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## FACULTY

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Frank Phillips College
2011-2012 Mission Statement, Goals, and Objectives

Mission Statement:
Frank Phillips College is a comprehensive, two-year community-based educational organization committed to providing high-quality learning experiences and services.

Goals and Objectives:

Financial: Achieve and Maintain Financial Stability
a. Develop and implement a plan for increasing enrollment and contact hours by 10%. Align with anticipated State funding.
b. Secure outside funding anticipating that proceeds from the State decrease. Secure outside funding for the science lab project.
c. Present budgets for the next 2 to 5 years for the Board to consider, defining the assumptions within the context of a changing environment, and anticipating State revenue changes.

Facilities: Improve and Maintain the Physical Plant
a. Exercise stewardship over the physical plant by preserving its functionality and its aesthetic appearance, and by maximizing its longevity.
b. Create maintenance plans for roofs, HVAC’s, and parking lots. The intent shall be to maximize economic lifetime of the capital facility. Use the maintenance plans to prepare the annual and projected budgets.

Educational Programs: Increase Curriculum Offerings
c. Develop opportunities for on-site training within the service area.
d. Develop a needs-assessment study for area industries regarding continuing education courses such as crane operation, OSHA training, and/or other areas of need. Implement courses based on findings.
e. Proactively collaborate and develop partnerships with other higher education institutions on program development, implementation, and expansion.

Internal Activities: Promote Programs that Contribute to Student and Institutional Success
a. Further enhance technology using computer lab and technical equipment acquired through industry donations and grants.
b. Continue steady growth in the utilization of classrooms and labs to meet industry and community needs.
c. Increase by 20% on contact hour generation and head count in the instrumentation and electrical programs within the next 12 months.
d. Increase by 20% on continuing education contact hours by developing customized and contract training to meet industry needs.
e. Revise Industrial Manufacturing Technology program which includes the AAS and certificate programs to stay current with industry requirements and needs. Name change to Instrumentation and Electrical Technology to align with industry requirements. Offer a basic certificate in Pump and Engine Technology beginning spring 2012.

External Activities: Promote the Visibility and Advancement of the College
a. Pursue and develop a permanent institutional presence in Dalhart.
b. Pursue partnerships with area businesses.
Frank Phillips College
Planning Timeline
2011-2012

January

- Board of Regents considers (re) employment of College President

February

- Board of Regents election is called in even numbered years

March

April

May

- Board election in even-numbered years
- Board officers elected at next regular meeting after election
- Commencement

June

- Board approves the Employee Handbook

July

- Tax Rate Hearings, as needed

August

- Annual Board of Regents Workshop; Board of Regents Self-Evaluation
- Board of Regents approves the annual institutional budget
- Board of Regents approves the College Mission Statement and Goals
- Board of Regents approves the College Investment Policy

September

- Board of Regents approves the FPC Emergency Response Manual

October

November

- Board of Regents approves the annual audit
- President will present the Annual Report to the Board of Regents
- President’s Evaluation Document is distributed to Board of Regents Members
Recognition

Frank Phillips College is approved and accredited by the Texas Education Agency, The Association of Texas Colleges and Universities and the Commission on Colleges of Southern Association of Colleges and Schools (1866 Southern Lane, Decatur, Georgia 30033-4097; telephone number 404-679-451) to award Associate degrees.

Employee Handbook

This handbook is used as guideline. This handbook is not intended to imply any contract or contractual rights.

Personnel Policies

I. Holidays and Vacations
   A. Holidays and vacations for faculty-staff personnel are determined by the college administrative officers in accordance with the annual contract period.
   B. To be paid for the holiday staff employees must work following the holiday.
   C. Refer to Board Policy Manual.

II. Insurance benefits. Commensurate with institutionally adopted practice. See Benefits Coordinator.

III. Payroll deduction available. See Benefits Coordinator.

IV. Tax-sheltered annuities. These may be purchased through insurance companies and deducted from full-time employee's gross pay through payroll deduction. See Benefits Coordinator for list of approved companies.

V. Teacher Retirement System of Texas (See also, Board Policy Manual DF). All full-time employees are members of the Teacher Retirement System of Texas. The employee contributes a percentage of monthly compensation through payroll deduction to the TRS and the State contributes a percentage of monthly compensation to the TRS.

VI. Optional Retirement Program. Commensurate with institutionally adopted practice. See Benefits Coordinator.

VII. Social Security. Full-time college employees are not covered by Social Security.

VIII. Credit Union. All full-time employees are eligible for membership in the H & H School Employees Federal Credit Union, which has locations in Borger and in Stinnett. Loan payments and savings may be made through payroll deduction.

IX. Tuition Policy (See also, Board Policy Manual DEB-LOCAL).
   A. Eligibility. Employees who work full time and their immediate family--husband, wife, or dependent children--are eligible for free tuition at Frank Phillips College.
   B. Allowable tuition-free classes. All college credit classes and Adult Continuing Education classes are tuition free. Lab fees and other required fees must be paid by the employee.
   C. The employee or member of the employee's family should report to the Vice President for Academic Affairs Office for a scholarship letter.

X. FPC 401(K) Plan available. See Benefits Coordinator.
XI. Alcohol and Drug Policy (See also, Board Policy Manual DO(E)LOCAL)
   A. In compliance with Section-1213 of the Higher Education Act of 1965 and amended in 1989, Frank Phillips College is committed to the elimination of alcohol abuse and illicit drug use. Compliance with this policy is required of all employees of Frank Phillips College.
   B. Legal sanctions. Violations render all guilty members of the college community subject to immediate dismissal and or removal from that individual's current status at Frank Phillips College, making them subject to off-campus authorities and the possibility of fines and/or confinement.
   C. Drug Testing. An employee that is required to have a Commercial Driver’s License (CDL) can be randomly drug tested after successfully obtaining the CDL.

XII. Tobacco Policy. Tobacco use is prohibited in college buildings.

XIII. Parking Policy. There is no designated parking on the campus except for handicapped. Employees are to park in lined parking areas. Employees who park vehicles in no parking, yellow zones and on the grass are subject to tow at the employee's expense.

XIV. Privacy
   A. Employee personnel files are the property of the college.
   B. The employee may request, in writing, access to his/her file. The request must be made to the President of the College.
   C. The employee must give written authorization permitting the college to provide information to prospective employers.

XV. Frank Phillips College Public and Directory Information
   Under P.L. 93-380, the college is authorized to release directory information to the general public without the written consent of the student. A student may request that all or any of the general information be withheld from the public by making a written request to the Office of Admissions and Records by the last official day to register for a given semester. The request will apply only to the current enrollment period. The following information is considered public and directory information:
   - Name
   - Dates of Attendance
   - Student classification
   - Degrees and certificates received
   - Awards received, the type of award received (academic, technical, Tech-Prep, or continuing education)
   - Field of Study
   - Enrollment Status (full-time, part-time, undergraduate, etc.)
   - Name of most recent institution attended

XVI. Travel, Reimbursable Expenses, and Claims Policy
   Prior to making a trip, employees must obtain supervisor's permission and then schedule a vehicle through Outlook Calendar. Compliance with the guidelines for use of a College vehicle is required. Upon return from scheduled trip, the employee must submit a “Travel Expense” statement, which includes all receipts pertaining to the trip. All travel expenses must relate to the necessary business of the College. Those expenses not related to the College will be the responsibility of the employee. Travel statements and expense reports shall be completed and submitted for approval through his/her respective department Director and then forwarded to the Business Office. For the Director level and above, approval will come from employee’s direct supervisor. Travel statements should be submitted in a timely manner. For overnight travel, the travel statement should be completed within four business days of returning. All employees and students authorized
to travel or drive a College vehicle must have on file in the Business Office a copy of his/her valid driver’s license. Total travel expenditures must be held within the budgeted amount established for each individual or division.

Employees who drive FPC vehicles are subject to annual background checks.

Frank Phillips College credit cards may be issued to approved employees who travel on a regular basis. Credit cards will be issued to employees upon approval of the Vice President for Academic Affairs/Chief Academic Officer and the Business Office. All employees who are issued a credit card will be required to sign a credit card agreement. The following stipulations will be followed:

- The cardholder is the only person authorized to use the card.
- All charges must relate to the necessary business of the college – no personal purchases.
- Report lost or stolen credit cards immediately to the issuing bank and to the Business Office.
- Use of credit card cash advances should be accessed in a limited manner and only when necessary. Use of cash advances also must relate to the necessary business of the college.

*Note*: Any misuse of the credit card including, but not limited to the above stated items may be grounds for termination of employment from Frank Phillips College.

Reimbursable Expenses:

- Automobile expense: the mileage allowance for all privately owned vehicles used for official college business shall not exceed the annually approved allowance. Toll charges and parking fees are reimbursable on an actual expense basis. Reimbursable automobile expenses must be submitted on official college forms.
- Other expenses: in addition to reimbursable travel expense, the following expenses are reimbursed on an actual cost basis:
  1. Meals: a reasonable cost of each meal plus tip, not to exceed the annually approved per day reimbursement.
  2. Guests: if, while in travel status, a meal is paid for by an employee for other employees, the name of the other employees must be shown on the reimbursement request. Reimbursement of expense for guests other than fellow employees will be disallowed unless prior approval has been obtained.
  3. Lodging: actual cost of lodge and tip is reimbursable.

Purchasing Procedures:

Purchases made through Frank Phillips College are grouped by dollar amount:

- Purchases exceeding $450
- Purchases less than $450
- Computer hardware, software & related items

Purchases exceeding $450:

- Purchases exceeding $450 must be initiated with a purchase order
- The purchase order must be authorized and approved by the Director of that department and the Business Office
- The Vice President for Academic Affairs/Chief Academic Officer will approve purchases exceeding $1,000
- For non-instructional departments, the Business Office will provide authorization and approval
- The approval of the President is required on all purchases exceeding $2,500
- For the Director level and above, the direct supervisor must approve purchases
• The correct account number is required for all purchase orders
• Once a purchase order is approved, orders may be placed for items requested

Purchases exceeding $25,000 - At least three competitive bids (or request for proposals) are required on all items that are purchased from one vendor and have an estimated annual total of $25,000 or more. For a complete explanation refer to the Handbook on Purchasing for Texas Public Schools, Junior Colleges and Community Colleges published by the Texas Education Agency published by the Texas Education Agency, at www.tea.state.tx.us (website).

Purchases less than $450:
• Purchases less than $450 must be initiated with a purchase order, standing purchase order or FPC issued credit card
• The purchase must be authorized and approved by the Director of the department
• The immediate supervisor must approve purchases for the Director level and above.
• The correct account number is required on all purchases

Credit card purchases are authorized under the guidelines explained in the “Travel Policies” section of this document.

Purchases for computer software, hardware & related items:
• All purchases must be authorized and approved by the Director of that department and the Vice President of Administrative Services.

Note: Follow the above guidelines depending if the purchase exceeds or is less than $450.

XVII. Posting Signs: The Vice President for Academic Affairs must approve all signs before they are posted on campus.

XVIII. Policy for Use of Technology Resources. Inappropriate use of college technology, including pornography and excessive non-college use, may be subject to disciplinary procedures or dismissal.

XIX. Keys. All keys issued to personnel are the property of the college. Keys are not to be loaned to students or other personnel. A request for keys must be made to the appropriate Dean and signed for with the Director of the Physical Plant.

XX. Reservation of Meeting Rooms
A. Reservation of meeting rooms is initiated by the Office of the President.
B. To schedule a meeting, utilize the Outlook electronic calendar.
C. Use of College facilities by outside organizations must be coordinated through the Office of the President.

XXI. Fund Raising Procedure and Policy Statement
The College President must approve all fund raising and development in writing, in advance. It is the President that works with groups that are interested in the funding of the College i.e., the Texas Legislators and state agencies; state and federal government; area, regional, and local foundations; Plainsmen Partners; the Development Corporation, and other funding agencies. Preparation and writing of grants to fund plans of the College, delegation or fund raising and grant development are the responsibility of the President.

Clubs and organizations are permitted to raise funds through limited and monitored activities approved by the Office of the President or the Office of Institutional Advancement. These fund raising activities must receive the approval of the President.
This includes the raising of funds for athletics and activities. These fund raising activities must be submitted to the President for approval in advance of raising funds.

XXII. Transportation Management Policy: Modes of transportation used for student travel shall include, but not be limited to, cars, vans, and buses. Travel arrangements for student groups shall be made in accordance with administrative regulations.

A driver who is transporting students in Frank Phillips College owned or leased vehicles must:
1. Be an employee of the college district.
2. Hold a valid driver’s license appropriate for the vehicle to be driven. A driver of a commercial motor vehicle must have a commercial driver’s license (CDL).
3. Have an acceptable driving record.

The driver shall ensure that the number of passengers does not exceed the designed capacity of the vehicle and that each passenger is secured by a safety belt, if provided.

A driver shall not drive for more than twelve (12) hours without taking an eight (8) hour break or relief from driving.

XXIII. Sexual Harassment (See also, Board Policy Manual DHA-LOCAL)
A. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other sexual conduct, either verbal or physical, or any conduct or other offensive unequal treatment of an employee, or group of employees that would not occur but for their sex, when:
   (1) The advances, requests, or conduct have the effect of interfering with performance of duties or creating an intimidating, hostile, or otherwise offensive work environment; or
   (2) Submission to such advances, requests, or conduct is explicitly or implicitly a term or condition of an individual's employment or advancement, or
   (3) Submission to or rejection of such advances, requests, or conduct is used as a basis for employment decisions.

B. Prohibited Conduct. Employees shall not engage in conduct constituting sexual harassment. The District shall investigate all allegations of such harassment and shall take appropriate disciplinary action against employees found to engage in such harassment.

C. Complaint Procedure. An employee who believes he/she has been or is being subjected to any form of sexual harassment as defined above shall bring the matter to the attention of the immediate supervisor in accordance with the Grievance Policy. If the complaint is against the immediate supervisor, the employee shall bring the matter to the attention of the appropriate dean.

D. All complaints will be taken seriously.
E. All reasonable effort will be made to protect the employee’s right to confidentiality.
F. See Grievances and Complaints.

XXIV. Grievances and Complaints (See also, Board Policy Manual DGBA-LOCAL)
A. Employees who feel they have been discriminated against or who have been asked to perform an illegal act are encouraged to report such incidents immediately.
B. All complaints will be taken seriously.
C. All reasonable effort will be made to protect the employee’s right to confidentiality.
D. No reprisals or retaliation of any kind shall be taken at any level against an employee for bringing a complaint. Complaints shall not be referred to in an employee’s personnel file unless so requested by the employee.
E. Representation. The employee filing a complaint or any employee who is the subject of a complaint may be represented at his/her own expense by a fellow employee, attorney, or other person or organization that does not claim the right to strike. The College may be assisted in processing complaints, as it deems appropriate.

F. Time Limits. In resolving complaints, time is of the essence. All time limits shall be strictly complied with, unless extended by mutual consent. All references are to calendar days. The complaint shall be considered concluded if the employee does not appeal within the stated time limits.

G. Informal Presentation. Employees shall be entitled to administrative review conferences as outlined in Level One, Level Two, and Level Three sections below and to an informal presentation of the complaint to the Board as specified in the Level Four section, unless the Board grants a hearing.

H. Hearing. If an employee alleges in writing specific facts that, if true, would constitute a violation of the employee's common law, statutory, or constitutional rights, the College President or designee shall investigate the allegations. If the employee does not accept the College President's resolution at Level Three and requests a Board hearing, the College President shall schedule a hearing as specified in the Level Four section below.

I. Level One. An employee who has a complaint shall meet with his/her immediate supervisor within 15 days of the time the employee first knew or should have known of the event or series of events causing the complaint. At this meeting, the employee shall submit the complaint in writing on a form provided by the College. The immediate supervisor shall respond in writing within seven days of the complaint conference. If the complaint is against the immediate supervisor, the employee shall bring the matter to the attention of the appropriate dean.

J. Level Two. If the outcome of the complaint conference at Level One is not to the employee's satisfaction, the employee may meet with the dean or designee to discuss the complaint within 14 calendar days after the Level One conference. At or prior to the conference, the employee shall submit the original complaint, the supervisor's response, and, if desired, written comments regarding the supervisor's response. The dean or designee shall respond in writing to the employee within seven days of the complaint conference.

K. Level Three. If the outcome of the complaint conference at Level Two is not to the employee's satisfaction, the employee may meet with the College President or a designee to discuss the complaint within 14 calendar days after the Level Two conference. At or prior to the conference, the employee shall submit the complete written documentation of the complaint and, if desired, written comments regarding the dean or designee's response. The College President or designee shall respond in writing to the employee within seven days of the complaint conference.

L. Level Four. If the outcome at Level Three is not to the employee's satisfaction, the employee may submit a written request to place the matter on the agenda of a future Board meeting within 14 calendar days after the Level Three conference. The employee shall also submit the complete written documentation of the complaint. The College President shall inform the employee of the date, time, and place of the meeting. The Board Chair may set reasonable time limits on complaint presentations. The Board shall listen to the complaint, but is not required to respond or take any action on the matter, unless in its sole discretion it determines some response is warranted.

M. Hearing. Employees who are granted a hearing shall be afforded that hearing either with the Board in a meeting that includes the hearing as an item in the posted agenda or with the Board's designee. If the Board conducts the hearing, it shall make and communicate its decision at any time up to and including the next regularly scheduled Board meeting. If the Board's designee conducts the hearing, he or she shall make a recommendation to the Board at the first regular meeting following the hearing that affords adequate time to prepare a written recommendation. The employee shall be provided a copy of the recommendation before the meeting and shall be given an opportunity at the meeting to
respond to the recommendation either orally or in writing. The Board shall then make and communicate its decision at any time up to and including the next regularly scheduled Board meeting.

N. Executive Session. If the complaint involves the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the employee, it will be heard in executive session unless the employee requests it to be public. If the complaint involves complaints or charges about another employee, it will be heard in executive session unless the employee complained about requests it to be heard in public.

Employees who fail to abide by the employment policies may be subject to disciplinary procedures.

XXV. Faculty/Staff Meeting
A. During the academic year the president will hold a monthly faculty/staff meeting.
B. All personnel are expected to attend.

XXVI. Committee Assignments
A. Serving on a committee is a condition of employment.

XXVII. Jury Duty
A. Eligibility. Employees who work full time (including faculty) will be paid their regular salary or wages when serving on a jury.
B. The immediate supervisor must be notified within fifteen minutes after the beginning of the workday of jury duty absence.
C. The immediate supervisor must report this time off in writing to the payroll office.

Political Issues
A. Employees of Frank Phillips College shall not solicit support of any political candidate, partisan or non-partisan, or support of any issue or any referendum matter, during regular hours and/or on college property.
B. Frank Phillips College personnel are free, as citizens, to express their opinions through letter-to-the-editor or other media. In such cases, college personnel should refrain from identifying themselves as employees of the college. This precludes the use of college letterheads for such correspondence.
C. Employees of the college are free, as citizens, to participate in political activity and serve as political party or public officials, whenever consistent with state law, except during regular hours and/or on college property.
D. Refer to Board Policy Manual.

Outside Employment and Civic/Community Involvement
A. Outside employment of full-time FPC employees may be permitted upon prior approval from the college president.
B. Civic and Community involvement is encouraged, with the understanding that time away from the work place requires prior arrangements through the office of the president. Employees serving elected offices will utilize personal and vacation days for time away from the work place.
C. Questions relative to outside employment and/or public service are to be answered in advance.
D. Refer to Board Policy Manual.
Intellectual Property

An employee who conceives, creates, discovers, invents, or develops intellectual property may own or be awarded any amount of equity interest or participation in, or, if approved by the Board, serve as a member of the board of directors or other governing board or as an officer or an employee of, a business entity that has an agreement with the state or a political subdivision of the state relating to the research, development, licensing, or exploitation of that intellectual property without creating a conflict of interest.

Such an employee shall report to the appropriate person or persons at the College District the name of the business entity in which the person has an interest or for which the person serves as a director, officer, or employee. The Board shall include in the appropriate annual report required by Education Code 51.005 the information provided to it under this requirement during the preceding fiscal year. *Education Code 51.912* (See also Board Policy DBD LEGAL and BDB LOCAL).

FACULTY--PERSONNEL POLICIES

Faculty Code

The faculty may adopt and maintain a Faculty Code as its own independent expression of the standards by which all members of the faculty should be guided in their service at the college and in their relations to students, fellow members of the faculty, and the community. However, no provision in such Code shall be effective if it is contrary to the provision of law, the College Faculty Handbook, or the regulations established by the President of the College. Refer to Board Policy Manual. See TCCTA Code of Professional Ethics, page 23.

Continuing Scholarship

To keep scholarship as current as possible, faculty members are encouraged to continue their graduate academic studies through provisions in the salary schedule for salary upgrading. The following policy has been approved by the Board to encourage faculty members to continue their education for professional improvement and for salary purposes:

B. Faculty members shall be expected to complete the equivalent of six semester hours of graduate classroom work every five years until they have completed a total of thirty hours of acceptable work above a master’s degree. Occupational education faculty for whom licensure is a requirement for employment shall take the equivalent of six semester hours in areas related to their teaching field.

