing federal regulations have been added addressing the Annual Report to provide clarity on the requirements related to the publication and distribution of the report. Existing federal regulations have also been added addressing the Submission of Fire Statistics.

FI(LLEGAL) STUDENT SOLICITATIONS

Existing statutory language has been added to provide clarity on Time and Frequency Restrictions related to Charitable Raffles.

FJ(LLEGAL) STUDENT RECORDS

Language at Participant in Address Confidentiality Program has been added to reflect the recently repealed and replaced Administrative Code provisions addressing the college's responsibilities related to participants in the program.

FK(LLEGAL) STUDENT ACTIVITIES

At Athletic Program Participation Rates and Financial Support Data, existing federal regulations have been added to provide clarity to the reporting requirements.

In addition, a cross reference has been added at Completion or Transfer-Out Rates for Student Athletes to the detailed information added at EGC.

FLD(LLEGAL) STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT COMPLAINTS

The link to the [Texas Higher Education Coordinating Board](#) website has been updated to the new location.

GCA(LLEGAL) PUBLIC INFORMATION PROGRAM: ACCESS TO INFORMATION

At Participant in Address Confidentiality Program, new cross references to policies addressing the college's responsibilities related to participants in the program have been added.

Explanatory Notes

Community College Localized Policy Manual Update 45

Wharton County Junior College

GCC(LEGAL) PUBLIC INFORMATION PROGRAM: ANNUAL SECURITY REPORT

At Annual Security Report, existing federal regulations have been added to provide clarity on the requirements related to the publication and distribution of the report. Existing federal regulations have also been added addressing the Submission of statistics on Reported Crimes.

GE(LEGAL) ADVERTISING AND FUNDRAISING

Existing statutory language has been added to provide clarity on Time and Frequency Restrictions related to Charitable Raffles.

Additional changes have been made to conform to TASB style.

GL(LEGAL) RELATIONS WITH BUSINESSES AND THE COMMUNITY

Language at Participant in Address Confidentiality Program has been added to reflect the recently repealed and replaced Administrative Code provisions addressing the college's responsibilities related to participants in the program.



(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.

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 make formatting changes appear tracked, even though the text remains the same.

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.

Contact:	School Districts and Education Service Centers	Community Colleges
	policy.service@tasb.org	colleges@tasb.org
	800.580.7529	800.580.1488

**Capitalization
Threshold**

The capitalization threshold for purposes of classifying individual capital assets shall be \$5,000.

The College President or designee shall determine the capitalization threshold for a group of assets, the individual cost of which does not exceed the capitalization threshold above but for which the cost in the aggregate is significant.

INTELLECTUAL PROPERTY

CT
(LOCAL)

**Intellectual Property
Rights**

All copyrights, trademarks, and other intellectual property rights **belonging to the College District** shall remain with the College District at all times. **Except as provided by law, College District policy, or written authorization from the College President or designee, use of College District intellectual property shall be limited to College District-related purposes.**

Students

A student shall retain all rights to **the student's** work created as part of instruction or using College District technology resources.

Employees

*College District
Ownership*

As an agent of the College District, an employee, including a student employee, shall not have rights to work ~~he or she creates~~**created** on College District time or using College District technology resources. The College District shall own any work or work product created by a College District employee in the course and scope of ~~his or her~~**College District** employment, including the right to obtain copyrights.

~~Employee
Ownership~~

If the employee obtains a patent for such work, the employee shall grant a non-exclusive, non-transferable, perpetual, royalty-free, College District-wide license to the College District for use of the patented work. ~~A College District employee shall own any work or work product produced on his or her own time, away from his or her job and with personal equipment and materials, including the right to obtain patents or copyrights.~~

Employee
Ownership
Permission

A College District employee ~~may apply~~**shall own any work or work product produced during personal time and with personal equipment and materials, including the right to** ~~the~~**obtain patents or copyrights.**

The College President or designee ~~to~~**shall have the authority to permit** use of College District materials and equipment in ~~his or her creative~~**developing the employee's own** projects, provided the employee agrees ~~either~~**in writing** to grant to the College District a non-exclusive, non-transferable, perpetual, royalty-free, College District-wide license to use the work, or permits the College District to be listed as co-author or co-inventor if the College District contribution to the work is substantial. College District materials do not include student work, all rights to which are retained by the student.