C. Approved work taken in major fields, minor fields, and doctoral courses related directly to improvement of college teaching and/or the institution will count toward salary increments and professional improvement. Courses related to or involving the writing of the dissertation will not be compensated.

D. Work in other approved areas may be counted toward the six-semester hour requirement.

D. All work must be approved in advance in writing by the College President or designee.

Graduation Exercises

A. Graduation exercises are held at the end of the spring semester.

B. All full-time college faculty are required to attend college graduation exercises.

C. Refer to Board Policy Manual.

Faculty Development Policy

Frank Phillips College encourages Faculty Professional/Development for both full-time and part-time faculty. It may be in the form of continuing scholarship and may include course work to meet the requirements of "Continuing Scholarship" in the Faculty Handbook. It may include any self-improvement courses taken. Faculty in-service meetings are an important
way for faculty to meet some of the requirements for faculty development. Other activities, including great teaching seminars, professional discipline meetings, community college teachers’ association convention, and other pedagogical meetings, are important ways to participate in development activities. On occasion the college may hold special meetings for faculty-staff development, and the college may participate in teleconferences that are appropriate.

Each faculty member will maintain a record of development activities in the Instructional Services Office. Faculty development will be part of each faculty member’s evaluation. Part-time faculty will be encouraged to participate in faculty development activities.

Copyrighted Computer Software
Frank Phillips College does not condone any illicit use of software. The College recognizes that the law concerning legal protection of software, particularly with regard to licenses is unsettled. If software has been copyrighted and/or received under license, someone wishing to make a copy considers the following lawful use of that software.

A. Making backup copies for emergency purposes, even if the software is copy protected. Software provided by the College for agents of the College may copy use by students for emergency backup but not by individual students.

B. Configuring the software and making other reasonable modifications specifically designed to fit the software to the user's need. (Note: In some instances, such action may void any warranty on the software.) Limitations on configuring software are the same as for making back-up copies, described in #1 above.

C. Using the software on no more than one machine at any given time.

D. Selling or giving the original copy and documentation to another, provided that the transferor keeps no copies whatsoever of either the software or documentation and provides the transferee only with original copies. (This assumes that the copy of the software is owned rather than borrowed or leased.

PROHIBITIONS: The following are actions that are considered illicit and may subject the actor to sanctions by the College and could result in legal action by the copyright owner:

A. Providing copies of copyrighted or licensed software to others while maintaining copies for one's own use, unless there is a specific provision in the license allowing such activity. The activity is forbidden even if the software is provided without cost for an educational purpose.

B. Using software or documentation known to have been obtained in violation of the copyright laws or a valid license provision. Use of a copy of a copyrighted program obtained from another party for which no license exists that allows such a transfer will be presumed to know, and the burden of demonstrating that the use was innocent will rest with the user.

C. Using a copyrighted program on more than one machine at the same time, unless a specific license provision permits such activity. The above statements are general and may be contrary to the statements supplied with the software. It is the software user responsibility to become familiar with the copyright provisions applicable to each piece of software he/she uses.

FACULTY EMPLOYMENT POLICY

Academic Freedom and Responsibility

Institutions of higher education are conducted for the common good. The common good depends upon a free search for truth and its free expression. Hence, it is essential that the faculty member is free to pursue scholarly inquiry without undue restriction and to voice and publish conclusions concerning the significance of evidence considered relevant. The faculty member must be free from the fear that others inside or outside the college community, because their vision may differ, may threaten a professional career or the material benefits accruing from it.
Each faculty member is entitled to full freedom in the classroom in discussing the subject being taught. The concept of academic freedom must be accompanied by an equally demanding concept of responsibility, shared by governing boards, administrators, and faculty members. When speaking, writing, or acting as a citizen of the nation, state, or community, the faculty member must be free from institutional censorship or discipline. The essential responsibilities of a faculty member include maintenance of competence in the field of specialization and the exhibition of such competence in lectures, discussions, or publications. Exercise of professional integrity by a faculty member includes recognition that the public will judge the profession and the institution by that faculty member's appropriate restraint, respect for the opinions of others, and avoidance of the impression, when speaking and acting as a private person, that the faculty member is speaking for the college. A faculty member should be judicious in the use of controversial material in the classroom and should introduce such material only as it has clear relationship to the subject field.

Faculty Selection
A. Frank Phillips College is an equal opportunity employer.
B. Notification of vacancy is made public.
D. After applications are screened, finalists are interviewed. Administration, faculty and staff representatives conduct interviews.
E. The Vice President for Academic Affairs/Chief Academic Officer recommends two to three candidates to the President for approval and formal employment.

Term of Contract
A contract of employment with the District creates a property interest in the position only for the period of time stated in the contract. Such a contract creates no property interest in any kind beyond the period of time stated in the contract. *Perry v. Sindermann*, 92 S.Ct. 2694 (1972); *Board of Regents of State Colleges v. Roth*, 92 S.Ct. 2701 (1972).

At initial employment and during the second and third year of employment, faculty shall receive only a one-year term contract. After three years of service, a faculty member may be awarded a three-year contract. This contract may be considered annually for an extension to a maximum contract term of three years. Refer to Board Policy Manual: DDA (LEGAL), DDA (LOCAL).

Oral Language Policy
Frank Phillips College wants to insure that each member of its faculty is proficient in the use of English. In accordance with requirements from the Texas Higher Education Coordinating Board and HB 638 the following program is established:
A. All courses offered for credit at Frank Phillips College will be taught in the English language, and all faculty members will be proficient in the use of the English language. Foreign language courses that are designed to be taught in a foreign language may be taught in a foreign language.
B. Any faculty member whose primary language is not English and who is not proficient in the English language must participate in a program or course to become proficient in spoken English as determined by the completion of a Coordinating Board approved intensive short course of spoken English or a satisfactory grade on the "Test of Spoken English" of the Educational Testing Service. The faculty member must take the course until deemed proficient in English by the Vice President for Academic Affairs/Chief Academic Officer.

The faculty member lacking proficiency in spoken English shall pay the cost of completing this program of spoken English. The cost shall not exceed rates established by the Texas Higher Education Coordinating Board. The cost will be deducted from said faculty member's salary.
Faculty Evaluation Policy (See attached copy of evaluation forms)

Evaluation of teaching faculty, both full-time and part-time, is important for positive growth and professionalism. Evaluation instruments include, but are not limited to, student evaluations, self-evaluation, and administrative evaluations. These instruments provide feedback and recommendations reinforcing positive classroom demeanor and provide input for improvement of instruction. The Division Chairs, Directors, and Deans, and the Academic Standards and Curriculum committee will review the evaluation instruments used. These instrument(s) are in accordance with the Texas Association of School Boards and the Board of Regents of Frank Phillips College. [See DLA-R (LOCAL)]

All faculty who have served less than three years will be administratively evaluated at least once a year. All faculty who have served for three years or more will be administratively evaluated at least once every three years.

However, all full-time faculty will conduct student and self-evaluations annually at a time determined by the Vice President for Academic Affairs/Chief Academic Officer.

Criteria for Administrative Faculty Evaluation

A. Knowledge of subject: How well does this faculty member demonstrate knowledge of the subjects he/she is assigned to teach?
B. Organization of Class: How well does the faculty member select and prepare the materials and format for the courses he/she is assigned to teach?
C. Classroom Management: How well does this faculty member perform responsibilities related to management of the classroom?
D. Instructional Techniques: How effective are the instructional techniques used by this faculty member?
E. Student Rapport: How well does this faculty member work and interact with students?

The above criteria will be administratively evaluated and discussed with each faculty member at performance review time.

Criteria for Faculty Self-Evaluation

A. Basic instructional responsibilities
B. Faculty’s major accomplishments during the past year
C. Other responsibilities
D. What can your supervisor, division chair/director or dean do to help you improve your overall personal/professional performance
E. Additional comments or concerns

Criteria for Student Evaluation:

A. Fairness, text and grading
B. Communication
C. Organization, creativity, and imagination
D. Intellectual stimulation, intellectual honesty
E. Written responses to strengths of the faculty member; areas of improvement and other personal comments

FPC Reduction in Force Policy

A. "Reduction in force (RIF)" means the dismissal of a faculty member, administrator, or other professional employee before the end of a contract term for reasons of financial exigency or program change. Non-renewal of an employee’s term contract is not a "reduction in force" as used in this policy.
B. "Financial exigency" means any decline in the College’s financial resources brought about by decline in enrollment, cuts in funding, decline in tax revenues, or any other
actions or events that create a need for the District to reduce financial expenditures for personnel.

C. “Program Change” means any elimination, curtailment, or reorganization of a curriculum offering, program, or school operation because of a lack of student response to particular course offerings, legislative revisions to program funding, or a reorganization of consolidation of two or more divisions or department.

All contracts shall, unless accepted by the Board, contain a provision that a reduction in force may take place when the Board determines that a financial exigency or program change requires that the contract of one or more teachers, administrators, or other professional employees be terminated. Such a determination constitutes the necessary cause for dismissal.

A reduction in force may be implemented in one, several, or all employment areas. Employment areas shall be defined as:

1. Administration.
2. Associate degree program.
3. Certificate degree program.
4. Remedial and other programs.
5. Academic support programs, such as library or computer programs.
6. Counseling and support programs.
7. Other non-instructional professional staff.

Using the following criteria, the College President shall determine which positions shall be eliminated and shall submit the decision to the Board. These criteria are listed in order of importance; the College President shall apply them sequentially to the selected employment areas until the number of staff reductions necessary have been identified, i.e., if all necessary reductions can be accomplished by applying the certification criteria, it is not necessary to apply the performance or subsequent criteria.

1. Certification: appropriate degree certification and/or endorsement for current assignment required by the Southern Association and Texas Higher Education Coordinating Board.
2. Performance: employee's effectiveness as reflected by the most recent written evaluations and/or other appraisal documentation.
3. Seniority: years of service in the College District.
4. Professional Background: professional education and work experience related to the current assignment.

The employee shall be given a statement of the reasons and conditions requiring such dismissal and shall, upon request, be given a hearing in accordance with the policy for termination during contract. [See DMAA (LEGAL), DMAA (LOCAL)].

Appeals of a dismissal because of reduction in force shall be handled through the hearing afforded under DMAA, rather than the grievance policy.

An employee dismissed pursuant to this policy, if subsequently re-employed by the District, shall be credited with the amount of local sick leave that had accrued at the time of dismissal.

Upon written request, an employee dismissed pursuant to this policy shall be notified in writing of any subsequent availability of the position, for a period of one calendar year following the effective date of such dismissal. The notice shall be mailed to the address that was on file for the former employee at the time of dismissal, unless the District has been notified in writing of a change of address. A former employee so notified must
respond to the Board in writing within ten calendar days of receipt of such notification if
the person wishes to be considered for employment on a preferential basis.

Resignation
A. Any employee serving under a term contract may relinquish his/her position and
leave the employment of the District at the end of any school year without penalty,
provided such employee submits a written resignation to the President prior to April 1
of the school year in which he resigns.
B. Exceptions to the deadline requirements may be granted in extenuating
circumstances.
C. Refer to Board Policy Manual.

Abolition of Position
A. Abolition of a position shall be on the recommendation of the President.
B. Refer to Board Policy Manual.

Faculty Workload/Compensation Policy
The administration of Frank Phillips College will determine teaching assignments. Faculty
may be assigned to teach day, twilight, or evening classes. These classes may be assigned
as regular lecture/lab traditional method or via the distance education medium including, but
not limited to, web-based, on-line, hybrid, and ITV. All faculty institutional loads will be
discussed and assigned in consultation with the Deans.

1. Workload for Faculty
A. The basic workload for a faculty member will consist of 15 semester credit hours, 10
office hours per week, committee and task-force assignments as determined by the
President/Deans, and assignments to fulfill accreditation requirements as assigned
by the Accreditation Liaison.
B. The maximum workload permitted for a faculty member will be 21 (7-3 hours lecture)
credit hours excluding dual-credit assignments. Any workload that exceeds this
maximum must be approved by the Vice President for Academic Affairs/Chief
Academic Officer and must meet an unusual contingency.
C. TBA Course: TBA classes will be taught only under unusual circumstances and with
special permission from the appropriate Dean. Any TBA course taught will be part of
the 21-hour maximum workload.
D. When two or more courses are taught in the same period, teaching and workload
credit will be given for only one class.
E. All instructional assignments shall be made by the Vice President for Academic
Affairs/Chief Academic Officer or his/her designee.

II. Compensation Policy
Compensation for faculty is determined by faculty assignments made by the administration.
The following criteria will be utilized in figuring basic loads and supplemental assignments.
A. Number of hours: 15 equated hours are considered a basic workload. Lab hours are
equated .5 to one. An increment of $500 per equated hour will be assessed for each
administratively approved credit hour above 15 hours.
B. The formula for compensation above the basic workload allows an increment of $500
per equated semester hour. A regular class will constitute a minimum of 8-12 students.
A class with fewer students will be subject to “To Be Arranged” (TBA) classification by
the appropriate Dean only under special circumstances. The Vice President for
Academic Affairs will determine caps for the maximum number of students allowed in a
class. Saturday teaching assignments above the basic load will be compensated at $450 per equated semester hour.

C. Distance Learning Room (DLR) Courses: Instructional assignments utilizing distance learning facilitates (DLR 1, 2, 3 or Nursing) will be coordinated with the Offices of Educational Services and Extended Education. Faculty assigned to DLR courses must schedule orientation and training prior to the beginning of classes with the Coordinator of Professional Development/Training.

D. Instructors who develop web-based online courses will be compensated $500 for the development and first semester of instruction of the course as a one-time development fee. The course will become the property of Frank Phillips College. Instructors engaging in web-based classes are required to use FPC administratively approved standardized software for the development of these courses. No further compensation for delivering or updating the course will be given.

E. Dual-credit/Concurrent courses will be compensated at 750.00 per three hour course for a high-school section of 8 or more students. Fewer than 8 students will be compensated at 1/8 of 750.00 per student. Sections will not be combined for compensation. Faculty may be required to use a hybrid system of delivery that combines online instruction with pre-recorded lectures as assigned by the Vice President for Academic Affairs.

F. Off-campus/Concurrent Site Visitation: Instructors assigned to classes located at one of the various off-campus or concurrent sites will be required to conduct one to two visits at each receiving site. Visitations must be documented in the Office of Instructional Services.

G. Summer School Pay: Summer school course assignments for full-time instructors will be paid at a rate of $500 per equated hour.

H. Compensation for work above the basic workload for full-time faculty will be paid at the end of December, May, June, and July for the respective semesters.

I. Coordinators/Division Directors as assigned by the President and/or Vice President will be given three hours of release time and restricted to a 21-hour load total, unless requested specifically by the Vice President for Academic Affairs/Chief Academic Officer.

J. All faculty members will receive their salary over a twelve-month period.

See Entry Level Schedule for Faculty – Attached (page 35)

III. Compensation for Part-Time Instructors

Testing

A. Testing of student is the responsibility of each faculty member.

B. Instructors will be expected to test students adequately so an appropriate estimate of the students’ progress can be assessed.

C. Instructors should assess students’ progress in multiple ways and must list in their syllabi the ways in which students will be assessed for their final grades.

D. Final examination schedules will be prepared and distributed by the Vice President for Academic Affairs/Chief Academic Officer.

E. Final examinations must be given on the scheduled day and time. Instructors must refer students who request early final examinations to the Vice President for Academic Affairs. Final examinations will be given early only in extreme situations and with permission of the Instructor and the Vice President for Academic Affairs/Chief Academic Officer.
Posted Office Hours
Faculty are to post ten (10) office hours per week in which they are available to consult with students and assigned classroom hours. Faculty may hold four (4) of their office hours in the Learning Resource Center each week and one (1) hour per week may be designated as virtual office hours for each internet section taught with a maximum of two (2) virtual office hours each week. Office hours that are designated as virtual office hours must be conducted on campus in the faculty member’s office. Office hours must be spread Monday through Friday with a minimum of two office hours on Fridays. Office hours may not be scheduled to fall within regularly scheduled committee meetings or replaced with regular training appointments. Faculty who need to miss office hours for any reason must notify the Vice President for Academic Affairs and the Education Programs Assistant. Whenever possible, the Instructor should post a note to students on the office door.

Faculty Ranking Policy

Faculty ranking will be determined by the Administrative Cabinet and granted by the President. Full-time faculty applying for an increase in faculty ranking will submit an application to the Vice President for Academic Affairs who will present the application to the Administrative Cabinet for review. Faculty ranking is not automatic, and increases in ranking will be granted only to faculty who demonstrate exceptional contributions to the educational mission of Frank Phillips College.

The ranking standards are as follows:
Instructor: Adjunct faculty who teach in a part-time capacity and faculty who have less than a bachelor’s degree from an accredited college or university
Assistant Professor: Full-time faculty with a master’s degree or higher serving in their first, second, or third year of instruction at Frank Phillips College and full-time faculty with a bachelor’s degree serving their fourth and subsequent years of instruction with Frank Phillips College and any faculty designated because of extraordinary service in instruction to Frank Phillips College by the President of the College
Associate Professor: Full-time faculty with a master’s degree or higher serving their fourth or fifth year of instruction at Frank Phillips College
Professor: Full-time faculty with a master’s degree or higher serving the sixth and subsequent years of instruction at Frank Phillips College and any faculty with a master’s degree or higher designated because of extraordinary service in instruction to Frank Phillips College by the President of the College
Distinguished Professor: Full-time faculty with a doctoral degree serving their eight and subsequent years of instruction at Frank Phillips College

Process to Apply for Increase in Faculty Ranking:
Criteria: years of service to the college, highest earned degree, student evaluations, performance evaluations, self evaluations, professional development, and contribution to the college environment

Faculty must submit a letter of intent to undergo the application for increasing ranking by October 15 of the year prior to eligibility to increase ranking. The application packet must include three student recommendation letters and two peer recommendation letters. The faculty member must submit a current transcript, professional development forms, and self evaluations. The application must also include a current curriculum vita that outlines the applicant’s contributions to the college environment. The Vice President for Academic Affairs/Chief Academic Officer will add to the application the official performance evaluations and student evaluations from the applicable preceding years.

Faculty ranking will be awarded in May and become effective on August 15th of the following academic year.
An increase in ranking will be reviewed by the Administrative Cabinet and will be based on the above information. The President of the College will award increased ranking to all faculty. Faculty who increase their ranking will not receive monetary compensation, nor does the increase in faculty ranking imply any form of tenure. Faculty will not receive automatic increases in rank and should not expect the process to be without stringent review. Faculty who petition for ranking and are not awarded will be eligible to petition for ranking the following year if all other criteria for continued employment has been met.

In the initial year of faculty ranking implementation, faculty eligible for ranking must submit application by October 15, 2008, and ranking will be determined by January 15, 2009.

Classroom Instructional Hours
Faculty are expected to hold classes during the scheduled time and for the scheduled length each class period including the first class. Instructors teaching night classes should conduct class through the scheduled time and take one fifteen minute break mid-way through the class.

Library Services
The Library offers the following special privileges and services to the faculty:
A. No time limit on faculty loans.
B. Inter-library loan service is available.
C. Bibliographies will be furnished on request.

Books and periodicals must be ordered through the Library. The Library maintains catalogues and literature on new publications.

Testing
A. Testing of students is the responsibility of each faculty member.
B. Faculty will be expected to test students adequately so an appropriate estimate of the students' progress can be assessed.
C. Final examination schedules will be prepared and distributed by the Vice President for Academic Affairs/Chief Academic Officer.

Grade Books
A. It is the responsibility of each faculty member to keep an accurate record of each student's attendance and grades.
B. It is recommended by the Director of Enrollment Management to use an electronic grade book. The Office of Admissions and Records will save these grade books to a cd for storage.
C. At the end of each semester, on-line grade sheets will be provided to each instructor through CAMS.
   1. Semester grades are to be recorded online through CAMS.
   2. An email should be sent for each class to the Office of Admissions and Records stating that grades have been entered.
   3. The Director of Enrollment Management will send out emails indicating the date by which grades should be entered.
   4. Grades entered on a student's permanent record are unalterable except when explanation is made in writing by the faculty member involved showing that a grade recorded is incorrect as the result of errors in recording or computing the grade in question. Grade changes may be recorded at the time an error is discovered.
   5. Grade books and grade sheets are the property of the college.
Classroom Conditions
A. General classroom maintenance is provided by the custodial staff.
B. It is the responsibility of each faculty member to encourage normal tidiness in the classroom and enforce college regulations.
C. No eating, drinking, or use of tobacco products by students or instructors are permitted in class.

Absences of Faculty
A. Faculty absences shall be reported to the Director of Divisions concerned as promptly as possible.
B. When the faculty member has been absent, the faculty member will file with the Business Office and Director of Divisions an “Absence” report through Business Portal.
C. Types of Absences:
   1. Personal Business Days.
      i. Eligibility. Employees who work full-time (including faculty members on a 9-months contract) are eligible for three (3) personal days leave per academic year. Personal days cannot be taken consecutively with vacation or holidays.
      ii. Request for personal days, including reason, must be approved through Business Portal one week in advance by the immediate supervisor and are subject to review by the President. Personal Business Days are not vacation or sick leave. They should be used with discretion.
   2. Sick Leave.
      a. Eligibility. Employees who work full-time (including faculty members on a 9-months contract), and who have accrued or earned sick leave are eligible for sick leave.
      b. Definition. Illness of employee, wife, husband, or children (adopted or step). Doctor and dentist appointments of employee only which cannot be scheduled other than during working hours. Critical illness of mother, father, brother, or sister.
      c. Allowable sick leave. Eligible employees accumulate one day for each month employed by the College up to forty (40 days). If the anniversary date is after the 15th of the month, that month does not count when calculating sick leave. If the anniversary date is on or before the 15th of the month, that month does count toward sick leave. Sick leave is available to be used by employee only if accumulated. An employee who has been employed for one (1) month will have accumulated one (1) sick day. If a person is sick following a month of employment, one (1) day will be considered time off with pay. An employee must accrue another sick day in order to be eligible for time off with pay for sickness. Employees will not be paid for any accumulated sick leave upon termination or resignation from Frank Phillips College.
      d. Proof of illness. Verification of sickness from a doctor may be requested.
      e. Maternity leave. Time off from work due to pregnancy is subject to the sick leave policy.
      f. The immediate supervisor must approve this time off through Business Portal to the payroll office. Refer to Board Policy Manual.
      g. Communicable disease policy. Communicable diseases include, but are not limited to, measles, influenza, viral hepatitis-A (infectious hepatitis), viral hepatitis-B (serum hepatitis), human immunodeficiency virus (HIV Infection) and AIDS, leprosy, and tuberculosis. Frank Phillips College recognizes that faculty members with communicable diseases may wish to engage in as many of their normal pursuits as their condition and ability allows. As long as acceptable performance standards are met, and medical evidence indicates that their conditions are not a threat to themselves or others, the Administration and Board of this college ensures the consistent and equal treatment of all employees. Any
faculty member with a communicable disease, upon confirmed knowledge, is
required to report the condition to the Vice President for Academic Affairs/Chief
Academic Officer. All reasonable effort will be made to protect the faculty
member’s right to confidentiality.

h. Family and Medical Leave. [See also Board Policy Manual DEC (LEGAL)]
Under the Family and Medical Leave Act of 1993, employees are eligible for up to
twelve (12) work weeks of Family and Medical Leave (FML) during a leave year if
they:

- have at least 12 months of cumulative service and have worked at least
  1,250 hours
- at the college during the 12 month period preceding the date their FML is
to begin; and
- have a qualifying reason for taking FML; and
- have a remaining balance of FML.

A “leave year” is defined as a period of 12 months measured backward from the
date the proposed leave is to begin.

Employees are required to provide 30 days advance written notice to the
supervisor when the need for FML is foreseeable. When such leave is not
foreseeable, employees shall provide notice at the earliest possible date. FML is
provided when employees are absent from work for one of more of the following
qualifying reasons:

- the birth of the employee’s child and the care of such newborn child;
- the placement of a child with the employee for adoption or foster care;
- the care of the employee’s spouse, child (age 19 or under, or a child over
  age 18) with a disability where the child is unable to perform activities of
daily living without assistance) or parent who has a serious health
  condition; or
- the employee’s own serious health condition that prevents him/her from
  performing the essential functions of his/her position (excludes
  immunizations, routine physical examinations, orthodontia, and cosmetic
treatments).

Employees are required to provide certification from their health care provider of
the need for such leave. Supervisors must grant employees 15 calendar days to
submit such certification. Employees are required to recertify every 30 days
unless an extension of leave is requested or modified, changed circumstances
occur regarding the serious health condition or information arises that questions
the validity of the earlier certification. In cases of the employee’s own serious
health condition, the employee may be required, on or before the date he/she
returns, to provide a certification from a health care provider confirming the
employee is able to return to work and perform the essential functions of his/her
position.

Employees are responsible for completing all required forms and are responsible
for recertifying every 30 days.

Employees on FML are required to use accrued sick leave. Employees may
request, at their option, use of accrued vacation when sick leave is exhausted.

See Benefits Coordinator
3. Deaths in Family
   a. Eligibility. Employees who work full-time (including instructors) and who have been employed by the College for six (6) months are eligible for funeral leave.
   b. Allowable funeral leave. Immediate family is husband, wife, child, father, mother, sister, or brother. Five (5) working days are allowed with pay.
   c. Allowable funeral leave. In-laws. Three (3) working days are allowed with pay.
   d. The immediate supervisor must report this time off through Business Portal to the payroll office.
   e. Refer to Board Policy Manual.

D. Non-Attendance
   The following absences by any faculty member shall be regarded as non-attendance and not as an absence.
   1. Absence in carrying out a specific assignment from the President or Vice President for Academic Affairs/Chief Academic Officer.
   2. Absence because of attendance before a court of law or public authority in any case in which the faculty member has no financial interest and when the member's attendance is not required as a result of or as an incident to any employment, occupation, or voluntary act on the part of the member.
   3. Absence because of compliance with quarantining regulation of a public officer of governmental authority.
   4. Absence because of military duty in accordance with the laws of the State of Texas.
   5. Absence because of attendance at a funeral with the prior permission of the President.
   6. Absence for the purpose of personal business, with a maximum of three days per calendar year, with prior approval of the President.
   7. Absence for the purpose of attending conferences, meetings, conventions, or for technological, industrial or educational visitations, when the President approves this absence.

   The President is authorized to grant permission to be absent for any of the above purposes. Refer to Board Policy Manual.

Student Club Sponsor
   Assignments: Each faculty member will be encouraged to become involved with extracurricular sponsorship responsibilities.

   Responsibilities:
   A. To supervise the operation of the organization so it may assume its proper place within the framework of the College.
   B. To supervise the organization of the group in accordance with the democratic procedures.
   C. To supervise Secretary-Treasurer in maintaining proper records.
      1. Minutes of all meetings.
      2. Financial records showing sources of all funds received and disbursed. Disbursement of all club funds must be validated by a signed receipt, or the Business Office must preserve canceled check and all records for audit.
   D. To supervise activities or organization.
      1. Be present at all parties, games, etc., sponsored by organization from opening to close, unless a substitute adult sponsor is provided.
      2. If college facilities or property are to be used, arrangements must be made well in advance. The sponsor must be responsible for opening and closing the facility, and for proper care and cleaning. All borrowed property must be returned promptly.
E. To supervise all fund raising projects, which must be discussed and coordinated with the President or his/her designee before they are begun?

Faculty Meetings
A. Meetings may be called by the Vice President for Academic Affairs/Chief Academic Officer or President.
B. All faculty members are expected to attend faculty meetings.
C. The Vice President for Academic Affairs/Chief Academic Officer and Division Director are to be notified in advance by any faculty member unable to attend a scheduled faculty meeting.
D. Refer to Board Policy Manual.

Faculty/Staff Meeting
A. During the academic year the president will hold a monthly faculty/staff meeting.
B. All personnel are expected to attend.

Professional Organizations
Faculty members are encouraged to participate in and maintain membership in professional organizations of their subject field. Departmental budgets assist in payment of expenses of attendance at meetings of these organizations.

Audio-Visual Personnel, Equipment, and Services
The audio-visual equipment is available to faculty and staff upon request and availability from the Library. A basic collection of audio and visual equipment is maintained at this location with other equipment being issued to different departments for the convenience of instructors in that department. This equipment is available to faculty and staff upon request.

Administrative Withdrawal
An official withdrawal initiated by a faculty member and approved by the Vice President for Academic Affairs/Chief Academic Officer may occur at any time during the semester for the following, but not limited to, excessive absences and disrupting the education process.

Incomplete Grades
The grade of "I" which denotes an Incomplete may be given when a student, for a justifiable reason (such as illness), has failed to complete the requirements for a course. The Vice President for Academic Affairs/Chief Academic Officer must approve all incompletes given by a faculty member. It is the responsibility of the student to arrange with the faculty member for the completion of the course requirements when an "I" is given. An "incomplete" must be removed during the next full semester following its issuance unless special permission for an extension of time is given by the Vice President for Academic Affairs/Chief Academic Officer. The faculty member issuing the incomplete may specify a make-up time less than the full semester interval by notifying the student of the "deadline" date in writing at the beginning of the semester. If the incomplete is not removed within the allotted time, the "I" will automatically be recorded as an "F".

Course Syllabus & Attendance:
Faculty members are required to provide a syllabus for each class, which includes attendance requirements. It is the responsibility of the instructor to establish clear and definite guidelines regarding attendance and tardies.

Grade Points: The following schedule of grade points is used as an aid in computing standing:

- A - 4 point per semester hour
- B - 3 points per semester hour
- C - 2 points per semester hour
- D - 1 point per semester hour
- F, W - no points
- I - Incomplete
Texas Success Initiative

All faculty members are encouraged to participate at appropriate levels in the Success Initiative Program regarding assessment, placement, and developmental education of students.

Information Regarding Students

A. Students' files, which are kept in the Educational Services Office, are available to faculty members and counselors.
B. Information regarding students will be made available to properly identified representatives of government agencies.

Faculty Consultation with Students

A. Each faculty member observes a minimum of ten office hours per week, distributed equally from Monday through Friday (DI LOCAL) for consultation with students. These hours are posted outside the faculty member's office and are filed with the Vice President for Academic Affairs/Chief Academic Officer.
B. Faculty members will make appointments to confer with students at times other than posted office hours.
C. Refer to Board Policy Manual.

Grading System

Grades in the various courses are expressed in letters as follows:

A - Superior  C - Average  F - Failure
B - Good      D - Passing   W - Student Withdrawal I - Incomplete

At the end of each semester, upon request of the student, grades will be mailed to the student's present address; otherwise, students will be instructed in the use of CAMS for grade retrieval.

Instructional Resources

Library:
A. Hours - Library hours coincide with the teaching schedule. Weekend hours are also available.
B. Check out procedures - The check out period for a student is two weeks, with the privilege of renewal if there is not a special demand for the book.
C. Reserved books
   1. A faculty member may place books on reserve if special emphasis in a course calls for use of limited materials.
   2. The faculty member should furnish the library with a list of these books two weeks in advance.
D. The library staff should be informed when these books are to be taken off the reserve list and made available for general circulation. Copy machines and the microfilm reader/printer area are available for student use. Students are charged by the copy.
E. All films, books, and periodicals used for instruction should be requisitioned through the library.

STAFF EMPLOYMENT POLICIES

Employment status at Frank Phillips College is on an at will basis. The College may terminate the employment relationship at any time, for any reason, with or without cause, or notice to the employee. Contents of this handbook are subject to change at any time without prior notice to employees. Employment Procedure (See also, Board Policy Manual DAA)
A. Frank Phillips College is an equal opportunity employer. All recruiting, hiring, training, promotion decisions will comply with the principle of equal employment opportunity.
B. The immediate supervisor must submit in writing on the Personnel Request Form a request for full-time new or replacement staff employees. See Hiring Procedures/Processes, page 36.

C. The vacancy, when approved, will be announced and filled as soon as possible according to College policy. The President's office shall be responsible for advertising all position openings of the college.

D. All new employees must attend a brief orientation session by the first month of employment or the first time the institution provides the training.

E. Employees of the college are free, as citizens to participate in political activity and serve as political party or public officials, whenever consistent with state law, except during regular hours or on college property.

II. Definitions

A. Staff employees are all employees who are not faculty or administration.

B. Full-time employees. Employees who are hired with the specific intent to work full time (generally 40 hours per week) and are hired to work 12 months per year.

C. Student help. Any employee whose primary purpose is attending Frank Phillips College classes and whose secondary purpose is working at Frank Phillips College. Also, any public school student who works for Frank Phillips College is classified as student help.

D. Part-time employees. Employees who are hired with the specific intent to work part time and who do not qualify as full-time employees.

E. Anniversary date. The date an employee begins work for FPC as a full-time employee.

F. Probationary period. All employees are on probation during their first three months (90 days) of employment. The employee will be evaluated on job performance during this period.

G. Performance Evaluation. All employees are subject to performance evaluations by their immediate supervisor or designee.

III. Salaries and Wages

A. Salary and wages. When the College first employs a staff person, the employee will be assigned a certain beginning hourly rate. This beginning hourly rate will be based on years of experience and performance. According to the job classification, employees are either paid a monthly salary or by the hour. The immediate supervisor must confer with the President before a person is offered a particular salary.

B. Salary increases. Salaries are reviewed annually and possible increases are considered at the beginning of the fiscal year (September 1). An employee must be employed for at least six months prior to September 1 to receive a salary adjustment.

C. Overtime pay. Before an employee can work overtime, his/her immediate supervisor must approve it. Overtime rate is one and one-half (1 1/2) times the employee's regular hourly pay rate. An employee may, upon approval of his/her immediate supervisor, take compensatory time in lieu of overtime, but this must be recorded on the employee's time sheet. Overtime is paid for hours in excess of 40 hours per week.

D. Time cards. Hourly personnel must complete an electronic time card bi-monthly in order to be paid. All time cards must be completed by the employee, signed, and submitted to his/her immediate supervisor who will check for accuracy, approve, and submit to the payroll office. ACCURACY ON TIME CARDS IS VERY IMPORTANT; therefore, the number of hours worked or absences should be recorded on a daily basis. Exempt personnel must complete an electronic time card through Business Portal to submit time off (i.e. sick leave, vacation, etc.).

E. Payroll checks are available in the Business Office bi-weekly for hourly employees and the last working day of each month for exempt employees. In order for a payroll check to be given to anyone other than the employee, the employee must notify the Business Office in writing prior to distribution of checks.

F. Direct Deposit: Direct deposit is required for all full-time positions and part-time, professional positions. Direct deposit will be available, however optional for part-time, hourly employees. Direct deposit is available at the bank of the employee’s choice.
IV.  Vacation Leave (See also, Board Policy Manual DED(R) LOCAL).  [See Absence Form, attached]
A.  Eligibility:  Full-time employees in positions requiring 12 months of service are eligible for vacation leave. Accrual of vacation leave will begin on the anniversary date (date of employment).
   • New classified (hourly) employees do not earn vacation leave until the successful completion of the 90-day probationary period. Upon successful completion of the probationary period, employees receive vacation credit retroactive to the original anniversary date. An employee, who resigns his /her position prior to the completion of six months employment, will not be paid for unused vacation. An employee who resigns his/her position with two weeks’ notice and leaves the College in good standing will be paid for accrued vacation leave only up to the maximum accrual limit. If an employee is terminated from the College, no accumulated vacation leave will be paid.
   • For new classified employees, accrued annual leave time cannot be taken until the end of six months of service.
   • Employees employed 0 – 5 years are eligible for 10 days of vacation
   • Employees in positions requiring less than 12 months of service do not accrue vacation leave.
   • Exempt employees receive a credit of 80 hours or ten days of vacation beginning with the employment date and are eligible for vacation at that time. All other vacation leave can be taken as it is accrued. An employee, who resigns his /her position with the college prior to the completion of six months employment, will not be paid for unused vacation. An employee who resigns his/her position with two weeks’ notice and leaves the College in good standing will be paid for accrued vacation leave only up to the maximum accrual limit. If an employee is terminated from the College, no accumulated vacation leave will be paid.
   • Employees in grant-funded positions must take all vacation leave during the grant-funding year. Employees in grant-funded positions will not be paid for accrued vacation leave.
B.  Scheduling:
   Vacation leave shall be scheduled with the immediate supervisor. Vacation leave should not be taken during peak periods, such as registration or special events. A maximum of ten consecutive business days of earned vacation may be scheduled at one time.
C.  Carryover:
   Vacation leave time accumulated over the set maximum will be forfeited on the employee’s anniversary date. An employee who resigns his/her position with two weeks’ notice and leaves the College in good standing will be paid for accrued vacation leave only up to the maximum accrual limit. If an employee is terminated from the College, no accumulated vacation leave will be paid.
   Maximum vacation carryover limits:
   0 – 5 years 40 hours (5 days)
   5 years and over 80 hours (10 days)
V.  Personal Business Days (See also, Board Policy Manual DEC).
A.  Eligibility.  Employees, who work full time, are hired to work twelve months per year, and whom the College has employed for one year are eligible for three (3) personal day’s leave per year.
B.  Personal days cannot be taken consecutively with vacation or holidays.
C.  Request for personal days, including reason must be approved through Business Portal one week in advance by the immediate supervisor and are subject to review by the President. Personal Business days are not vacation or sick leave. They should be used with discretion.
VI. Sick Leave (See also, Board Policy Manual DEC) [See Absence Form, attached]
   A. Eligibility. Employees, who work full time, are hired to work twelve months per year and who
      have accrued or earned sick leave are eligible for sick leave.
   B. Definition. Illness of employee, wife, husband, or children (adopted or step). Doctor and
dentist appointments of employee only which cannot be scheduled other than during working
hours. Critical illness of husband, wife, child, mother, father, brother, or sister.
   C. Allowable sick leave. Eligible employees accumulate one day for each month employed by the
College up to forty (40) days. If anniversary date is after the 15th of the month, that month
does not count when calculating sick leave. If anniversary date is on or before the 15th of the
month, that month does count toward sick leave. Sick leave is available to be used by
employee only if accumulated. An employee who has been employed for one (1) month will
have accumulated one (1) sick day. If a person is sick following a month of employment, one
(1) day will be considered time off with pay. Employees will not be paid for any accumulated
sick leave upon termination or resignation from Frank Phillips College.
   C. Proof of illness. Verification of sickness from a doctor may be required.
   D. Work-related injuries: Any employee who suffers a work-related injury must immediately notify
his/her immediate supervisor and complete an Accident Form, available in the Business Office.
The Accident Form must be completed the same day of the injury.
   E. Maternity leave. Time off from work due to pregnancy is subject to the sick leave policy. [See
Absence Form, attached].
   F. Notification of Absence. The immediate supervisor must be notified within 15 minutes after the
beginning of the workday of sick leave absence. Security personnel are to notify the immediate
supervisor four (4) hours prior to the beginning of their shift in case of absence.
   G. The immediate supervisor must approve this time off through Business Portal to the payroll
office.
   H. Communicable Disease Policy. (See also, Board Policy Manual DBB-LEGAL) Communicable
diseases include, but are not limited to measles, influenza, viral hepatitis-A (infectious
hepatitis), viral hepatitis B (serum hepatitis), human immunodeficiency virus (HIV Infection) and
AIDS, leprosy, and tuberculosis.
Frank Phillips College recognizes that employees with communicable diseases may wish to
Engage in their normal pursuits as their condition and ability allows. As long as acceptable
performance standards are met, and medical evidence indicates that their condition is not a
threat to themselves or others, the Administration and Board of this college ensures
the consistent and equal treatment of all employees.
Any employee with a communicable disease upon confirmed knowledge is required to report
the condition to his/her immediate supervisor. All reasonable effort will be made to protect the
employee's right to confidentiality.
I. Family and Medical Leave. [See also Board Policy Manual DEC (LEGAL)]
Under the Family and Medical Leave Act of 1993, employees are eligible for up to twelve (12)
work weeks of Family and Medical Leave (FML) during a leave year if they:
   § have at least 12 months of cumulative service and have worked at least 1,250 hours at
   § have a qualifying reason for taking FML; and
   § have a remaining balance of FML.
   A “leave year” is defined as a period of 12 months measured backward from the date the
proposed leave is to begin.

Employees are required to provide 30 days advance written notice to the supervisor when the
need for FML is foreseeable. When such leave is not foreseeable, employees shall provide
notice at the earliest possible date. FML is provided when employees are absent from work for
one or more of the following qualifying reasons:
   § the birth of the employee’s child and the care of such newborn child;
   § the placement of a child with the employee for adoption or foster care;
the care of the employee’s spouse, child (age 18 or under, or a child over age 18 with a
disability where the child is unable to perform activities of daily living without assistance)
or parent who has a serious health condition; or

the employee’s own serious health condition that prevents him/her from performing the
essential functions of his/her position (excludes immunizations, routine physical
examinations, orthodontia, and cosmetic treatments).

Employees are required to provide certification from their health care provider of the need for such
leave. Supervisors must grant employees 15 calendar days to submit such certification. Additional
certifications are required no more frequently than every 30 days unless an extension of leave is
requested or modified, changed circumstances occur regarding the serious health condition or
information arises that questions the validity of the earlier certification. In cases of the employee’s
own serious health condition, the employee may be required, on or before the date he/she returns,
to provide a certification from a health care provider confirming the employee is able to return to
work and perform the essential functions of his/her position.