~~Works for Hire~~

**Independent
Contractors**

The College District may hire an independent contractor for specially commissioned work(s) under a written works-made-for-hire agreement that provides that the College District shall own the work product created under the agreement, as permitted by copyright law. Independent contractors shall comply with copyright law in all works commissioned.

INTELLECTUAL PROPERTY

CT
(LOCAL)

Return of
Intellectual Property

Upon the termination of any person's association with the College District, all permission to possess, receive, or modify the College District's intellectual property shall also immediately terminate. All such persons shall return to the College District all intellectual property, including but not limited to any copies, no matter how kept or stored, and whether directly or indirectly possessed by such person.

Copyright
**Use of
Copyrighted Works**

Unless the proposed use of a copyrighted work is an exception under the "fair use" guidelines maintained by the College President or designee, the College District shall require an employee or student to obtain a license or permission from the copyright holder before copying, modifying, displaying, performing, distributing, or otherwise employing the copyright holder's work for instructional, curricular, or extracurricular purposes. This policy does not apply to any work sufficiently documented to be in the public domain.

Technology Use

~~All persons are prohibited from using~~ Use of College District technology in violation of any law, including copyright law, **shall be prohibited**. Only appropriately licensed **images, applications**, programs, or **other** software may be used with College District technology resources. ~~No person shall use the~~ The College District's technology resources **shall not be used** to post, publicize, or duplicate information in violation of copyright law. ~~The Board shall direct the~~ College President or designee **shall** employ all reasonable measures to prevent the use of College District technology resources in violation of the law. ~~All persons~~ **Any person** using College District technology resources in violation of law shall lose user privileges in addition to other sanctions. [See BBI and CR]

Electronic Media
~~Unless a license or permission is obtained, electronic media in the classroom~~ **Performances and Displays**

The performance and display of copyrighted material, including motion pictures ~~and other audiovisual, dramatic works, must be used in musical performances, or other audio and visual works,~~ may only occur for education purposes and in accordance with the following:

1. **As a regular part of instruction and directly related to the course of curriculum;**
2. **During face-to-face teaching activities as defined by law;**
3. **When viewed in a classroom or designated place of instruction; and**
4. **With a lawfully made copy or via an authorized account.**

Designated Agent

The College District shall designate an agent to receive notification of alleged online copyright infringement and shall notify the U.S. Copyright Office of the designated agent's identity. The College District shall include on its ~~Web site~~ **website** information on how to

contact the College District's designated agent and a copy of the College District's copyright policy. Upon notification, the College District's designated agent shall take all actions necessary to remedy any violation. The College District shall provide the designated agent appropriate training and resources necessary to protect the College District.

If a content owner reasonably believes that the College District's technology resources have been used to infringe upon a copyright, the owner may notify the designated agent.

Trademark
Use of College District Trademarks

College District-Related Use

The College District protects all College District and campus trademarks, including names, logos, mascots, and symbols, from unauthorized use.

The College District grants permission to students, student organizations, parent organizations, and other College District-affiliated college-support organizations to use, without charge, College District and campus trademarks to promote a group of students, an activity or event, a campus, or the College District, if the use is in furtherance of College District-related business or activity. The College President or designee shall determine what constitutes use in furtherance of College District-related business or activity and is authorized to revoke permission if the use is improper or does not conform to administrative regulations.

Public Use

Members of the ~~general~~ public, outside organizations, vendors, commercial manufacturers, wholesalers, and retailers shall not use College District trademarks without ~~the written permission of~~ **authorization from** the College President or designee. Any production of merchandise with College District trademarks for sale or distribution must be pursuant to a trademark licensing agreement and may be subject to the payment of royalties.

Any individual, organization, or business that uses College District **or campus** trademarks without appropriate authorization shall be subject to legal action.

COMPENSATION AND BENEFITS
~~SALARIES AND WAGES~~ COMPENSATION PLAN

DEA
(LOCAL)

The College President shall recommend an annual compensation plan for all College District employees. [See also DEAA] The compensation plan may include wage and salary structures, stipends, benefits, and incentives. The recommended plan shall support College District goals for hiring and retaining highly qualified employees. The Board shall review and approve the compensation plan to be used by the College District. The Board shall also determine the total compensation package for the College President. [See BF series]

Pay Administration

The College President shall implement the compensation plan and establish procedures for plan administration consistent with the budget. The College President or designee shall classify each job title within the compensation plan based on the qualifications, duties, and market value of the position.

Annualized Salary

The College District shall pay all salaried employees over 12 months in equal monthly or semimonthly installments, regardless of the number of months employed during the academic year. Salaried employees hired during the academic year shall be paid in accordance with administrative regulations.

Pay Increases

~~Stipend~~

The College President shall recommend ~~a stipend to the Board an amount for employee~~ pay ~~schedule~~ increases as part of the annual compensation plan of the College District.

~~Supplemental Duties~~

~~The College President or designee may assign noncontractual supplemental duties to personnel exempt under the Fair Labor Standards Act (FLSA), as needed. [See DJ(LOCAL)] The employee shall be compensated for these assignments according to the compensation plan of the College District.~~ budget.

Pay Increases

The College President or designee shall determine pay adjustments for individual employees, within the approved budget following established procedures.

Mid-Year Pay Increases

Contract Employees

A contract employee's pay may be increased after performance on the contract has begun only if authorized by the compensation plan of the College District or there is a change in the employee's job assignment or duties during the term of the contract that warrants additional compensation. Any such changes in pay that do not conform with the compensation plan shall require Board approval. [See DEA(LEGAL) for provisions on pay increases and public hearing requirements]

Noncontract Employees

The College President or designee may grant a pay increase to a noncontract employee after duties have begun because of a change in the employee's job assignment or to address pay equity.

COMPENSATION AND BENEFITS
~~SALARIES AND WAGES~~ COMPENSATION PLAN

DEA
(LOCAL)

	<p>The College President shall report any such pay increases to the Board at the next regular meeting.</p>
Pay During Closing	<p>If the Board chooses to pay employees during an emergency closure for which the workdays are not scheduled to be made up at a later date, then that authorization shall be by resolution or other Board action and shall reflect the purpose served by the expenditure.</p>
Classification of Positions	<p>The College President or designee shall determine the classification of positions or employees as "exempt" or "nonexempt" for purposes of payment of overtime in compliance with the FLSA.</p>
Exempt	<p>The College District shall pay employees who are exempt from the overtime pay requirements of the FLSA on a salary basis. The salaries of these employees are intended to cover all hours worked, and the College District shall not make deductions that are prohibited under the FLSA.</p> <p>An employee who believes deductions have been made from his or her salary in violation of this policy should bring the matter to the College District's attention, through the College District's complaint policy. [See DGBA] If improper deductions are confirmed, the College District shall reimburse the employee and take steps to ensure future compliance with the FLSA.</p>
Nonexempt	<p>Nonexempt employees may be compensated on an hourly basis or on a salary basis. Employees who are paid on an hourly basis shall be compensated for all hours worked. An employee who is paid on a salary basis shall be paid for up to and including a 40-hour workweek.</p> <p>A nonexempt employee shall have the approval of his or her supervisor before working overtime. An employee who works overtime without prior approval is subject to discipline but shall be compensated in accordance with the FLSA.</p>
Workweek Defined	<p>For purposes of FLSA compliance, the workweek for College District employees shall be 12:00 a.m. Sunday until 11:59 p.m. Saturday.</p>
Compensatory Time	<p>At the College District's option, nonexempt employees may receive compensatory time off, rather than overtime pay, for overtime work. The employee shall be informed in advance if overtime hours will accrue compensatory time rather than pay.</p>
Accrual	<p>Compensatory time earned by nonexempt employees may not accrue beyond a maximum of 30 hours. If an employee has a balance of more than 30 hours of compensatory time, the College District shall require the employee to use the compensatory time, or at</p>