Employees on FML are required to use accrued sick leave. Employees may request, at their
option, use of accrued vacation when sick leave is exhausted.

Employees on FML will not accrue vacation or personal leave. For vacation or personal leave to
accrue, employees must be actively working. Employees on FML are required to pay 100%
insurance coverage.

See Benefits Coordinator.

VII. Deaths in Family (See also, Board Policy Manual DEC(R) LOCAL) [See Absence Form, attached]
A. Eligibility. Employees, who work full time, are hired to work twelve months per year, and that
have been employed by the College for six (6) months are eligible for funeral leave.
B. Allowable funeral leave. Immediate family, husband, wife, child, father, mother, sister, or
brother. Five (5) working days are allowed with pay.
C. Allowable funeral leave. In-laws. Three (3) working days are allowed with pay.
D. The immediate supervisor must be notified within fifteen minutes after the beginning of the
workday of funeral leave absence.
E. This time off must be reported through Business Portal to the payroll office.

VIII. Classified Employees Educational Award
A. Eligibility. Employees, who work full time, are hired to work twelve months per year, and that
have been employed by the College for one year are eligible for the Classified Employees
Educational Award.
B. Eligible employees must enroll in and satisfactorily complete at least 18 hours in residence at
Frank Phillips College for an associate degree or college-credit vocational-technical certificate;
complete all other degree or certificate requirements; and graduate; or
E. Eligible employees may receive a 2 1/2% salary increase.
F. Employees who are on probation at the time of the award are ineligible for the award during
that period.
G. An employee can receive the award for only one of the programs listed.

IX. Reduction in Force Policy
A. Definition: (1) Reduction in force (RIF) means the dismissal of a non-professional employee
before the end of the normal term of employment for reasons of financial exigency or program
change. (2) Financial exigency means any decline in the College’s financial resources brought
about by decline in enrollment, cuts in funding, decline in tax revenues, or any other actions or
events that create a need for the District to reduce financial expenditures for personnel. (3)
Program change means any elimination, curtailment, or reorganization of a curriculum offering,
program, or school operation because of a lack of student response to particular course offerings, legislative revisions to program funding, or a reorganization of consolidation of two or more divisions or departments.

B. Employment areas. A reduction in force may be implemented in one, several, or all employment areas of non-professional employment.

C. Criteria. Using the following criteria, the College President shall determine which positions shall be eliminated and shall submit the decision to the Board. These criteria are listed in order of importance; the College President shall apply them sequentially to the selected employment areas until the number of staff reductions necessary have been identified, i.e., if all necessary reductions can be accomplished by applying the work/trade skills criteria, it is not necessary to apply the performance or subsequent criteria.

(1) Work/trade skills: appropriate work/trade skills required by the college for support of the operation of the institution.

(2) Performance: employee’s effectiveness as reflected by the most recent written evaluations and/or other appraisal documentation.

(3) Seniority: years of service in College District.

(4) Experience: accumulated trade and work experience related to the current assignment.

D. Action. The College President shall determine which employees shall be dismissed.

E. Rights of Employees Subject to RIF. An employee dismissed pursuant to this policy, if subsequently re-employed by the District, shall be credited with the amount of local sick leave that had accrued at the time of dismissal.

F. Re-employment. Upon written request, an employee dismissed pursuant to this policy shall be notified in writing of any subsequent availability of the position, for a period of one calendar year following the effective date of such dismissal. The notice shall be mailed to the address that was on file for the former employee at the time of dismissal, unless the District has been notified in writing of a change of address. A former employee so notified must respond to the Board in writing within ten calendar days of receipt of such notification if the person wishes to be considered for the position. Any individual who responds shall be considered for employment on a preferential basis.

X. Termination

Employees who fail to abide by the Employee Handbook may be subject to disciplinary procedures or dismissal.
Frank Phillips College employs qualified individuals to accomplish the mission and goals of the institution. When determining acceptable qualifications preference will be given to candidates with a terminal degree in the related area. The institution also considers competence, effectiveness, and capacity, including, as appropriate, undergraduate and graduate degrees, related work experiences in the field, professional licensure and certifications, honors and awards, continuous documented excellence in teaching, or other demonstrated competencies and achievements that contribute to effective teaching and student learning outcomes.

All applicants are subject to a criminal background check prior to employment with FPC.
Texas Community College Teachers Association
Code of Professional Ethics
Adopted April 20, 1998
Frank Phillips College
Board of Regents

Professional Educators affirm the inherent worth and dignity of all persons and the right of all persons to learn. Learning best occurs in an environment devoted to the pursuit of truth, excellence, and liberty. These flourish where both freedom and responsibility are esteemed.

In order to express more adequately the affirmation of our professional responsibilities, we, the members of the Texas Community College Teachers Association, do adopt, and hold ourselves and each other subject to, the following Code of Professional Ethics:

The Professional Educator shall treat all persons with respect, dignity, and justice, discriminating against no one on any arbitrary basis such as ethnicity, creed, gender, disability, or age.

The professional Educator shall strive to help each student realize his or her full potential as a learner and as a human being.

The Professional Educator shall by example and action encourage and defend the unfettered pursuit of truth by both colleagues* and students, supporting the free exchange of ideas, observing the highest standards of academic honesty and integrity, and seeking always an attitude of scholarly objectivity and tolerance of other viewpoints.

The Professional Educator shall work to enhance cooperation and collegiality among students, faculty, administrators, and other personnel.

The Professional Educator shall recognize and preserve the confidential nature of professional relationships, neither disclosing nor encouraging the disclosure of information or rumor, which might damage or embarrass or violate the privacy of any other person.

The Professional Educator shall maintain competence through continued professional development, shall demonstrate that competence through consistently adequate preparation and performance, and shall seek to enhance that competence by accepting and appropriating constructive criticism and evaluation.

The Professional Educator shall make the most judicious and effective use of the college’s time and resources.

The Professional Educator shall fulfill the employment agreement both in spirit and in fact, shall give reasonable notice upon resignation, and shall neither accept tasks for which he or she is not qualified nor assign tasks to unqualified persons.

The Professional Educator shall support the goals and ideals of the college and shall act in public and private affairs in such a manner as to bring credit to the college.

The Professional Educator shall not engage in sexual harassment of students or colleagues and shall adhere to the college’s policy on sexual conduct.

The Professional Educator shall observe the stated policies and procedures of the college, reserving the right to seek revision in a judicious and appropriate manner.

The Professional Educator shall participate in the governance of the college by accepting a fair share of committee and institutional responsibilities.

The Professional Educator shall support the right of all colleagues to academic freedom and due process and defend and assist a professional colleague accused of wrongdoing, incompetence, or other serious offence so long as the colleague’s innocence may reasonably be maintained.

The Professional Educator shall support the right of all colleagues to academic freedom and due process and defend and assist a professional colleague accused of wrongdoing, incompetence, or other serious offence so long as the colleague’s innocence may reasonably be maintained.

The Professional Educator shall not support a colleague whose persistently unethical conduct or professional incompetence has been demonstrated through due process.

The Professional Educator shall accept all rights and responsibilities of citizenship, always avoiding use of the privileges of his or her public position for private or partisan advantage.

*In this Code the term “colleague” refers to all persons employed by colleges in the educational enterprise.
Entry Level
Salary Schedule for Faculty
(No fixed schedule – no automatic increases after entry)

<table>
<thead>
<tr>
<th>Certificate/Associate</th>
<th>Bachelors</th>
<th>Master's</th>
<th>Doctorate</th>
</tr>
</thead>
<tbody>
<tr>
<td>$28,500</td>
<td>$29,500</td>
<td>$32,000</td>
<td>$35,500</td>
</tr>
</tbody>
</table>

Education and Experience Scale

Add $500 per unit with the following scale formula:

- College and public/private secondary teaching experience will be accepted at a 1 to 1 ratio up to a total of 15 years as approved in writing by the Executive Vice President and President. This must be put in the employment file upon initial employment and evaluation.

- Work experience in the field (i.e.: nursing in a hospital) will be accepted at a 2 to 1 ratio up to a 5 years maximum as approved in writing by the Executive Vice President and President. This must be put in the employment file upon initial employment and evaluation.

- No credit shall be given for graduate teaching assistantships, part-time/adjunct instruction, or work not directly related to the teaching assignment.

- All salary adjustments will be made at the start of the fiscal year in September.

Compensation for graduate hours: Prior to 9-1-81 $20 per hour
                                        9-1-81 to 9-1-89 $40 per hour
                                        9-1-89 to 6-1-92 $50 per hour
                                        after 9-1-92 $75 per hour

Faculty members employed after May 1, 1995, may receive compensation for additional graduate hours according to the following schedule:

- Bachelors: 30 graduate hours above the baccalaureate degree
- Masters: 54 graduate hours above the master’s degree
- Doctorate: 12 graduate hours above the doctorate degree
Instructional Performance Review Form

Faculty Name: 

Academic Year: 

Frank Phillips College Faculty Evaluation

Faculty member's Name:__________________________
Full-time Faculty/Coach_____ Part-time Faculty_____ 

Class:__________________________________________

Evaluator’s Name:__________________ Title:__________________________

Date of Classroom Visit:____________________ 
Overall Student Evaluation Composite Rating:___________ (1=Low, 5=High)
Performance Self Evaluation Sheet Submitted by Faculty: Yes______ No______

I. Classroom Evaluation

Type of class observed:
___ General lecture/discussion/demonstration 
___ Integrated lecture/lab or studio
___ Instructional lab or studio
___ Open Laboratory or studio
___ Activity (P.E.)

The following represents a checklist and rating of characteristics observed during the classroom observation. Each of the five areas observed is rated on a scale:

1= Unsatisfactory;  2= Needs some improvement;  3= Satisfactory;  4= Excellent.

A) Knowledge of subject
How well does this faculty member demonstrate knowledge of the subjects he/she is assigned to teach?

___ Has broad, accurate, up-to-date knowledge of the subject needed to teach at the college level
___ Demonstrates the importance and significance of the subject and relates it to real life situations
___ Summarizes and synthesizes content so it enhances student learning
___ Promotes the acquisition of factual information and/or fundamental principles, generalizations or theories
___ Assists in the development of skills, competencies, or points of view needed by professionals in the field.

_____ (point score) --Evaluator’s Comments:

➢ Recommendations for Improvement:
B) Organization of Class
How well does this faculty member select and prepare the materials and format for the courses he/she is assigned to teach?

___ Gives the students a clear overview of the material to be covered and relates it to the objectives of the course
___ Generally adheres to the time frame and sequence of assignments contained in the course outline or abstract
___ Organizes the class presentation in an effective way so that student learning is enhanced
___ Frames the class session so that students understand how the material fits with that studied previously or to be undertaken.

_____ (point score) --Evaluator's Comments:

➢ Recommendations for Improvement:

C) Classroom Management
How well does this faculty member perform responsibilities related to management of the classroom?

___ Deals with disruptive or dominating students effectively
___ Brings the period to conclusion in a timely manner
___ Arrives on time prepared to begin the class
___ Takes attendance
___ Distributes or collects materials in an efficient manner.

_____ (point score) --Evaluator's Comments:

➢ Recommendations for Improvement:
D) **Instructional Techniques:**
How effective are the instructional techniques used by this faculty member?

___ Communicates the subject matter clearly
___ Exhibits enthusiasm for the subject
___ Uses a variety of teaching techniques, materials, and support services in an effort to meet the learning needs of all students in the class
___ Maintains student interest by making the class challenging, thought-provoking, and interesting
___ Promotes class discussion (where appropriate) as opposed to asking for mere responses to questions
___ Employs techniques that stimulate students to high intellectual efforts
___ Communicates areas of strength and weakness to students, encourages significant learning as opposed to memorization, uses clear and understandable question, makes assignments of a reasonable length and level.

_____ (point score) --Evaluator’s Comments

➢ Recommendations for Improvement:

E) **Student Rapport**
How well does this faculty member work and interact with students?

___ Exhibits an attitude toward students that encourages learning and active participation in the class
___ Encourages students to seek assistance outside of class during regular, posted office hours
___ Displays genuine concern for student learning and development
___ Displays sensitivity to student problems and point of view.

_____ (point score) --Evaluator’s Comments:

➢ Recommendations for Improvement:
II. Other Required Duties and Responsibilities
F) Check List of Required Responsibilities (completed by Division Chair, Department Head, or Designated Full-time Faculty Department Representative) Attached.

Yes_______ No_______

➢ Recommendations for Improvement:

III. Additional Corrective Actions (if necessary)
G) Areas of instructional concern that need immediate attention:

➢ Recommendations for Improvement:

H) Faculty member’s response indicating effect of "Recommendations for Improvement".

Please submit in writing by (due date): ____________

Signature of Evaluator _______________________________ Date ____________

Date of Evaluation Conference ____________

Signature of Faculty Member __________________________ Date ____________

Faculty Member’s Comments: (optional attachment provided by instructor)
The following pages are excerpts, as they pertain to the Frank Phillips College Employee Handbook, from a document prepared by the Texas Association of School Boards (TASB). The Policy Manual is designed for comprehensive coverage of the policies that govern the College District. TASB provides ongoing updating services so that the manual may remain a current and reliable document.

The policy manual, though it contains an extensive collection of legal materials relevant to college districts, does not constitute legal advice. Legal advice about policy decisions or any other particular legal matter should be obtained from legal counsel.

The Policy Manual is organized according to the Texas Association of Community Colleges (TACC) codification system. Each policy is identified according to an alphabetical code. There are seven sections, each devoted to a separate area of College District governance:

- A – Basic District Foundations
- B – Local Governance
- C – Business and Support Services
- D – Personnel
- E – Instruction
- F – Students
- G – Community and Governmental Relations

The (LEGAL) policies found in this manual are brief summaries of law and are intended to inform decision makers and others of the legal context. The (LOCAL) policies that are preceded by a (LEGAL) policy in the same code generally expand on, or qualify, the legally referenced provisions. Other (LOCAL) policies portray the Board’s stated intentions in areas not otherwise addressed by law.

Frank Phillips College maintains three copies of the Board Policy Manual:

1. President’s Office
2. Vice President of Academic Affairs Office
3. The College Library

Texas Association of School Boards – Austin, Texas

This Policy Manual is subject to change. As the law changes, the law supersedes these printed excerpts.
The Board may from time to time as it deems necessary create committees to facilitate the efficient operation of the Board. A committee that includes one or more Board members and has supervision or control over public business or public policy is subject to the Open Meetings Act when it meets to discuss that public business or policy. A committee that includes less than a quorum of Board members is not subject to the Open Meetings Act if it serves a purely advisory function, with no power to supervise or control public business. However, should the committee actually function as something more than a merely advisory body with the result that it in fact supervises or controls public business or policy, if must comply with the Open Meetings Act to avoid depriving the public of access to the Board’s actual decision-making processes. Education Code 11.061(3); Atty. Gen. Op. Nos. DM-284 (1994), Jm-1072 (1989), JM-331 (1985), H-3 (1973); see also Atty. Gen. Op. LO-97-058 (1997). {See BD (LEGAL)}

As far as practicable, the Board will perform its work as a Committee of the Whole. Committees of the Board, either standing or special, may be appointed by the Board Chair or elected by the Board. Such committees shall perform specific duties and when the work of the committees has been completed, the committee shall be automatically discharged. The function of all special committees shall be fact finding and advisory, but never legislative or administrative. No committee shall have power to act unless specifically empowered by the Board. The Board Chair and the College President shall be ex officio members of Board committees, unless otherwise directed by Board action.

BOARD MEETINGS: “Meeting” means a deliberation among a quorum of the Board, or between a quorum of the Board and another person, during which public business or public policy over which the Board has supervision or control is discussed or considered, or during which the Board takes formal action. “Meeting” also means a gathering:
1. That is conducted by the Board of for which the Board is responsible;
2. At which a quorum of members of the Board is present;
3. That has been called by the Board; and
4. At which the Board members receive information from, give information to, ask questions of, or receive questions from any third person, including an employee of the College District, about the public business or public policy over which the Board has supervision or control. Gov’t Code 551.001(4)

Quorum: A majority of the Board (e.g., four members of a seven-member Board or five members of a nine-member Board, regardless of the number of vacancies) constitutes a quorum for meetings of the Board. Gov’t Code 551.001(6), 311.013(b)

Notice Required: The Board shall give written notice of the date, hour, place, and subject(s) of each meeting it holds. Gov’t Code 551.041

Open Meeting: Every meeting of the Board shall be open to the public. The Board may, however, exclude a witness from a hearing during the examination of another witness in a matter being investigated and may enter into a closed meeting, as provided by law. Gov’t Code 551.002, 551.084, Ch. 551, Subch. D, Subch. E [See BCB and BED]

BOARD MEETINGS: AGENDA PREPARATION: In consultation with the Board President, the College President shall prepare the agenda for all Board Meetings. Any Board member may request that a subject be included on the agenda for a
meeting, and the College President shall include on the agenda of any meeting all Board-member requested topics that have been timely submitted. Before the official agenda is finalized for any meeting, the College President shall consult the Board President to ensure that the agenda and the topic included meet with the Board President’s approval. In reviewing the preliminary agenda, the Board President shall ensure that any topic the Board of individual Board members have requested to be addressed are either on that agenda or scheduled for deliberation at an appropriate time in the near future. The Board President shall not have the authority to remove from the agenda a subject requested by a Board member without that Board member’s specific authorization.

**BDA (LEGAL) BOARD MEETINGS: CLOSED MEETINGS:** The Board may conduct a closed meeting for the purposes described in the following provisions:

1. **Attorney Consultation** Gov’t Code 551.071
2. **Real Property** Gov’t Code 551.072
3. **Prospective Gift** Gov’t Code 551.073
4. **Personnel Matters:** The Board is not required to conduct an open meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee to hear a complaint or charge against an officer or employee. However, the Board may not conduct a closed meeting for these purposes if the officer or employee who is the subject of the deliberation or hearing requests a public hearing. Gov’t Code 551.074

**Employee-Employee Complaints:** The Board is not required to conduct an open meeting to deliberate in a case in which a complaint or charge is brought against a College District employee by another employee and the complaint or charge directly results in the need for a hearing. However, the Board may not conduct a closed meeting for this purpose if the employee against whom the complaint or charge is brought makes a written request for an open hearing. Gov’t Code 551.082

5. **Student Discipline:** Gov’t Code 551.082
6. **Personally Identifiable Student Information:** Directory information about a College District student is considered to be personally identifiable information about the student for this purpose only if a parent or guardian of the student, or the student if the student has attained 18 years of age, has informed the College District that the directory information should not be released without prior consent. [See FJ]

This exception does not apply if an open meeting about the matter is requested in writing by a parent or guardian of the student or by the student if the student has attained 18 years of age. Gov’t Code 551.0821

7. **Medical or Psychiatric Records:** Gov’t Code 551.076
8. **Assessment Instruments:** Education Code 39.030(a)
9. **Emergency Management:** Gov’t Code 418.183(f)
10. **Economic Development Negotiations:** Gov’t Code 551.087
11. **Procedures for Closed Meetings:** If a closed meeting is allowed, the Board shall not conduct the closed meeting unless a quorum of the Board first convenes in an open meeting for which proper notice has been given [see BD] and the presiding officer has publicly announced that a closed meeting will be held and has identified the section or sections of the Open
Meetings Act or other applicable law under which the closed meeting is held. Gov’t Code 551.101

12. Vote or Final Action: A final action, decision, or vote on a matter deliberated in a closed meeting shall be made only in an open meeting for which proper notice has been given. Gov’t Code 551.102 [See BD]

13. Certified Agenda or Tape Recording: The Board shall either keep a certified agenda or make a tape recording of the proceedings of each closed meeting, except for private consultation with the College District’s attorney. The certified agenda must include a statement of the subject matter of each deliberation, a record of any further action taken, and an announcement by the presiding officer at the beginning and end of the closed meeting indicating the date and time. The presiding officer shall certify that a certified agenda is a true and correct record of the proceedings. If a tape recording is made, it must include announcements by the presiding officer at the beginning and end of the meeting indicating the date and time. Gov’t Code 551.103

Closed meetings may not be recorded by an individual Trustee against the wishes of a majority of the Board. Zamora v. Edgewood ISD, 592 S.W.2d 649 (Tex.App.—San Antonio, 1979)

14. Preservation: The Board shall preserve the certified agenda or tape recording of a closed meeting for at least two years after the date of the meeting. If a legal action involving the meeting is brought within that period, the Board shall preserve the certified agenda or tape recording while the action is pending. Gov’t Code 551.104(a)

15. Public Access: A certified agenda or tape recording of a closed meeting is available for public inspection and copying only under a court order issued as a result of litigation involving an alleged violation of the Open Meetings Act. Gov’t Code 551.104(b)(c)

16. Prohibitions: No Board member shall participate in a closed meeting knowing that neither a certified agenda nor a tape recording of the closed meeting is being made. Gov’t Code 551.145

No individual, corporation, or partnership shall without lawful authority disclose to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public. Gov’t Code 551.146

No Board member shall knowingly call or aid in calling or organizing a closed meeting that is not permitted under the Open Meetings Act, close or aid in closing a regular meeting to the public except as permitted under the Open Meetings Act, or participate in a closed meeting that is not permitted under the Open Meetings Act. Gov’t Code 551.144(a)

17. Affirmative Defense: It is an affirmative defense to prosecution under Subsection 551.144(a) that the Board member acted in reasonable reliance on a court order or a written interpretation of the open meetings law contained in an opinion of a court of record, the attorney general, or the Board’s attorney. Gov’t Code 551.144(c)
Nondiscrimination—in General: A College District shall not fail or refuse to hire or discharge any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment on the basis of any of the following protected characteristics:

1. Race, color, or national origin;
2. Sex;
3. Religion;
4. Age (applies to individuals who are 40 years of age or older); or
5. Disability.


Job Qualification: A College District may take employment actions based on religion, sex, national origin, or age in those certain instances where religion, sex, national origin, or age is a bona fide occupational qualification. 42 U.S.C. 2000e-2(e); 29 U.S.C. 623(f)

Employment Postings: A College District shall not print or publish any notice or advertisement relating to College District employment that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, or national origin, unless the characteristic is a bona fide occupational qualification. 42 U.S.C. 2000(e)-3(b)

Harassment of Employees: A College District has an affirmative duty to maintain a working environment free of harassment on the basis of sex, race, color, religion, and national origin. 42 U.S.C. 2000e et seq.; 29CFT 1606.8(a), 1604.11

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

Notices: A College District shall post in conspicuous places upon its premises a notice setting for the information the Equal Employment Opportunity Commission deems appropriate to effectuate the purposes of the anti-discrimination laws. 29 U.S.C. 627; 42 U.S.C. 2000e-10

Section 504 Notice: A College District that employs 15 or more persons shall take appropriate steps to notify applicants and employees, including those with impaired vision or hearing that it does not discriminate on the basis of disability. The Notice shall state:

1. That the College District does not discriminate in employment in its programs and activities; and
2. The identity of the College District’s 504 coordinator.

Method of notification may include:

1. Posting of notices;
2. Publication in newspapers and magazines;
3. Placing notices in College District publications; and
4. Distributing memoranda or other written communications.
If the College District publishes or uses recruitment materials containing
general information that it makes available to applicants or employees, it
shall include in those materials a statement of its nondiscrimination policy.
34 CFR 104.8

Age Discrimination: A College District may take an employment action on the
basis of age pursuant to a bona fide seniority system or a bona fide employee
benefit plan. However, a bona fide employee benefit plan shall not excuse the
failure to hire any individual and no such benefit plan shall require or permit the
involuntary retirement of any individual because of age. 29 U.S.C. 623(f)

Sex Discrimination –Pregnancy: The prohibition against discrimination on the
basis of sex includes discrimination on the basis of pregnancy, childbirth, or
related medical conditions. A College District shall treat women affected by
pregnancy, childbirth, or related medical conditions the same for all employment-
related purposes, including receipt of benefits under fringe benefit programs. 42
U.S.C. 2000e (k)

Equal Pay: A College District may not pay an employee at a rate less than the
rate the employer pays employees of the opposite sex for equal work on jobs the
performance of which require equal skill, effort, or responsibility and which are
performed under similar working conditions. This rule does not apply if the
payment is pursuant to a seniority system, a merit system, a system that
measures earnings by quantity or quality of production, or a differential based on
any other factor other than sex. 29 U.S.C. 206(d); 34 CFR 106.54

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

The College District may not substantially burden an employee’s free exercise of
religion, unless the burden is in furtherance of a compelling governmental
interest and is the least restrictive means of furthering that interest. Civ. Prac. &
Rem. Code 110.003.

Disability Discrimination: A College District shall make reasonable
accommodations to the known physical or mental limitations of an otherwise
qualified individual with a disability, unless the College District can demonstrate
that the accommodation would impose an undue hardship on the operation of the
College District. 42 U.S.C. 12111(a), (b); 29 CFR 1630.9; Labor Code 21.051 [See
DBB regarding medical examinations and inquiries under the Americans with
Disabilities Act]

Discrimination based on Relationship: The College District shall not exclude or
deny equal jobs or benefits to, or otherwise discriminate against, a qualified
individual because of the known disability of an individual with whom the qualified
individual is known to have a family, business, social, or other relationship or
association. 42 U.S.C. 12112(b) (4); 29 CFR 1630.8

Definitions: “Disability” means, a physical or mental impairment that substantially
limits one or more of an individual’s major life activities, a record of having such
impairment, or being regarded as having such an impairment. “Major life
activities” are such functions as caring for oneself, performing manual tasks,
walking, seeing, hearing, speaking, breathing, learning, and working. 42 U.S.C.
12102(2); 29 CFR 1630.2(g)-(l); 28 CFR 35.104; 34 CFR 104.3(j); Labor Code
21.002(6)

“Qualified individual with a disability” means an individual with a disability who,
with or without reasonable accommodation, can perform the essential functions
of the employment position that the individual holds or desires. Consideration shall be given to the College District’s judgment as to what functions of a job are essential. A written job description prepared before advertising or interviewing applicants for the job is evidence of the job’s essential functions. 42 U.S.C. 12111(8); 29 CFR 1630.2(m), (n); 34 CFR 104.3(l) Labor Code 21.105

Use of Illegal Drugs: The term “qualified individual with a disability” does not include any employee or applicant who is currently engaging the illegal use of drugs, when the College District acts on the basis of such use.

Drug Testing: A College District is not prohibited from conducting drug testing of employees and applicants for the illegal use of drugs or making employment decisions based on the results of such tests. 42 U.S.C. 12114(c), (d) [See DHB]

Alcohol use: The term “qualified individual with a disability” does not include an individual who is an alcoholic and whose current use of alcohol prevents the employee from performing the duties or his or her job or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others. 42 U.S.C. 12114(a); 29 CFR 1630.3(a); 28 CFR 35.104; 29 U.S.C. 705(20) (C)

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

42 U.S.C. 12111(9); 29 CFR 1630.2(o)

Undue Hardship: “Undue Hardship” means an action requiring significant difficulty or expense, when considered in light of the nature and cost of the accommodation needed, overall financial resources of the affected facility and the College District, and other factors set out in law. 42 U.S.C. 12111(10); 29 CFR 1630.2(p)

Direct Threat to Health or Safety: As a qualification standard, the College District may require that an individual shall not pose a direct threat to the health or safety of other individuals in the workplace. “Direct threat” means a significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation. 42 U.S.C. 12111(3); 29 CFR 1630.2(q) (f)

Communicable Diseases: A College District may refuse to assign or continue to assign an individual to a job involving food handling if the individual has an infectious or communicable disease that is transmitted to others through handling of food. 42 U.S.C. 12113(d); 29 U.S.C. 705(20) (D); 29 CFR 1630.16(e); Labor Code 21.002(6) (B)

Military Service: The College District shall not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of membership in a uniformed service, performance in a uniformed service, application for uniformed service, or obligation to a uniformed service. The College District shall not take adverse employment action or discriminate against any person who takes action to enforce protections afforded by the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA). 38 U.S.C. 4311 [See DEC]
Grievance Policies Section 504: A College District that receives federal financial assistance and that employs 15 or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act. 34 CFR 104.7(b)

Americans with Disabilities Act: A College District that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the Americans with Disabilities Act. 28 CFR 35.107, 35.140

Title IX: A College District that receives federal financial assistance shall adopt and publish grievance procedures providing for prompt and equitable resolution of employee complaints alleging any action prohibited by Title IX. 34 CFR 106.8(b); North Haven Board of Education v. Bell, 456 U.S. 512 (1982)

[See DGBA]

Compliance Coordinator: A College District shall designate at least one employee to coordinate its efforts to comply with Title IX, Section 504, the Age Act, and the ADA. The College District shall notify all employees of the name, office address, and telephone number of the employee(s) so designated. 34 CFR 104.7(a); 28 CFR 35.107, 35.140; 34 CFR 106.8(b)

DBD (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS - CONFLICT OF INTEREST

Restrictions upon ‘Public Servants’ – Penal Code: “Public servant” for the purposes of the following Penal Code provisions, includes a person elected, selected, appointed, employed, or otherwise designated as an officer, employee, or agent of the government, even if the person has not yet qualified for office or assumed his or her duties. Penal Code 1.07(a) (41) (A), (E) [See also BBFA and DH]

Bribery:

1. A public servant shall not intentionally or knowingly offer, confer, agree to confer on another, solicit, accept, or agree to accept a benefit:
   a. As consideration for the public servant’s decision, opinion, recommendation, vote, or other exercise of discretion as a public servant.
   b. As consideration for a violation of a duty imposed on the public servant by law.
   c. That is a political contribution as defined by Title 15 of the Election Code or an expenditure made and reported as a lobbying expense in accordance with Government Code, Chapter 305, if the benefit was offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion, if such exercise of official discretion would not have been taken or withheld but for the benefit.

“Benefit” means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest. Penal Code 36.01(3), 36.02

Illegal Gifts: A public servant who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions shall not
solicit, accept, or agree to accept any benefit from a person the public servant knows is interested in or likely to become interested in any such transactions of a College District. Penal Code 36.08(d)

A public servant who receives an unsolicited benefit that the public servant is prohibited from accepting under this section may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax exempt charitable organization formed for educational, religious, or scientific purposes. Penal Code 36.08(d)

Exceptions: “Illegal Gifts to Public Servants” does not apply to:

1. A fee prescribed by law to be received by a public servant or any other benefit to which the public servant is lawfully entitled or for which he or she gives legitimate consideration in a capacity other than as a public servant;
2. A gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient;
3. A benefit to a public servant required to file a statement under Chapter 572, Government Code, or a report under Title 15, Election Code, that is derived from a function in honor or appreciation of the recipient if:
   a. The benefit and the source of any benefit in excess of $50 is reported in the statement; and
   b. The benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are nonreimbursable by the state of political subdivision;
4. A political contribution as defined by Title 15, Election Code;
5. An item with a value of less than $50, excluding cash or a negotiable instrument as described by Business and Commerce Code 3.104;
6. An item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity; or
7. Food, lodging, transportation, or entertainment accepted as a guest and, if the done is required by law to report those items, reported by the done in accordance with that law.

Penal Code 36.10

Honoraria and Expenses: A public servant commits a Class A misdemeanor offense if the public servant solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for the public servant’s official position or duties. However, a public servant is not prohibited from accepting transportation and lodging expenses or meals in connection with a conference or similar event in which the public servant renders services, such as addressing an audience or engaging in a seminar, to the extend those services are more than merely perfunctory.

Penal Code 29.01(2)

Abuse of Public Employment: A public servant shall not, with intent to obtain a benefit or with intent to harm or defraud another, intentionally or knowingly violate a law relating to the public servant’s office or employment, or misuse of College District property, services, personnel, or any other thing of value, that has come
into his or her custody or possession by virtue of his or her office or employment. 

*Penal Code 39.01(1)*

“Misuse” means to deal with property contrary to:

1. An agreement under which the public servant holds the property;
2. A contract of employment or oath of office of a public servant;
3. A law, including provisions of the General Appropriations Act specifically relating to government property, that prescribes the manner of custody or disposition of the property; or
4. A limited purpose for which the property is delivered or received.

*Penal Code 39.01(2)*

Conflict Disclosure Statement: A College District may extend the requirements of Local Government Code 176.003 and 176.004 [see BBFA] to any employee of the College District who has the authority to approved contracts on behalf of the College District, including a person designated as the representative of the College District for purposes of Local Government Code Chapter 271. The College District shall identify each employee made subject to Sections 176.003 and 176.004 and shall provide a list of the identified employees on request to any person. The College District may reprimand, suspend, or terminate the employment of an employee who knowingly fails to comply with such requirements.

An employee commits a Class C misdemeanor if the employee knowingly violates the requirements. It is an exception to the application of the above penalty, however, that the employee filed the disclosure statement not later than the seventh business day after the person received notice from the College District of the violation.

*Local Gov't Code 176.005*

Definition of “Contract”: “Contract” means a written agreement for the sale or purchase of real property, goods, or services. *Local Gov't Code 176.001(1-d)*

Holding Civil Office: No person shall hold or exercise at the same time more than one civil office of emolument, except for offices listed in the constitutional provision, unless otherwise specifically provided. *Tex. Const., Art. XVI, Sec. 40 (a); State v. Pirtle, 887 S.W.2d 921 (Tex. Ct. Crim. App. 1994); Atty. Gen. Op. DM0212 (1993).*

Individuals who receive all or part of their compensation either directly or indirectly from funds of the state of Texas and who are not state officers shall not be barred from serving as members of the governing bodies of College Districts (other than those in which they are employed), school districts, cities, towns, or other local governmental districts. Such individuals may not receive a salary for serving as members of such governing bodie4s, except that a faculty member or retired faculty member of a public institution of higher education may receive compensation for serving as a member of a governing body of a water district. *Tex. Const .Art. XVI, Sec. 40 (b); Atty. Gen. Op. JM-118 (1983), JM-203 (1984).*

Intellectual Property: An employee who conceives, creates, discovers, invents, or develops intellectual property may own or be awarded any amount of equity interest or participation in, or, if approved by the Board, serve as a member of the board of directors or other governing board or as an officer or an employee of, a business entity that has an agreement with the state or a political subdivision of the state relating to the research, development, licensing, or exploitation of that intellectual property without creating a conflict of interest.

Such an employee shall report to the appropriate person or persons at the College District the name of the business entity in which the person has an interest or for which the person serves as a director, officer, or employee. The Board shall include in the appropriate annual report required by Education Code

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Disclosure General Standard: An employee shall disclose to his or her immediate supervisor a personal financial interest, a business interest, or any other obligation or relationship that in any way creates a potential conflict of interest with the proper discharge of assigned duties and responsibilities or with the best interest of the College District.

Specific Disclosures:

Substantial Interest: The College President shall file an affidavit with the Board President disclosing a substantial interest, as defined by Local Government Code 171.002, in any business or real property that the College President or any of his or her relatives in the first degree may have. Any other employee who is in a position to affect a financial decision involving any business entity or real property in which the employee has a substantial interest as defined by Local Government Code 171.002 shall file an affidavit with the College President, however, the employee shall not be required to file an affidavit for the substantial interest of a relative.

Interest in Property: The College President shall be required to file an affidavit disclosing interest in property in accordance with Government Code 553.002.

Conflicts Disclosure Statement: No employee other than the College President shall be required to file the conflicts disclosure statement, as promulgated by the Texas Ethics Commission and as specified by Local Government Code 176.003-.004. [See BBFA]

Nonschool Employment: An employee shall disclose in writing to his or her immediate supervisor any outside employment that in any way creates a potential conflict of interest with the proper discharge of assigned duties and responsibilities or with the best interest of the College District.

Intellectual Property: College District employees are encouraged to publish and copyright and invest and patent materials and objects of their own creation that shall contribute to the advancement of knowledge. It is the desire of the College District to encourage this to protect its interest and its personnel in the relation of the disclosure of scientific and technological developments (including inventions, discoveries, trade secrets, and computer software) and the responsibility of the College District to ensure that public funds and property are not used for personal gain. The author, creator, or inventor is free to benefit from royalties and monies accruing from such publication or invention subject to the following guidelines:

1. All classes of intellectual property, scientific and technological developments, and materials or objects created on the employee’s own time without the use of College District facilities, equipment, materials, or support shall be the sole property of the creator.

2. Materials or objects created by employees at College District expense or on College District time or using College District facilities or equipment shall be the property of the College District. The College District, in return for unrestricted license to use and reproduce original work without royalty payment, shall transfer to the creator of that work full ownership of any present or subsequent copyright/patent in accordance with the following paragraph:
In the event that materials or objects are sold to entities outside the College District, all income shall go to the College District until all developmental expenditures incurred by the College District for that project, including stipends paid to the developer (over and above contract salary), prorated support staff salaries, supplies, and other expenses related to the creation of the materials or objects, are recovered. Thereafter, all remuneration as a result of copyright publication or patented sale shall go to the creator(s) of the materials or objects.

3. The College District shall ensure equity and management participation on the part of the inventor or inventors in business entities that utilize technology created at the institution of higher education.

4. No College District employee shall realize a profit from materials sold exclusively to College District students.

5. When instructional material developed by the faculty is sold in the bookstore for a profit, the publisher of the materials must be approved by the Vice President for Academic Affairs.

**Employee Intention:** Any College District employee who intends to create any materials or objects developed wholly or partially using College District time, equipment, materials, or facilities and who intends to copyright, patent, or otherwise merchandise those materials or objects shall inform the College President through the appropriate administrator of his or her intent. The College District shall initiate an institutional review of scientific and technological disclosures, including consideration of ownership and appropriate legal protection.

**Production of Educational Materials:** Personnel who work in divisions or units that produce educational materials may not realize a profit from the sale of those materials. In the case of any materials produced exclusively by these units, the copyright shall be held by the College District. Materials produced under an externally funded grant shall be guided by the terms of the grant.

**DDA (LEGAL) CONTRACT AND AT-WILL EMPLOYMENT: TERM CONTRACTS**

**Property Interest:** A contract of employment with the College District creates a property interest in the position only for period of time stated in the contract. Such a contract creates no property interest of any kind beyond the period of time stated in the contract. *Perry v. Sinderman*, 408 U.S. 593 (1972); *Board of Regents of State Colleges v. Roth*, 408 U.S. 564 (1972)

**Administrator Contracts:** The Board may enter into an employment contract with an administrator that is to be paid in whole or in part from appropriated funds only if, before the date the contract is executed, the Board determines that the contract is in the best interest of the College District. A contract entered into by the Board may not:

1. Provide for employment for more than three years;
2. Allow for severance or other payments on the termination of the contract to exceed an amount equal to the discounted net present cash value of the contract on termination at a market interest rate agreed upon in the contract;
3. Allow for development leave that is inconsistent with Education Code 51.105; or
4. Award tenure in any way that varies from the College District's general policy on the award of tenure.

The College District may not pay a salary to a person who is reassigned from an administrative position to a faculty or other position at the College District that exceeds the salary of other persons with similar qualifications performing similar duties.

*Education Code 51.948*

“Administrator” means a person who has significant administrative duties relating to the operation of the College District, including the operation of a department, college, program, or other subdivision of the institution.

*Education Code 51.948(g) (1)*

**Faculty Contracts:** Except as provided below, the College District that determines it is in its best interest to reappoint a faculty member for the next academic year shall offer the faculty member a written contract for that academic year not later than 30 days before the first day of the academic year.

For the purposes of Education Code 51.943, the College District is not required to provide an annual contract to tenure or tenure-track faculty, but must provide tenure and tenure-track faculty with any written notification required in the College District’s tenure policy of a change in a term of employment according to the policies of the College District, but no later than the 30th day prior to the change.

If the College District is unable to comply, the College District shall:
1. Provide the faculty member with written notification that the College District is unable to comply:

2. Include in the written notification reasons for its inability to comply; and

3. Specify in the written notification a time by which it will offer a written contract to the faculty member for the applicable academic year.

If the College District does not offer the faculty member a written contract before the 61st day after the first day of the academic year and the College District retains the faculty member for that academic year without a written contract, the College District must retain the faculty member for that academic year under terms and conditions, including terms governing the faculty member’s compensation, that are at least as favorable to the faculty member’s employment for the preceding academic year, unless the College District and the faculty member subsequently enter into a different written contract.

*Education Code 51.943* does not prohibit the College District from entering into a contract with a faculty member for a period longer than an academic year.

Nothing in *Education Code 51.943* shall be deemed to provide a faculty member who does not hold tenure additional rights, privileges, or remedies or to provide an expectation of continued employment beyond the period of a faculty member’s current contract.

“Contract” means an agreement between the College District or its authorized agent and a faculty member that establishes the terms of the faculty member’s employment, including the faculty member’s responsibilities and salary, for an academic year.

“Faculty member” means a person who is employed full time by the College District as a member of the faculty whose primary duties include teaching or research. The term does not include:
1. A person employed in the classified personnel system of the College District or a person employed in a similar type of position if the College District does not have a classified personnel system;
2. A person who holds faculty rank but who spends a majority of the person’s time for the College District engaged in managerial or supervisory activities, including a chancellor, vice chancellor, president, vice president, provost, associate or assistant provost, dean, or associate or assistant dean.

*Education Code 51.943*

**DDA (LOCAL) CONTRACT AND NONCONTRACT EMPLOYMENT: TERM CONTRACTS**

Professional Personnel: The contracts of all full-time faculty members shall be considered in March of the first year of employment, February of the second year of employment, and January in the third year of employment.

One Year Contracts: At initial employment and during the second and third year of employment, instructors shall receive only a one year term contract.

Three Year Contracts: After three years of service, an instructor may be awarded a three year contract. This contract may be considered annually for an extension to a maximum contract term of three years.