COMPENSATION AND BENEFITS
~~SALARIES AND WAGES~~ COMPENSATION PLAN

DEA
(LOCAL)

	the College District's option, the College District shall pay the employee for the compensatory time.
Use	An employee shall use compensatory time within the duty year in which it is earned. If an employee has any unused compensatory time remaining at the end of a duty year, the College District shall pay the employee for the compensatory time. Compensatory time may be used at either the employee's or the College District's option. An employee may use compensatory time in accordance with the College District's leave policies and if such use does not unduly disrupt the operations of the College District. [See DEC(LOCAL)] The College District may require an employee to use compensatory time when in the best interest of the College District.
Gifts, Grants, and Donations for Salary Supplements	The College District shall not accept gifts, grants, donations, or other consideration designated for use as salary supplements.

COMPENSATION PLAN
INCENTIVES AND STIPENDS

DEAA
(LOCAL)

Stipend

The College President shall recommend a stipend pay schedule as part of the annual compensation plan of the College District. [See DEA]

Supplemental
Duties

The College President or designee may assign noncontractual supplemental duties to personnel exempt under the Fair Labor Standards Act (FLSA), as needed. [See DJ(LOCAL)] The employee shall be compensated for these assignments according to the compensation plan of the College District.

Classification of Positions	<p>The College President or designee shall determine the classification of positions or employees as “exempt” or “nonexempt” for purposes of payment of overtime in compliance with the Fair Labor Standards Act (FLSA).</p>
Exempt	<p>The College District shall pay employees who are exempt from the overtime pay requirements of the FLSA on a salary basis. The salaries of these employees are intended to cover all hours worked, and the College District shall not make deductions that are prohibited under the FLSA.</p> <p>An employee who believes deductions have been made from the employee’s salary in violation of this policy should bring the matter to the College District’s attention, through the College District’s complaint policy. [See DGBA] If improper deductions are confirmed, the College District shall reimburse the employee and take steps to ensure future compliance with the FLSA.</p>
Nonexempt	<p>Nonexempt employees may be compensated on an hourly basis or on a salary basis. Employees who are paid on an hourly basis shall be compensated for all hours worked. An employee who is paid on a salary basis shall be paid for up to and including a 40-hour workweek.</p> <p>A nonexempt employee shall have the approval of the employee’s supervisor before working overtime. An employee who works overtime without prior approval is subject to discipline but shall be compensated in accordance with the FLSA.</p>
Workweek Defined	<p>For purposes of FLSA compliance, the workweek for College District employees shall be 12:00 a.m. Sunday until 11:59 p.m. Saturday.</p>
Compensatory Time	<p>At the College District’s option, nonexempt employees may receive compensatory time off, rather than overtime pay, for overtime work. The employee shall be informed in advance if overtime hours will accrue compensatory time rather than pay.</p>
Accrual	<p>Compensatory time earned by nonexempt employees may not accrue beyond a maximum of 30 hours. If an employee has a balance of more than 30 hours of compensatory time, the College District shall require the employee to use the compensatory time, or at the College District’s option, the College District shall pay the employee for the compensatory time.</p>
Use	<p>An employee shall use compensatory time within the duty year in which it is earned. If an employee has any unused compensatory time remaining at the end of a duty year, the College District shall pay the employee for the compensatory time.</p>

Compensatory time may be used at either the employee's or the College District's option. An employee may use compensatory time in accordance with the College District's leave policies and if such use does not unduly disrupt the operations of the College District. [See DEC(LOCAL)] The College District may require an employee to use compensatory time when in the best interest of the College District.

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

All College District employees shall perform their duties in accordance with state and federal law, College District policy, and ethical standards.

All College District personnel shall recognize and respect the rights of students, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the College District.

Employees wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

Ethical Standards

The College District holds all employees to the ethical standards expressed in the [Texas Community College Teachers Association Code of Professional Ethics \(PDF\)](#).¹

Violations

Employees shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to their status as College District employees. Violation of any policies, regulations, or guidelines may result in disciplinary action, including termination of employment. [See DCC, DIAA, and DM series]

Electronic Media

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (email), web logs (blogs), electronic forums (chat rooms), video-sharing websites, editorial comments posted on the internet, and social network sites. Electronic media also includes all forms of telecommunication, such as landlines, cell phones, and web-based applications.

Record Retention

An employee shall comply with the College District's requirements for records retention and destruction to the extent those requirements apply to electronic media. [See CIA and GCB]

Personal Use

Employees shall be held to the same professional standards in their public use of electronic media as they are for any other public conduct. If an employee's use of electronic media violates state or federal law or College District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Safety Requirements

All employees shall adhere to College District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

**Tobacco and
E-cigarettes**

An employee shall not use tobacco products or e-cigarettes on College District property, in College District vehicles, or at College District-related activities, unless authorized by the ~~College President or designee~~. [College President or designee](#). [See FLBD]

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

An employee shall not give or sell tobacco products or e-cigarettes to a person in violation of law.

Alcohol and Drugs

A copy of this policy, the purpose of which is to eliminate drug abuse from the workplace, shall be provided to each employee at the beginning of each year or upon employment.

Employees shall ~~not manufacture, distribute, dispense, possess, use~~ be prohibited from using, possessing, controlling, manufacturing, transmitting, distributing, dispensing, selling, or ~~be~~ being under the influence of any of the following substances ~~during working hours while conducting College District business or~~ while on College District property, ~~in College District vehicles,~~ or at College District-related activities, ~~whether~~ during or outside of usual working hours:

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. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any performance-enhancing substance, including steroids.
5. Any designer drug.
- 4.6. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.

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.

An employee need not be legally intoxicated to be considered "under the influence" of alcohol or a controlled substance.

Exceptions

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

1. Manufactures, possesses, controls, sells, transmits, distributes, or dispenses a substance listed above as part of the employee's job responsibilities;
2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use;

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee's child or other individual for whom the employee is a legal guardian;
4. Cultivates, possesses, transports, or sells hemp as authorized by law; or
5. Possesses, sells, or distributes Dextromethorphan.

Paraphernalia

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

Notice

Each employee shall be given a copy of the College District's notice regarding a drug-free workplace. [See DI(EXHIBIT)]

Arrests, Indictments, Convictions, and Other Adjudications

An employee shall notify ~~his or her~~ the employee's immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony or offense involving moral turpitude.

Moral Turpitude

Moral turpitude includes but is not limited to:

1. Dishonesty, fraud, deceit, theft, or misrepresentation;
2. Deliberate violence;
3. Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
4. Felony possession, transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
5. Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12-month period; or
6. Acts constituting abuse under the Texas Family Code.

¹ Texas Community College Teachers Association Code of Professional Ethics (PDF): <http://www.tccta.org/wp-content/uploads/2016/01/TCCTA-Ethics.pdf>

TUITION AND FEES

FD
(LOCAL)

Upon recommendation by the College President, tuition and fees shall be set annually by the Board and shall be published in the College District catalog and other appropriate publications.

Excessive Hours or Repeated Courses

The Board shall determine annually if the College District shall charge a resident a higher tuition rate for excessive hours or repeated courses in accordance with law. If the Board adopts a higher rate, the Board shall describe any applicable exemptions. The rates, exemptions, and required notice shall be published in the College District catalog and other appropriate publications.

Waivers

The College District shall publish in the College District catalog and other appropriate publications:

1. The tuition and fee waivers the College District is required by law to grant; and
2. Any legally authorized tuition and fee waiver adopted by the Board.

Collection of Tuition and Fees

Installment
Payments

The Board may adopt an installment payment plan in accordance with state law.

Collection
Procedures

The College President is authorized to develop procedures for the collection of tuition and fees.