**DDC (LEGAL) CONTRACT AND AT-WILL EMPLOYMENT: The employment-at-will doctrine is the law of Texas, under which an employer has no duty to an employee regarding continuation of employment.** *Jones v Legal Copy, Inc.*, 846 S.W.2d (Tex. App-Houston [1st Dist] 1993)

The employment-at-will doctrine places no duties on an employer regarding an employee’s continued employment and thus bars contract and tort claims based on the decision to discharge an employee. *Sabine Pilot Serv., Inc. v Hauck*, 687 S.W.2d 733 (Tex. 1985)

In Texas, at-will employment is presumed unless shown otherwise. *Gonzales v Galveston Ind. Sch. Dist.*, 865 F. Supp. 1241 (S.D. Tex. 1994)

Employment for an indefinite term may be terminated at will and without cause, except as otherwise provided by law. *Garcia v Reeves County, Texas*, 32 F.3d 200 (5th Cir. 1994); *Ivy v Sullivan*, 737 F.2d 1418 (5th Cir. 1984); *Winters v Houston Chronicle Pub. Co.*, 795 S.W.2d 723 (Tex. 1990)

Exception: An at-will employee cannot be discharged if the sole reason for the discharge was that the employee refused to perform an illegal act. *Sabine Pilot Serv., Inc. v Hauck*, 687 S.W.2d 722 (Tex. 1985) [See DG, DGA, DGB for other exceptions] Dismissal Procedure: An at-will employment relationship, standing alone without benefit of recognized exception, triggers no due process requirement or right. *Mott v Montgomery County, Tex.*, 882 S.W.2d 635, 638 (Tex. App.—Beaumont, 1994)

Termination of employment is a condition of work that is a proper subject for the grievance process. *Fiberboard Paper Products Corp v National Labor Relations Board*, 379 U.S. 203, 208 (1964); *Sayre v Mullins*, 681 S.W.2d 25 (Tex. 1984) [See DGBA]

**DDC (LOCAL) Contract and at-will Employment: The College President or designated representatives shall be responsible for hiring at-will employees with appropriate skills and qualifications to fill positions with the College District. Dismissal: At-will employees may be dismissed at any time for any reason not prohibited by law or for no reason, as determined by the needs of the College**
District. At-will employees who are dismissed shall receive pay through the end of the last day worked.

At-will employees who are dismissed may request review of that decision through DGBA (LOCAL).

DEB (LOCAL) ELIGIBILITY FOR TUITION-FREE CLASSES: Employees who work full-time and are hired to work twelve months per year and their immediate family (husband, wife, or dependent children) shall be eligible for free tuition for all college credit classes and adult continuing education classes. Lab and other required fees must be paid by the employee. The employee or member of the employee’s family shall report to the Vice President for Academic Affairs office for a scholarship letter.

DF (LEGAL) RETIREMENT PROGRAMS

The Board shall not require the retirement of any employee on the basis of age. 29 U.S.C. 631; Education Code 51.922

Teacher Retirement System: All personnel, except faculty members in the optional retirement program, employed on a full-time, regular basis shall be members of the Teacher Retirement System of Texas. Gov’t. Code 822.001-.002; Atty. Gen. Op H-871 (1976)

Optional Retirement Program: All faculty members shall be eligible and have the opportunity to participate in the optional retirement program, subject to such rules as may be prescribed by the Coordinating Board. [See 19 TAC 25.1-6]

“Faculty member” means a person who is employed by the College District on a full-time basis in any of the following positions:

1. A member of the faculty whose duties include teaching or research.
2. An administrator responsible for teaching and research faculty.
3. An athletic coach, associate athletic coach, or assistant athletic coach whose primary activity is coaching.
4. A professional librarian, a president, a vice president, or other professional staff person whose national mobility requirements are similar to those of faculty members and who fills a position that is subject to nationwide searches in the academic community.

Gov’t. Code 4 821.001, 830.101

A faculty member may exercise the option to participate in the optional retirement program only once. Election to participate in the optional retirement program must be made before the ninety-first day after becoming eligible and is irrevocable. A faculty member who fails to elect the ORP during the 90-day period shall remain in the Teacher Retirement System or Employee Retirement System as applicable for the remainder of employment in Texas higher public education. Atty. Gen. Op. H-1184 (1978); 19 TAC 25.4(f)

The College District shall, within 15 business days of an ORP—eligible employee’s initial ORP eligibility date, provide written notification to the ORP—eligible employee that indicates the beginning and ending dates of his or her ORP election period and the local procedures for submitting the election form and additional required paperwork. 19 TAC 25.4(f) (3)

Governmental Excess Benefit Arrangement: The Board may establish a governmental excess benefit arrangement as provided by Section 415(m) of the Internal Revenue Code of 1986 (26 U.S.C. Section 415(m) for the purpose of providing to participants in the optional retirement program any portion of a participant’s benefits that would otherwise be payable under the terms of the program except for the limitation on benefits imposed by Section 415 of the Internal Revenue Code of 1986 (26 U.S.C. Section 415). The Board may take
any action necessary to establish and implement a governmental excess benefit arrangement authorized in accordance with Government Code 830.004(c).

Gov't Code 830.004(c)

Public Retirement System: The Board may establish and maintain a public retirement system for employees and determine the benefits, funding source and amount, and administration of the system. Gov't. Code 810.001

DF (LOCAL) Optional College Plan: The College offers an optional retirement plan as described below in addition to state-required or optional retirement plans.

Plan Eligibility: Full-time, board-approved employees are eligible to join the plan within 30 days of initial employment. Employees who do not exercise this initial option may join the plan on any future plan date (September 1).

Vesting of Benefits: Contributions to the retirement plan vest fully after three years' participation in the plan.

Death and Survivor Benefits: Upon first day in program the beneficiary will receive any vested interest in the plan.

Eligible Compensation: Salary and wages paid are considered compensation. Expenses, allowances, fringe benefits, vacation, sick leave, and other such examples are excluded.

Contribution to Plan: Employee payroll deduction is up to ten percent of salary. College contribution is three percent of employee salary.

Retirement Age: The age of 65 years is a target date for retirement benefits; however, no employee shall be required to retire at any age.

Return of Deposits: Members who terminate employment prior to vesting may apply for a return of their deposits. Members who terminate employment after vesting may receive their fully vested benefits after the end of the fiscal year, August 30.

Cost of Plan: The operational cost of the plan will be financed from the self-generated income of the plan.

Investment Committee: The committee shall consist of the College Business Manager, as chairman, one College Regent, appointed for a two-year term, and three members, elected for three-year terms by the members of the plan. (Initial members will draw for staggered terms to provide for rotation of one member each year.)

DG (LEGAL) EMPLOYEE RIGHTS AND PRIVILEGES

Employee Free Speech: College District employees do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. However, neither an employee nor anyone else has an absolute constitutional right to use all parts of a school building or its immediate environs for unlimited expressive purposes. When a public employee makes statements pursuant to his or her official duties, the employee is not speaking as a citizen for First Amendment purposes, and the Constitution does not insulate the communications from employer discipline. Garcetti v. Ceballos, 126 S.Ct. 1951 (2006); Tinker v. Des Moines Indep.Cmtv.Sch.Dist., 292 U.S. 503 (1969) [See also GF]

Whistleblower Protection: The Board or its agents shall not suspend or terminate the employment of, or take other adverse personnel action against, an employee who in good faith reports a violation of law by the College District or another public employee to an appropriate law enforcement authority. A “report” is made to an “appropriate law enforcement authority” if the authority is a part of a state or local governmental entity or the federal government that the employee in good faith believes is authorized to:

1. Regulate under or enforce the law alleged to be violated in the report; or
2. Investigate or prosecute a violation of criminal law.

Gov’t Code 554.002

Definitions: “Employee” means an employee or appointed officer who is paid to perform services for the College District. It does not include independent contractors. Gov’t Code 554.001 (1)

A “good faith” belief that a violation of the law occurred means that:

1. The employee believed that the conduct reported was a violation of law; and
2. The employee’s belief was reasonable in light of the employee’s training and experience.

Wichita County v Hart, 917 S.W.2d 779 (Tex. 1996)

A “good faith” belief that a law enforcement authority is an appropriate one means:

1. The employee believed the governmental entity was authorized to:
   a. Regulate under or enforce the law alleged to be violated in the report, or
   b. Investigate or prosecute a violation of criminal law; and
2. The employee’s belief was reasonable in light of the employee’s training and experience.


Whistleblower Complaints: An employee who alleges a violation of whistleblower protection may sue the College District for injunctive relief, actual damages, court costs, and attorney’s fees, as well as other relief specified in Government Code 554.003. Gov’t Code 554.003

Initiate Grievance: Before suing, an employee must initiate action under the College District’s grievance policy or other applicable policies concerning suspension or termination of employment or adverse personnel action. The employee must invoke the College District’s grievance procedure not later than the ninetieth day after the date on which the alleged suspension, termination, or other adverse employment action occurred or was discovered by the employee through reasonable diligence.

Legal Action: If the Board does not render a final decision before the sixty-first day after grievance procedures are initiated, the employee may elect to:

1. Exhaust the College District’s grievance procedures, in which case the employee must sue not later than the thirtieth day after the date those procedures are exhausted to obtain relief under government Code Chapter 554; or
2. Terminate College District grievance procedures and sue within time lines established by Government Code 554.005 and 554.006.

Gov’t Code 554.004, 554.006

Notice of Rights: The Board shall inform its employees of their rights under this provision by posting a sign in a prominent location in the workplace. The design and content of the sign shall be as prescribed by the attorney general. Gov’t Code 554.009

Prohibitions: A College District employee may not:

1. Use official authority or influence or permit the use of a program administered by the state to interfere with or affect the result of an
election or nomination of a candidate, or to achieve any other political purpose; or

2. Coerce, attempt to coerce, command, restrict, attempt to restrict, or prevent the payment, loan, or contribution of anything of value to a person or political organization for a political purpose.

Gov’t Code 556.004

Notice by Electronic Media: If a state law requires the College District to provide written notification to its officers or employees of any requirement, right, duty, or responsibility provided by state law, the College District may provide the notification by use of electronic media. The College District may adopt rules and guidelines to ensure that notification provided by electronic media is effective and that any required notification is provided to officers and employees who do not have access to electronic media. Education Code 51.965

Protection of Nurses: The College District may not suspend, terminate, or otherwise discipline or discriminate against a nurse who refuses to engage in an act or omission relating to a patient care that:

1. Would constitute grounds for reporting the nurse to the Board of Nurse Examiners under Occupations Code Chapter 301, Subchapter 1;
2. Constitutes a minor incident, as defined at Occupations Code Section 301.419; or
3. Would violate Occupations Code Chapter 301 or a rule of the Board of Nurse Examiners, if the nurse notifies the College District at the time of the refusal that this is the reason for refusing to engage in the act or omission.

Occupations Code 301.352(a)

DGA (LEGAL) EMPLOYEE RIGHTS AND PRIVILEGES: FREEDOM OF ASSOCIATION

Rights: Except as expressly prohibited by law, a College District employee shall have the full rights of freedom of association and political participation guaranteed by the state and federal constitutions. Code 556.003

Labor Organizations: An individual may not be denied employment by the College District because of the individual’s membership or nonmembership in a labor organization. Gov’t Code 617.004

“Labor organization” means any organization in which employees participate that exists, in whole or in part, to deal with one or more employers concerning grievances, labor disputes, wages, hours of employment, or working conditions. Gov’t Code 617.001

Collective Bargaining Prohibited: The Board may not enter into a collective bargaining contract with a labor organization regarding wages, hours, or conditions of employment of College District employees; nor shall it recognize a labor organization as the bargaining agent for a group of employees. Gov’t Code 617.002

 Strikes Prohibited: College District employees may not strike or engage in an organized work stoppage against the College District. However, the right of an individual to cease work shall not be abridged if the individual is not acting in concert with others in an organized work stoppage. Gov’t Code 617.003(a), (c)

Penalties: Any employee who participates in a strike or organized work stoppage shall forfeit all reemployment rights and any other rights, benefits, or privileges he or she enjoys as a result of public employment or former public employment. Gov’t Code 617.003(b)
DGA (LOCAL) Professional Organizations: Faculty members are allowed to participate in professional organizations. When the faculty members can demonstrate that an education-related purpose will be served, departmental budgets may assist in the payment of expenses of attending the meetings of the organizations.

Political Issues: Employees of the college shall not solicit support of any political candidate, partisan or nonpartisan, or support of any issue or any referendum matter, during working hours on college property.

College personnel shall be free, as citizens, to express their opinions through letter-to-the-editor or other media. In such cases, college personnel shall refrain from identifying themselves as representatives of the college. College letterheads shall not be used for such personal correspondence.

Employees of the college shall be free, as citizens, to participate in political activity and serve as political party or public officials, whenever consistent with state law, except during working hours on college property.

DGBA (LEGAL) PERSONNEL-MANAGEMENT RELATIONS – EMPLOYEE COMPLAINTS

United States Constitution: A College District shall take no action abridging the freedom of speech or the right of the people to petition the Board for redress of grievances. U.S. Const. Amend. I, XIV


Texas Constitution: Employees shall have the right, in a peaceable manner, to assemble together for their common good and to apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address, or remonstrance. Tex. Const. Art. 1, Sec. 27

There is no requirement that the Board negotiate or even respond to complaints. However, the Board must stop, look, and listen and must consider the petition, address, or remonstrance. Prof’l Ass’n of College Educators v. El Paso County Cmty (College) District, 678 S.W.2d 92 (Tex. App.—El Paso 1984, writ ref’d n.r.e.)

Federal Laws – Section 504: The College District that receives federal financial assistance, directly or indirectly, and that employs 15 or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973. 34 CFR 104.7(b), 104.11

Americans with Disabilities Act: The College District that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the Code of Federal Regulations, Title 28, Part 35 (Americans with Disabilities Act regulations). 28 CFR 35.107, 35.104

Title IX: The College District that receives federal financial assistance, directly or indirectly, shall adopt and publish grievance procedures providing for prompt and equitable resolution of employee complaints alleging any action prohibited by Title IX of the Education Amendments of 1972. 34 CFR 106.8(b); North Haven Board of Education v. Bell, 456 U.S. 512 (1982)

State Laws: Wages, Hours, Conditions of Work: The prohibition against collective bargaining and strikes [see DGA] does not impair the right of employees to
present grievances concerning their wages, hours of employment, or conditions of work, either individually or through a representative that does not claim the right to strike. *Gov’t Code 617.005*

The term “conditions of work” should be construed broadly to include any area of wages, hours, or conditions of employment, and any other matter that is appropriate for communications from employees to employer concerning an aspect of their relationship. *Att’y Gen. Op. JM-177 (1984); Corpus Christi Fed. Of Teachers v. Corpus Christi Indep. Sch. Dist., 572 S.W.2d 663 (Tex. 1978)*

The Statute protects grievances presented individually or individual grievances presented collectively. *Lubbock Prof’l Firefighters v. City of Lubbock, 742 S.W.2d 413 (Tex. App.—Amarillo 1987, writ ref’d n.r.e.)*

The College District cannot deny an employee’s representative, including an attorney, the right to represent the employee at any stage of the grievance procedure, so long as the employee designates the representative and the representative does not claim the right to strike. *Lubbock Prof’l Firefighters v. City of Lubbock, 742 S.W.2d 413 (Tex. App.—Amarillo 1987, writ ref’d n.r.e.)* *Sayre v. Mullins, 681 S.W.2d 25 (Tex. 1984)*

The College District should meet with employees or their designated representatives at reasonable times and places to hear grievances concerning wages, hours of work, and conditions of work. The right to present grievances is satisfied if employees have access to those in a position of authority to air their grievances. However, that authority is under no legal compulsion to take action to rectify the matter. *Att’y Gen. Op.H-422 (1974); Corpus Christi Indep. Sch. Dist v. Padilla, 709 S.W.2d (Tex. App.—Corpus Christi, 1986, no writ)*

Open Meeting Act: The Board is not required to conduct an open meeting to hear a complaint or charge against an employee. However, the Board may not conduct a closed meeting if the employee who is the subject of the hearing requests a public hearing. *Gov’t Code 551.074 [See BDA]*

Closed Meeting: The Board may conduct a closed meeting on an employee complaint to the extent required or provided by law. [See BDA]

Whistleblower Complaints: Before bringing suit, an employee who seeks relief under Government Code Chapter 554 (whistleblowers) must initiate action under the College District’s grievance or appeal procedures relating to suspension or termination of employment or adverse personnel action. *Gov’t Code 554.005 [See DG]*

**DGBA (LOCAL) PERSONNEL-MANAGEMENT RELATIONS: EMPLOYEE COMPLAINTS**

Informal Process: The Board encourages employees to discuss their concerns and complaints through informal conferences with their supervisor or other appropriate administrator.

Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Formal Process: If an informal conference regarding a complaint fails to reach the outcome requested by the employee, he or she may initiate the formal process described below by timely filing a written complaint form. Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

Freedom from Retaliation: Neither the Board nor any College District employee shall unlawfully retaliate against an employee for bringing a concern or complaint. [See DG]
Notice to Employees: The College President and other supervisory personnel shall inform employees of this policy.

Specific Complaints: For more information on how to proceed with complaints regarding:

1. Alleged discrimination, including violations of Title IX or Section 504, see DAA.
2. Dismissal of term contract employee, see DMAA.
3. Nonrenewal of term contract employee, see DMAB.
4. A commissioned peace officer who is an employee of the College District, see CHA.
5. Alleged harassment, see DHA and DHC.

Definitions: For purposes of this policy, terms are defined as follows:

Complaint/Grievance: The terms “complaint” and “grievance” shall have the same meaning. A complaint under this policy may include:
1. Grievances concerning an employee’s wages, hours, or conditions of work;
2. Specific allegations of unlawful discrimination in employment based on the employee’s sex, race, religion, national origin, age, or disability;
3. Specific allegations of unlawful discrimination or retaliation based on the employee’s exercise of legally protected rights;
4. Specific allegations of adverse personnel action based on the employee’s good faith report to an appropriate law enforcement authority of a violation of law by the College District or a College District employee, i.e., “whistleblower complaints” [See DG]; or
5. Complaints arising from the dismissal or termination of an at-will employee. [See DDC]

Filing: Complaint forms and appeal notices may be filed by hand-delivery, fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Response: At Levels One, Two, and Three “response” shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the employee’s mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on the deadline and received by the employee or designated representative no more than three days after the response deadline.

Days: “Days” shall mean College District business days. In calculating time lines under this policy, the day a document is filed is “day zero,” and all deadlines shall be determined by counting the following day as “day one.”

Representative: “Representative” means any person who or an organization that does not claim the right to strike and is designated by the employee to represent him or her in the complaint process.

The employee may designate a representative through written notice to the College District at any level of this process. If the employee designates a representative with fewer than three days’ notice to the College District before a scheduled conference or hearing, the College District may reschedule the
conference or hearing to a later date, if desired, in order to include the College District’s counsel.

Whistleblower Complaints: Whistleblower complaints shall be filed within the time specified by law. Such complaints shall first be filed in accordance with LEVEL THREE, below. Time lines for the employee and the College District set out in this policy may be shortened to allow the Board to make a final decision within 60 days of the initiation of the complaint. [See DG]

General Provisions: Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the College District may consolidate the complaints.

Untimely filings: All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process. The employee may appeal the dismissal by seeking review in writing within ten days, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

Costs Incurred: Each party shall pay its own costs incurred in the course of the complaint.

Complaint Form: Complaints under this policy shall be submitted in writing on a form provided by the College District.

Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted unless the employee did not know the documents existed before the Level One conference.

A complaint form that is incomplete in any material aspect may be dismissed, but may be refilled with all the requested information if the refilling is within the designated time for filing a complaint.

Level One: Complaint forms must be filed:

1. Within 15 days of the date the employee first knew, or with reasonable diligence should have know, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

In most circumstances, employees shall file Level One complaints with their immediate supervisor. The complaint, however, may begin at the first level at which the administrator has the authority to remedy the complaint.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator. The appropriate administrator shall hold a conference with the employee within ten days after receipt of the written complaint. The administrator shall have ten days following the conference to provide the employee a written response.
Level Two: If the employee did not receive the relief requested at Level One or if the time for a response has expired, the employee may request a conference with the vice president or designee to appeal the Level One decision. The appeal notice must be filed in writing, on a form provided by the College District, within ten days after receipt of a response or, if no response was received, within ten days of the response deadline at Level One. The vice president or designee shall hold a conference within ten days after the appeal notice is filed. At the conference, the vice president or designee shall consider only the issues and documents presented at Level One and identified in the Level Two appeal notice. The vice president or designee shall have ten days following the conference to provide the employee a written response.

Level Three: If the employee did not receive the relief requested at Level Two or if the time for a response has expired, the employee may request a conference with the College President or designee to appeal the Level Two decision. The appeal notice must be filed in writing, on a form provided by the College District, within ten days after receipt of a response or, if no response was received, within ten days of the response deadline at Level Two. The College President or designee shall hold a conference within ten days after the appeal notice is filed. At the conference, the College President or designee shall consider only the issues and documents presented at Level Two and identified in the Level Three appeal notice. The College President or designee shall have ten days following the conference to provide the employee a written response.

Level Four: If the employee did not receive the relief requested at Level Three or if the time for a response has expired, the employee may appeal the decision to the Board. The appeal notice must be filed in writing, on a form provided by the College District, within ten days after receipt of a response or, if no response was received, within ten days of the response deadline at Level Three. The College President or designee shall inform the employee of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board. The College President or designee shall provide the Board with copies of the complaint form, all responses; all appeal notices, and all written documentation previously submitted by the employee or the administration. The Board shall consider only those issues and documents presented at the preceding levels and identified in the appeal notice. The College District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BD]

The presiding officer may set reasonable time limits and guidelines for the presentation. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels. In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Four presentation. The Level Four presentation, including the presentation by the employee or the employee’s representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter. The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If for any reason the Board fails to reach a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Three.
EMPLOYEE STANDARDS OF CONDUCT

Public Servants: All College District employees are public servants and therefore subject to Title 8 of the Penal Code, regarding offenses against public administration, including bribery and corrupt influence (Chapter 36), perjury and other falsification (Chapter 37), obstructing governmental operation (Chapter 28), and abuse of office (Chapter 39). Penal Code 1.07(a)(41), Title 8 [See DBD]

Drug and Alcohol Abuse Program: A College District that receives a federal grant must agree to provide a drug-free workplace by:

1. Publishing a statement notifying employees of the requirements of the federal Drug-Free Workplace Act (DFWA) and requiring that each employee be given a copy of the statement [see DO(EXHIBIT)];
2. Establishing a drug-free awareness program for employees pursuant to the DFWA;
3. Notifying the granting agency within ten days after receiving notice that an employee has been convicted under a criminal drug statute;
4. Imposing a sanction on an employee who is convicted of such a violation; and
5. Making a good faith effort to continue to maintain a drug-free workplace.

41 U.S.C. 702(a)(1); 49 CFR pt. 32

A College District that has 15 or more employees shall adopt a policy for elimination of drug abuse and must provide their employees with a copy of the policy on or before the first day of employment. College districts that comply with the DFWA must amend their policies to include alcoholic beverages. 28 TAC 169.1, 169.2

Sex Offender Registration: Not later than the seventh day after the date on which the person begins work, a person required to register under Chapter 62, Code of Criminal Procedure, who is employed or carried on a vocation shall report that fact to:

1. The authority for campus security for the institution; or
2. If an authority for campus security for the institution does not exist and the person is otherwise required by Chapter 62, Code of Criminal Procedure, to register at the authority, the local law enforcement authority of:
   a. The municipality in which the institution is located; or
   b. The county in which the institution is located, if the institution is not located in a municipality.

The person described above shall provide the authority for campus security or the local law enforcement authority all information the person is required to provide under Code of Criminal Procedure Section 62.02(b). The person shall notify the authority for campus security or the local law enforcement authority not later than the seventh day after the date of termination of the person’s status as a worker at the institution.

The authority for campus security or the local law enforcement authority shall promptly forward to the administrative office of the College District any information received from the person under Code of Criminal Procedure Section
DH (LOCAL)

EMPLOYEE STANDARDS OF CONDUCT: All College District employees shall perform their duties in accordance with the 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]

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

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

Employees shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while at the College District or at College District-related activities 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 other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.

An employee need not be legally intoxicated to be considered “under the influence” of a controlled substance.

Exceptions: An employee who manufactures, possesses, or dispenses a substance listed above as part of the employee’s job responsibilities, or who uses a drug authorized by a licensed physician prescribed for the employee’s personal use shall not be considered to have violated this policy.

The College President is authorized by the Board to permit the serving and consumption of alcohol at appropriate College District functions.

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

Arrests, Indictments, Convictions, and Other Adjudications: An employee shall notify his or her 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, 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

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 DDC and DM series]

Faculty Code: The faculty may adopt and maintain a faculty code as its own independent expression of the standards by which all members of the faculty should be guided in their service to the College District and in their relations to students, fellow members of the faculty, and the community. However, no provision in the faculty code shall be effective if it is contrary to the provision of law, the College District faculty handbook, the regulations established by the College President, or Board policy bylaws.

DHA (LOCAL) EMPLOYEE STANDARDS OF CONDUCT: SEXUAL HARASSMENT:
Definition: Sexual harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an employee, student, or group of employees or students because of his or her gender and that:
1. Has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
2. Has the purpose or effect of unreasonably interfering with an individual’s performance of duties or studies; or
3. Otherwise adversely affects an individual’s employment or academic opportunities.

Harassing conduct includes (1) epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to gender and (2) written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of gender and that is placed on walls, bulletin boards, or elsewhere on District premises, or is circulated in the workplace.

Employee-to-Employee: Employees shall not engage in conduct constituting sexual harassment of other employees [See DHA (EXHIBIT)]
Employees who believe they have been sexually harassed by other employees are encouraged to come forward with complaints. College District officials or their agents shall investigate promptly all allegations of sexual harassment of employees by other employees, and officials shall take prompt and appropriate disciplinary action against employees found to have engaged in conduct constituting sexual harassment of employees.

Complaint procedure: For the purpose of the following complaint process, “days” mean calendar days.
An employee who believes he or she has been or is being subjected to any form of sexual harassment shall bring the matter to the attention of the appropriate administrator, immediate supervisor, or Title IX coordinator for employees. No procedure or step in this policy shall have the effect of requiring the employee alleging harassment to present the matter to a person who is the subject of the complaint.

**Level One:** The employee shall request a conference with his or her immediate supervisor by submitting the complaint in writing or by requesting a conference. If the complaint is made orally, the supervisor receiving the complaint shall reduce it to writing.

The immediate supervisor shall hold the conference as soon as possible, but in any event within seven days after receipt of the complaint. The immediate supervisor shall ordinarily have seven days following the conference within which to investigate and respond. The employee shall be informed if extenuating circumstances delay the investigation.

**Level Two:** If the outcome of the conference at Level One is not to the employee’s satisfaction, the employee may request a conference with the College President or designee to discuss the complaint. The request should be in writing and shall be filed within seven days following receipt of a written response or, if no written response is received, within seven days of the response deadline. The College President or designee shall hold the conference as soon as possible but in any event within seven days after receipt of the written request. The College President or designee shall have seven days following the conference within which to respond.

**Level Three:** If the outcome at Level Two is not to the employee’s satisfaction or if the time for a response has expired, the employee may submit to the College President or designee a written request to place the complaint on the agenda of the next regular Board meeting. The College President shall place the matter on the agenda for the next regular Board meeting. [See BD (LOCAL)]. The complaint shall be included as an item on the agenda posted with notice of the meeting. Announcing a decision in the employee’s presence constitutes communication of the decision.

The College President or designee shall provide the Board with copies of the employee’s original complaint, all responses, and any written documentation previously submitted by the employee and the administration.

**Closed Meeting:** The Board may hear the allegation of sexual harassment in closed meeting, if posted in accordance with law, unless an open hearing is requested in writing by the employee or Board member against whom the complaint or charge is brought.

**Employee-to-student:** Employees shall not engage in conduct constituting sexual harassment of students. Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, and other verbal (oral or written), physical, or visual conduct of a sexual nature.

**Reporting/Investigation:** Employees who have reason to believe that a student is being sexually harassed or sexually abused by a College District employee shall report their suspicion to their immediate supervisor, or Title IX coordinator.

**DHA (EXHIBIT):**

**NOTICE OF EMPLOYEE RIGHTS:**

What is the College District policy concerning sexual harassment? The College District forbids employees from engaging in conduct that constitutes sexual harassment of other employees or of students.

The College District encourages employees to come forward with allegations of sexual harassment or misconduct in the workplace. Employees who report
sexual harassment will not be subjected to adverse treatment for reporting the harassment.  

What is sexual harassment? “Sexual harassment” includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Such conduct constitutes sexual harassment when submission to such conduct is made a term or condition of employment or has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment. “Sexual harassment” includes same-sex harassment when the harassment constitutes discrimination because of sex.  

What laws address sexual harassment? Title VII is a federal law that prohibits discrimination on the basis of race, color, religion, sex, or national origin. The Texas Labor Code, Section 21.051, makes it an unlawful employment practice for an employer to discriminate on the basis of race, color disability, religion, sex, national origin, or age.  

Title VII does not prohibit genuine but innocuous differences in the way men and women routinely interact with members of the same sex and of the opposite sex. It forbids only behavior so objectively offensive as to alter the “conditions” of the victim’s employment.  

What do I do if I believe I have been the victim of sexual harassment? Employees are encouraged to report allegations of sexual harassment as soon as possible.  

What will happen once I file a complaint? Whether you report your problem to an appropriate administrator, your supervisor, or the Title IX coordinator, the process will be the same. If you have made your complaint orally, the supervisor will reduce it to writing and ask you to verify that it has been transcribed accurately. The supervisor will hold a conference with you as soon as possible, but at the latest, within seven calendar days. Following the conference, the supervisor ordinarily will have seven calendar days to offer a response, unless the investigation takes longer to resolve. You will be informed if there is a delay in the response.  

What if I’m not happy with my supervisor’s response? The College District provides a three-level complaint process. If you are not satisfied with the initial outcome, you may appeal to the College President or the College President’s designee. The College President or designee will hold another conference with you and attempt to resolve the situation. If you still feel that the problem has not been solved, you may appeal to the Board of Trustees.  

How will the College District respond to claims of sexual harassment? The College District will respond promptly to all allegations of sexual harassment. Prompt remedial action, reasonably calculated to end the harassment, will be taken when claims are substantiated.  

Will my complaint be confidential? To the greatest extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation.  

DHA (LOCAL) In considering and investigating allegations that an employee has sexually harassed a student [see DHC (LOCAL)]; the investigation shall proceed from the presumption that the employee’s conduct was unwelcome.  

[See also FLDA (LOCAL), which contains the complaint procedure for students alleging sexual harassment or sexual abuse by an employee.]  

DHC (LOCAL) EMPLOYEE STANDARDS OF CONDUCT: HARASSMENT: Employees shall not engage in harassment motivated by race, color, religion, national origin, disability, or age and directed toward students or College District employees. A
substantiated charge of harassment against a student or employee shall result in disciplinary action.

Definitions: The term “harassment” includes repeated, unwelcome, and offensive slurs, jokes, or other oral, written, graphic, or physical conduct relating to an individual’s race, color, religion, national origin, disability, or age that creates an intimidating, hostile, or offensive educational or work environment.

Reporting: Employees who believe they have been harassed are encouraged to promptly report such incidents to the appropriate administrator. If the administrator is the subject of a complaint, the employee shall report the complaint directly to the College President.

Investigations: Any allegations of harassment of students or employees shall be investigated and addressed.

Oral complaints shall be reduced to writing to assist in the College District’s investigation. To the greatest extent possible, complaints shall be treated as confidential. Limited disclosure may be necessary to complete a thorough investigation.

Protection from Retaliation: The College District shall not retaliate against an employee who in good faith reports perceived harassment.

Complaint Process: An employee may appeal the decision of the supervisor regarding the investigation into the allegations in accordance with DGBA.

DLA-R (LOCAL) STATUS OF EMPLOYMENT: EVALUATION
Criteria for faculty evaluation shall be as follows:
1. Classroom management function pertains to measurable in class operational techniques and control of the learning environment.
2. Professional advancement function pertains to measurable activities the teacher undertakes to improve his or her abilities as a teacher.
3. Institutional advancement function pertains to those measurable activities a teacher undertakes to improve relationships between and/or within disciplines or to advance the college in general.
4. Community service function pertains to those measurable activities a teacher undertakes to improve relationships between the college and the community at large.
5. Student involvement function pertains to those measurable activities a teacher undertakes to improve the educational environment of students outside the regular classroom.

The above criteria shall be evaluated by the Vice President for Academic Affairs/Chief Academic Officer and discussed with each faculty member at an annual review.

DMA (LOCAL) TERMINATION OF EMPLOYMENT: TERM CONTRACTS
Resignation: Any employee serving under a term contract may relinquish his or her position and leave the employment of the District at the end of any school year without penalty, provided such employee submits a written resignation to the Vice President for Academic Affairs/Chief Academic Officer prior to April 1 of the school year in which he or she resigns. A prepaid certified or registered letter of resignation is considered submitted upon mailing.

The employee may resign with the consent of the Vice President for Academic Affairs/Chief Academic Officer at any time mutually agreeable.

Abolition of Position: Abolition of a position shall be on action by the Board on recommendation of the College President.
Grounds for Dismissal: Any employee may be dismissed for good cause before the completion of the term fixed in his or her contract.

Notice: Before any employee is dismissed, the employee shall be given reasonable notice in writing of the proposed action and the grounds, set out in sufficient detail to fairly enable him or other to show any error that may exist.

Hearing: If, upon written notification, the employee desires to be heard and to contest the proposed action of the Board, he or she shall give the Board written notice. The hearing shall be set on a date that affords the employee reasonable time to prepare an adequate defense. 

Cleveland Bd. Of Educ. V. Loudermill, 470 U.S. 532 (1985); Ferguson v. Thomas, 430 F.2d 852 (5th Cir. 1970); Bexar Cty. Sheriff's Civ. Serv. V. Davis, 802 S.W.2d 659 (Tex. 1990);

The Board may conduct the hearing in open session or in closed session unless the employee requests a public hearing, in which case the hearing shall be open to the public. Gov't Code 551.074

At the hearing before the Board, the employee may employ counsel. The Employee also has the right to hear the evidence upon which the charges are based, to cross-examine all adverse witnesses, and to present evidence of innocence or extenuating circumstances. Prior to dismissal, the Board shall determine the existence of good cause for termination. Such determination shall be based solely on the evidence presented in the hearing. Ferguson v. Thomas, 430 F.2d 852 (5th Cir. 1970)

Grievance Rights of Faculty Members: A faculty member has a right to present a grievance, in person, to a member of the College District's administration designated by the Board on an issue related to the nonrenewal or termination of the faculty member’s employment at the College District.

A College District may not by contract, policy, or procedure, restrict a faculty member’s right to present a grievance under Education Code 51.960. A college district may adopt a method for presenting, reviewing, and acting on a grievance filed under Education Code 51.960.

“Faculty member” means a person employed full time by a college district as a member of the College District’s faculty, including professional librarians, whose duties include teaching, research, administration, or the performance of professional services. The term does not include a person who holds faculty rank but who spends the majority of the person’s time for the College District engaged in managerial or supervisory activities, including a chancellor, vice chancellor, president, vice president, provost, associate or assistant provost, dean, or associate or assistant dean.

Education Code 51.960

Suspension: The employee may be suspended with pay pending the outcome of the dismissal hearing. Moore v. Knowles, 482 F.2d 1069 (5th Cir. 1973)
If a faculty member wishes to present a grievance under Education Code 51.960, it is recommended that he or she file a request to present the grievance within ten working days after final action on the dismissal proceeding. Once a request to present a grievance has been filed, the conference shall normally be scheduled within seven working days.

DMAB (LEGAL) TERM CONTRACTS: NONRENEWAL: The Board may decide by vote or inaction not to offer any employee further employment with the College District beyond the term of the contract for any reason or no reason. *Perry v. Sindermann*, 408 U.S. 593 (1972); *Board of Regents of State Colleges v. Roth*, 408 U.S. 564 (1972)

Grievance Rights of Faculty Members: A faculty member has a right to present a grievance, in person, to a member of the College District’s administration designated by the Board on an issue related to the nonrenewal or termination of the faculty member’s employment at the College District. A College District may not by contract, policy, or procedure, restrict a faculty member’s right to present a grievance under Education Code 51.960. A College District may adopt a method for presenting, reviewing, and acting on a grievance filed under Education Code 51.960.

“Faculty member” means a person employed full time by a College District as a member of the College District’s faculty, including professional librarians, whose duties include teaching, research, administration, or the performance of professional services. The term does not include a person who holds faculty rank but who spends the majority of the person’s time for the College District engaged in managerial or supervisory activities, including a chancellor, vice chancellor, president, vice president, provost, associate or assistant provost, dean, or associate or assistant dean.

*Education Code 51.960*

DMAB (LOCAL) TERM CONTRACT NONRENEWAL

Nonrenewal: Employees may be nonrenewed at the end of their contract term. Nonrenewal shall not be based on an employee’s exercise of rights guaranteed by the Constitution or be based unlawfully on an employee’s race, color, religion, sex, national origin, disability, or age. The employee may request an appearance before the Board providing that a request for such appearance is made in writing to the College President within ten days of the employee’s receipt of the letter of nonrenewal. The College President shall notify the employee of the date of the appearance and the procedures to be followed. Notice shall be given at least ten days prior to the scheduled appearance.

Grievance Filed Under Education Code 51.960: The Board designates the director of human resources as the person to whom a faculty member may present a grievance on an issue related to his or her nonrenewal. If a faculty member wishes to present a grievance under Education Code 51.960, it is recommended that he or she file a request to present the grievance within ten working days after final action on the nonrenewal proceeding. Once a request to present a grievance has been filed, the conference shall normally be scheduled within seven working days.

DOE (LOCAL) DRUG-FREE SCHOOLS, DRUG-FREE WORKPLACE AND WORKERS’ COMPENSATION REQUIREMENTS: The District prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, illicit drug, and alcohol, as those terms are defined in state and federal law, in the workplace, on school premises, or as part of any of the District’s activities.
Employees who violate this prohibition shall be subject to disciplinary sanctions. Such sanctions may include referral to drug and alcohol counseling or rehabilitation programs or employee assistance programs, termination from employment with the District, and referral to appropriate law enforcement officials for prosecution. Information on available rehabilitation or employee assistance programs and contacts shall be posted throughout the workplace.

Compliance with these requirements and prohibitions is mandatory and is a condition of employment. As a further condition of employment, an employee shall notify the College President of any criminal drug statute conviction the employee incurs for a violation in a workplace no later than five days after such conviction.

Within 30 calendar days of the College President’s or designee’s receiving notice from any source of a conviction for any drug statute violation occurring in the workplace, the College President or designee shall either (1) take appropriate personnel action against the employee, up to and including termination of employment or referral for prosecution or (2) require the employee to participate satisfactorily in a drug and alcohol abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health agency, law enforcement agency, or other appropriate agency. The cost of any such program shall be borne by the employee.

[This notice complies with notice requirements imposed by the federal Drug-Free Workplace Act [20 U.S.C. 3471, 1221e-3(a)(1) and 34 CFR 85.630]; notice requirements imposed by the federal Drug-Free Schools and Communities Act Amendments of 1989 [20 U.S.C. 3224a and 34 CFR 86.201]; and notice requirements imposed by the Texas Workers’ Compensation Commission rules at 29 TAC 169.2]

DO (EXHIBIT) EMPLOYEE WELFARE: The following pages include an exhibit, in compliance with the Drug-Free Workplace Act, that is required for distribution to all College District employees, and an exhibit pointing to useful federal and state Web sites containing information on commonly abused drugs and the legal penalties for possession and use.

Exhibit A: Drug-Free Workplace Requirements
Exhibit B: Sources for Information on Illegal Drugs
Exhibit C: Alcohol Abuse and Drug Prevention Program for Students and Employees

EXHIBIT A: DRUG-FREE WORKPLACE REQUIREMENTS
The College District prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illegal drugs, inhalants, and alcohol in the workplace. 41 U.S.C. 702(a)(1)(A); 28 TAC 169.2
The College District shall establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the College District’s policy of maintaining a drug-free workplace; any available drug counseling, rehabilitation, and employee assistance abuse programs; and the penalties that may be imposed upon employees for drug abuse violations. 41 U.S.C. 702(a)(1)(B); 28 TAC 169.2
Employees who violate this prohibition shall be subject to disciplinary sanctions. Such sanctions may include referral to drug and alcohol counseling or rehabilitation programs of employee assistance programs, termination from employment with the College District, and referral to appropriate law enforcement officials for prosecution. 41 U.S.C. 702(a)(1)(A); 28 TAC 169.2
Compliance with these requirements and prohibitions is mandatory and is a condition of employment. As a further condition of employment, an employee shall notify the College President of any criminal drug statute conviction for a
violation occurring in the workplace no later than five days after such conviction. Within ten days of receiving such notice—from the employee or any other source—the College District shall notify the granting agency of the conviction. 41 U.S.C. 702(a)(1)(D),(E)

Within 30 calendar days of receiving notice from an employee of a conviction for any drug statute violation occurring in the workplace, the College District shall either (1) take appropriate personnel action against the employee, up to and including termination of employment, or (2) require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health agency, law enforcement agency, or other appropriate agency. 41 U.S.C. 703

[This notice complies with notice requirements imposed by the federal Drug-Free Workplace Act (41 U.S.C. 702) and notice requirements imposed by the Texas Workers' Compensation Commission rules at 28 TAC 169.2]

EXHIBIT B: SOURCES FOR INFORMATION ON ILLEGAL DRUGS

- Comparative Pharmacological Profiles of Abused Drugs: [http://www.tcada.state.tx.us/research/slang/compare98.pdf](http://www.tcada.state.tx.us/research/slang/compare98.pdf)

EXHIBIT C: ALCOHOL ABUSE AND DRUG PREVENTION PROGRAM FOR STUDENTS AND EMPLOYEES

In compliance with Section 1213 of the Higher Education Act of 1965 and amended in 1989, Frank Phillips College is committed to the elimination of alcohol abuse and illicit drug use. Since substance abuse disrupts the special environment of personal growth on our college campus, this pamphlet has been designed to provide information about the policy, applicable sanctions, health risks, and the availability of counseling, treatment, and rehabilitation for Frank Phillips College students and employees. Compliance with this policy is required of all students and employees at Frank Phillips College.