Refund Policy

The College District shall refund tuition and fees for courses from which the students drop or withdraw in accordance with law and related provisions adopted by the Board and published in the College District catalog and in any other appropriate College District publication. Tuition and fees paid directly to the institution by a sponsor, donor, or scholarship shall be refunded to the source rather than directly to the student.

Note: This policy addresses bullying targeting College District students. For provisions regarding discrimination and harassment targeting College District students, see [FFDFFDA](#) and [FFDB](#).

Bullying Prohibited

The College District prohibits bullying as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited.

Definitions

Bullying

Bullying occurs when a student or group of students engages in written or verbal expression, expression through electronic means, or physical conduct that occurs on College District property, at a College District-sponsored or College District-related activity, or in a vehicle operated by the College District and that:

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
2. Is so sufficiently severe, persistent, and pervasive that the action or threat limits or denies a student's ability to participate in or benefit from the College District's educational program.

Examples

Bullying of a student may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name-calling, rumor spreading, or ostracism.

Retaliation

The College District prohibits retaliation by a student or College District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.

Examples

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

False Claim

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation regarding bullying or retaliation as defined by this policy shall be subject to appropriate disciplinary action.

Timely Reporting

Reports of bullying or retaliation shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the College District's ability to investigate and address the prohibited conduct.

Reporting Procedures	To obtain assistance and intervention, any student who believes that he or she the student has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to an instructor, counselor, administrator, or other College District employee.
Student Report	
Employee Report	Any College District employee who suspects or receives notice that a student or group of students has or may have experienced bullying or retaliation shall immediately notify the vice president of instruction.
Report Format	A report may be made orally or in writing. The vice president of instruction The vice president of instruction or designee shall reduce any oral reports to written form.
Prohibited Conduct	The vice president of instruction vice president of instruction or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFDA or FFDB, including harassment or discrimination on the basis of race, color, religion, sex, gender, national origin, disability, or age. If so, the College District shall proceed under policy FFDA or FFDB, as appropriate, instead. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFDA or FFDB, as appropriate, shall include a determination on each type of conduct.
Investigation of the Report	The vice president of instruction vice president of instruction or designee shall conduct an appropriate investigation based on the allegations in the report. The vice president of instruction The vice president of instruction or designee shall promptly take interim action calculated to prevent bullying or retaliation, as defined by this policy, during the course of an investigation, if appropriate.
Concluding the Investigation	Absent extenuating circumstances, the investigation should be completed within ten College District business days from the date of the initial report alleging bullying or retaliation, as defined by this policy; however, the vice president of instruction vice president of instruction or designee shall take additional time if necessary to complete a thorough investigation. The vice president of instruction vice president of instruction or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying or retaliation, as defined by this policy, occurred. A copy of the report shall be sent to the College President or designee.
College District Action	If the results of an investigation indicate that bullying or retaliation as defined by this policy occurred, the College District shall

promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

Corrective Action	<p>Examples of corrective action may include implementing:</p> <ul style="list-style-type: none">• Implementing a training program for the individuals involved in the complaint, implementing;• Implementing a comprehensive education program for the College District community, conducting;• Conducting follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving;• Involving students in efforts to identify problems and improve the College District climate, increasing;• Increasing staff monitoring of areas where bullying or retaliation has occurred,; and reaffirming• Reaffirming the College District's policy against bullying and retaliation.
Improper Conduct	<p>If the investigation reveals improper conduct that did not rise to the level of bullying or retaliation as defined by this policy, the College District may take disciplinary or any other appropriate corrective action.</p>
Confidentiality	<p>To the greatest extent possible, the College District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.</p>
Appeal	<p>A student who is dissatisfied with the outcome of the investigation may appeal through FLD(LOCAL), beginning at the appropriate level.</p>
Records Retention	<p>Retention of records shall be in accordance with the College District's records retention procedures. [See CIA]</p>
Access to Policy and Procedures	<p>Information regarding this policy and accompanying procedures shall annually be made available to College District employees and students and shall be published on the College District's website. Copies of the policy and procedures shall be readily available at the College District's administrative offices.</p>