Alcohol and Drug Policy: Violations of federal, state, and local laws relative to theft, possessing, manufacturing of, selling, transmitting, or using intoxicants, narcotics, or other drugs that constitutes alcohol abuse and illicit drug use are subject to college sanctions.

Legal Sanctions: Violations render all guilty members of the college community subject to immediate dismissal and/or removal from that individual’s current status at Frank Phillips College, making them subject to off-campus authorities and the possibility of fines and/or confinement. College sanctions will be in accordance with the procedures outlined in the Student Handbook, College Catalog, and Faculty/Staff Manual.

Health Risks: Alcohol abuse can lead to alcoholism, premature death, and complications of the brain, heart, liver, and other body organs. It is a prime contributor to suicide, homicide, motor vehicle deaths, and other so-called “accidental cause” of death. Alcohol interferes with psychological functions, disrupts occupational effectiveness, and is involved in most cases of child abuse and interpersonal difficulties.

Illicit drug use can result in a wide range of health problems including drug addiction, death by overdose or withdrawal, seizures, heart problems, infections, liver disease, and chronic brain dysfunction (i.e., memory loss, hallucinations, paranoia, and psychosis).
Counseling, Treatment, and Rehabilitation: Employees and students who have a substance abuse problem are encouraged to seek immediate assistance which is available through the following agencies:

Cedar Creek Hospital
7200 SW 9th Avenue
Amarillo, TX
(806) 354-7500 or 1-800-926-0044

Cedar Creek Hospital
Satellite Offices
1-800-926-0044

PARC
Hereford, Texas
(806) 364-4357

Ridgeview Medical Center
Building G
1600 Coulter
Amarillo, TX
(806) 358-6696 or 1-800-228-1501

Resource Center
1-800-926-0044

FLDA (LOCAL) STUDENT COMPLAINTS: SEXUAL HARASSMENT:

Sexual Harassment by Students: Students shall not engage in sexual harassment toward another student or a District employee. A substantiated charge of sexual harassment against a student shall result in disciplinary action. [See FM series]

Sexual Harassment by employees investigations: District employees are prohibited from sexually harassing students. [See also FLDA (LEGAL) and DHA (LEGAL) and (LOCAL)]

All reports of sexual harassment that are not minor shall be referred to the Title IX coordinator. Oral complaints shall be reduced to writing to assist in the District’s investigation. To the greatest extent possible, complaints shall be treated as confidential. Limited disclosure may be necessary to complete a thorough investigation.

Protection from Retaliation: The District shall not retaliate against a student who in good faith reports perceived sexual harassment or sexual abuse.

Complaint Process: For the purposes of the following complaint process, “days” mean calendar days.

Level One: A student who has a complaint alleging sexual harassment by other student(s) or sexual harassment or sexual abuse by an employee may request a conference with the appropriate administrator, designee, or the Title IX coordinator for students. The student may be accompanied by an advisor at the initial conference and throughout the complaint process. The initial conference with the student ordinarily shall be held with a person who is the same gender as the student. The conference shall be scheduled and held as soon as possible, but in any event within seven days of receipt of the complaint. At the conference, the persons bringing the complaint shall be informed of the right to file a complaint with the Office of Civil Rights. The appropriate administrator or designee or the Title IX coordinator shall coordinate an appropriate investigation, which ordinarily shall be completed within seven days of receipt of the complaint. The student shall be informed if extenuating circumstances delay the investigation.

Nothing in the complaint process shall have the effect of requiring a student alleging sexual harassment to report the matter to a person who is the subject of the complaint.

Level Two: If the resolution of the complaint at Level One is not to the student’s satisfaction, the student has seven days to request a conference with the College President or designee, who shall schedule and hold a conference. Prior to or at the conference, the student shall submit a written complaint that includes a statement of the complaint, any evidence in its support, the resolution sought, the
student’s signature, and the date of the conference with the appropriate administrator, designee, or Title IX coordinator.

Level Three: If the resolution of the complaint at Level Two is not to the student’s satisfaction, the student may submit to the College President or designee a written request to place the complaint on the agenda of the next regular Board meeting. The complaint shall be included as an item on the agenda with notice of the meeting. Announcing a decision in the student’s presence constitutes communication of the decision.

Closed Meeting: The Board shall hear complaints alleging sexual harassment by student or sexual harassment by employees in closed meeting, unless otherwise required by the Open Meetings Act. [See BD (LEGAL) and BDA (LEGAL)].

GAA (LEGAL) PUBLIC INFORMATION PROGRAM: ACCESS TO INFORMATION

Public Information: “Public Information” means information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by the Board or for the Board and to which the Board has a right of access. Gov’t Code 552.002(a)

Availability: Public information is available, at a minimum, to the public during the College District’s normal business hours. Gov’t Code 552.021

Unless they are expressly confidential under other law, categories of public information that are not excepted from required disclosure under this policy include:

1. A completed report, audit, evaluation, or investigation made of, for, or by the Board, except as provided in Government Code 552.108.
2. The name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of the College District.
3. Information in an account, voucher, or contract relating to the receipt or expenditure of public funds.
4. The name of each official and the final record of voting on all proceedings of the Board.
5. All working papers, research material, and information used to estimate the need or expenditure of public funds or taxes by the Board, on completion of the estimate.
6. A description of the College District’s organization and where, from whom, and how the public may obtain information, submit information or requests, and obtain decisions.
7. A statement of the general course and method by which the College District’s functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures.
8. A rule of procedure, description of forms available or the places where forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations.
9. A substantive rule of general applicability adopted or issued by the Board and a statement of general policy or interpretation of general applicability formulated and adopted by the Board.
10. Any amendment, revision, or repeal of the information described in items 6-9.
11. Final opinions and orders issued in adjudication of cases.
12. A policy statement or interpretation adopted or issued by the Board.
13. Administrative manuals and instructions to staff that affect a member of the public.
14. Information regarded as open to the public under the College District’s policies.
15. Information that is in a bill for attorney’s fees and that is not privileged under the attorney-client privilege or confidential under other law.
16. Information that is also contained in a public court record.
17. A settlement agreement to which the Board is a party.

A court in this state may not order the Board or the College District’s officer for public information to withhold from public inspection any category of public information described above or to not produce the information for inspection or duplication, unless the information is expressly made confidential under other law.

Gov’t Code 552.022

Investment Information: Certain College District investment information, as specified by Government Code 552.0225, is public information and not excepted from disclosure. Gov’t Code 552.0225

Personal Information– Employee/Board Member: Each College District employee, other than peace officers, and Board member and each former employee and Board member shall choose whether to allow public access to College District-held information relating to the person’s home address, telephone number, or social security number, or any other information that reveals whether the person has family members. Employees and Board members shall state their choice to the College District’s main personnel officer in a signed writing not later than the 14th day after employment begins, election or appointment to the Board occurs, or service with the College District ends. If an employee of Board member fails to state his or her choice within 14 days, the information is available to the public. However, an employee or Board member may make a written request at any time to the personnel officer to open or close the information relating to the person’s home address, telephone number, social security number, or any other information that reveals whether the person has family members. Gov’t Code 552.024

Personal Information – Peace Officers/Security Officers: College District-held information relating to the home address, home telephone number, or social security number of peace officers or security officers commissioned by the Board of Private Investigators and Private Security Agencies, or any information that reveals whether the person has family members, is confidential and may not be disclosed if the person chooses to restrict public access to the information and notifies the College District on a form provided by the College District, accompanied by evidence of the individual’s status. Gov’t Code 551.1175

E-Mail Addresses Confidential: An e-mail address of a member of the public that is provided for the purpose of communicating electronically with the College District is confidential and not subject to disclosure unless the member of the public affirmatively consents to its release.

Exceptions: This confidentiality does not apply to an e-mail address:
1. Provided to the College District by a person who has a contractual relationship with the College District or by the contractor’s agent;
2. Provided to the College District by a vendor who seeks to contract with the College District or by the vendor’s agent;
3. Contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to the College District in the course of negotiating the terms of a contract or potential contract; or
4. Provided to the College District on a letterhead, coversheet, printed document, or other document made available to the public.

The College District may also disclose an e-mail address for any reason to another governmental body or to a federal agency.  

*Gov't Code 552.137*

**Participant in Address Confidentiality Program:** Information relating to a participant in the Address Confidentiality Program for Victims of Family Violence, Sexual Assault, and Stalking under Code of Criminal Procedure Chapter 56, Subchapter C is confidential, except as provided by Code of Criminal Procedure 56.90, and may not be disclosed.  

*Code of Criminal Procedure 56.88*

**Victims of Certain Crimes:** A College District employee who is also a victim under Code of Criminal Procedure Chapter 56, Subchapter B may elect whether to allow public access to information held by the College District that would identify or ten to identify the victim, including a photograph or other visual representation of the victim. An election under this subsection must be made in writing on a form developed by the College District, be signed by the employee, and be filed with the College District before the third anniversary of the latest to occur of one of the following:

1. The date the crime was committed;
2. The date employment begins; or
3. The date the governmental body develops the form and provides it to employees.

If the employee fails to make an election, the identifying information is excepted from disclosure until the third anniversary of the date the crime was committed. In case of disability, impairment, or other incapacity of the employee, the election may be made by the guardian of the employee or former employee.  

*Gov't Code 552.132*

**Information Excepted from Public Disclosure:** The Board or the officer for public information voluntarily may make part or all of its records available to the public, unless the disclosure is expressly prohibited by law or the records are confidential by law.  

*Gov't Code 552.007*

Categories of information that are excepted from disclosure to the public include:

1. Information considered to be confidential by law, either constitutional, statutory, or by judicial decision.  

*Gov't Code 552.101*

2. Information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, and transcripts from institutions of higher education maintained in files of professional employees; however, the degree obtained and the curriculum on the transcripts shall be subject to disclosure.  

*Gov't Code 552.102*

3. Information relating to litigation of a civil or criminal nature to which the College District is, or may be, a party or to which an officer of employee of the College District, as a consequence of the office or employment, is or may be a party, but only if the litigation is pending or reasonable anticipated at the time the College District’s public information officer receives the request.  

*Gov't Code 552.103*

4. Information that, if released, would give advantage to competitors or bidders.

The requirement of Government Code 552.022 that a category of information listed under 552.022(a) is public information and not excepted from required disclosure unless expressly confidential under law does not apply to
information that is excepted from required disclosure under this paragraph. Gov’t Code 552.104

5. Information pertaining to the location of real or personal property for a public purpose prior to public announcement of the project, or information pertaining to appraisals or purchase price or real or personal property for a public purpose prior to the formal award of contracts for the property. Gov’t Code 552.105

6. Drafts and working papers involved in the preparation of proposed policies. Gov’t Code 552.106

7. Information the College District’s attorney is prohibited from disclosing because of a duty to the College District under the Texas Rules of Evidence or the Texas Disciplinary Rules of Professional Conduct or information that a court order has prohibited from disclosure. Gov’t Code 552.107

8. Under certain circumstances, information (except basic information about an arrested person, an arrest, or a crime) held by a law enforcement agency or prosecutor, including:
   a. Information that deals with detection, investigation, or prosecution of crime; and
   b. An internal record or notation that is maintained for internal use in matters relating to law enforcement or prosecution.

   Gov’t Code 552.108

9. Private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy. Gov’t Code 552.109

10. A trade secret obtained from a person and privileged or confidential by statute or judicial decision. Gov’t Code 552.110(a)

11. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained. Gov’t Code 552.110(b)

12. Interagency or intra-agency memoranda or letters that would not be available by law to a party in litigation with the College District. Gov’t Code 552.111; City of Garland v Dallas Morning News, 22 S.W.3d351 (Tex. 20000

13. An audit working paper of an audit of the College District auditor. If information in an audit working paper is also maintained in another record, that other record is not excepted. Gov’t Code 552.116

14. Student records, except to College District personnel, the student, or the student’s parents, guardian, or spouse. The College District is not required to release student records, except in conformity with FERPA. Gov’t Code 552.114, 552.026 [See FL]

15. Information that relates to the home address, home telephone number, or social security number of the following persons, or that reveals whether the person has family members:
   a. A current or former College District employee or Board member, except as provided by Section 552.024; or
b. A peace officer or a security officer commissioned by the Board of Private Investigators and Private Security Agencies, regardless of whether the officer complies with Section 552.1175.

Gov't Code 552.117
16. A photograph that depicts a peace officer, the release of which would endanger the life or physical safety of the officer, unless:
   a. The officer is under indictment or charged with an offense by information;
   b. The officer is a party in a fire or police civil service hearing or a case in arbitration; or
   c. The photograph is introduced as evidence in a judicial proceeding.

If a photograph is exempt from public disclosure as described above, it may be made public only if the officer gives written consent.

Gov't Code 552.119
17. Test items developed by a state-funded educational institution. Gov't Code 552.119

18. The certified agenda or tape recording of a closed meeting, unless a court order makes it available for public inspection and copying. Gov't Code 551.104(c)

19. Records of a school library or library system that identify or serve to identify a person who requested, obtained, or used a library material or service, unless the records are disclosed:
   a. Because the library determines that disclosure is reasonably necessary for the operation of the library and the records are not confidential under other state or federal law;
   b. To a person with a special right of access under Government Code 552.023; or
   c. To a law enforcement agency or prosecutor under a court order or subpoena.

Gov't Code 552.124
20. The name of an applicant for College President, except the Board must give public notice of the name or names of the finalists being considered for that position at least 21 days before the date of the meeting at which final action or a vote is to be taken on the applicant’s employment. Gov't Code 552.123

[See BF]

21. Motor vehicle record information that relates to:
   a. A motor vehicle operator’s or driver’s license or permit issued by an agency of this state;
   b. A motor vehicle title or registration issued by an agency of this state;
   or
   c. A personal identification document issued by an agency of this state or a local agency authorized to issue an identification document.

The motor vehicle record information described above may be released only in accordance with Transportation Code Chapter 730.

Gov't Code 552.130
22. An informer's name or information that would substantially reveal the identity of an informer, unless:
   a. The informer or the informer’s spouse consents to disclosure of the informer’s name.
   b. The informer planned, initiated, or participated in the possible violation.

“Informer” means a student or former student or an employee or former employee of the College District who has furnished a report of another person’s possible violation of criminal, civil, or regulatory law to the College District or the proper regulatory enforcement authority. Gov’t Code 552.135

23. Information in a commercial book or publication purchased or acquired by the College District for research purposes, if the book or publication is commercially available to the public. The College District is not required to make copies of commercially available information, but the College District shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of the College District. Gov’t Code 552.027

24. Information that relates to economic development negotiations involving the Board and a business prospect that the Board seeks to have locate, stay, or expand in or near the College District, if that information relates to:
   a. A trade secret of the business prospect; or
   b. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.

25. Unless and until an agreement is made with the business prospect, information about a financial or other incentive being offered to a business prospect by the Board or by another person. After an agreement is made, information about a financial or other incentive being offered is no longer exempted from public disclosure if the information is about a financial or other incentive being offered to the business prospect:
   a. By the Board; or
   b. By another person, if the financial or other incentive may directly or indirectly result in the expenditure of public funds by the College District or a reduction in revenue received by the College District from any source.

Gov’t Code 552.131

26. Information that relates to computer network security or to the design, operation or defense of a computer network. The following information is confidential:
   a. A computer network vulnerability report; and
   b. Any other assessment of the extent to which data processing operations, a computer, or a computer program, network, system, or software of the College District or of a contractor of the College District is vulnerable to unauthorized access or harm, including an assessment of the extent to which the College District’s or contractor’s
electronically stored information is vulnerable to alteration, damage, or erasure.

Gov't Code 552.136

Military Discharge Records: A military veteran’s Department of Defense Form DD-214 or other military discharge record that first comes into the possession of the College District on or after September 1, 2003. The record is confidential for the 75 years following the date it comes into the possession of the College District in accordance with Government Code Section 552.140. A College District that obtains information from the record shall limit the use and disclosure of the information to the purpose for which the information was obtained. Gov't Code 552.140

Social Security Numbers: The Social Security number of a living person. The Social Security number is not confidential, however. The College District may redact the Social Security number of a living person from any information the College District discloses to the public without the necessity of requesting a decision from the attorney general. Gov't Code 552.147

Investment information: Certain College District investment information, as specified by Government Code 552.143, is not public information and is excepted from disclosure. Gov't Code 552.143

GF (LEGAL) STUDENT AND COMMUNITY USE OF COLLEGE DISTRICT FACILITIES

Prohibited Acts: An officer or employee of the College District who is acting or purporting to act in an official capacity may not, because of a person’s race, religion, color, sex, or national origin:
1. Refuse to permit the person to use facilities open to the public and owned, operated, or managed by or on behalf of the College District;
2. Refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the College District;
3. Refuse to grant a benefit to the person; or
4. Impose an unreasonable burden on the person.

Civil Practices and Remedies Code 116.001

Forum for Communication: The College District may create a public forum of a place or channel of communication for use by the public at large for assembly and speech, for use by certain speakers, or for the discussion of certain subjects. Perry Educ. Ass’n v. Perry Local Educators’ Ass’n. 460 U.S. 37 (1983); Chiu v. Plano ISD, 260 F.3d 330 (5th Cir. 2001)
The College District is not required to allow persons to engage in every type of speech when the College District establishes a limited public forum; the College District may be justified in reserving its forum for certain groups or for the discussion of certain topics. The College District shall not discriminate against speech on the basis of viewpoint, and any restriction must be reasonable in light of the purpose served by the forum. Good News Club v. Milford Cent. Sch., 533 U.S. 98 (2001); Lamb’s Chapel v. Center Moriches Union Free Sch. Dist., 508 U.S. 384, 113 S. Ct. 2141 (1993)

Fees for Use: The Board shall be authorized to fix and collect rentals, rates, charges, or fees from students and others for the occupancy, use, or availability of all or any of its property, buildings, structures, activities, operations, or facilities, in such amounts and in such manner as may be determined by the Board. Education Code 130.123(c)

Facilities as Polling Places: The College District shall make its buildings available for use as polling places in any election that covers territory in which the
buildings are located. If more than one authority requests the use of the buildings for the same day and simultaneous use is impractical, the College District shall determine which authority may use the building. Election Code 43.031(c) No charge, including a charge for personnel, utilities, or other expenses incurred before or after regular business hours, shall be made for the use of a College District building for a polling place if the day of the election is a day on which the building is normally open. If the day of an election is a day on which the building is not normally open, a charge may be made only for the reimbursement of actual expenses resulting from use of the building in the election. Election Code 43.033(a) Political Party Conventions: The College District shall not assess a charge for the use of a school building for a precinct, county, or senatorial district convention, except for reimbursement for the actual charges resulting from use of the building for the convention. The College District shall provide an itemized statement of expenses to the reimbursing authority. Election Code 174.0631 Distribution of Nonschool Literature: Activities such as distributing literature, displaying signs, petitioning for change, and disseminating information concerning issues of public concern are protected by the First Amendment. Schenck v. Pr-Choice Network, 519 U.S. 357 (1997) (recognizing leafleting and commenting on matters of public concern as protected speech); Boos v. Barry, 485 U.S. 312 (1988) (recognizing public signs as protected speech); Meyer v. Grant, 486 U.S. 414 (1988) (recognizing the solicitation of signatures for a petition drive as protected speech) If the College District creates a forum for the distribution of nonschool literature, the College District may impose time, place, and manner regulations and may reserve its facilities for their intended purposes, communicative or otherwise, as long as the regulation on speech is reasonable and not an effort to suppress expression merely because public officials oppose the speaker’s view. Perry Educ. Ass’n v. Perry Local Educators’ Ass’n, 460 U.S. 37 (1983) Use of College District Mail System: Unless it has been open to the public, by policy or practice, a school mail system is not a public forum. The College District may create a limited public forum in its campus mailboxes. Perry Educ. Ass’n v. Perry Local Educators’ Ass’n, 460 U.S. 37 (1983) [See also CHE]