



Notice/Agenda of May 2024 Regular Board Meeting

**The Board of Trustees
College of the Mainland
Doyle Family Administration Boardroom (A129)
1200 Amburn Road
Texas City, Texas 77591
Wednesday, May 29, 2024**

The May 2024 Regular Board Meeting of the Board of Trustees of College of the Mainland will be held Wednesday, May 29, 2024, beginning at 1:30 PM in the

Doyle Family Administration Boardroom (A129)
1200 Amburn Road
Texas City, Texas 77591

The subjects to be discussed or considered or upon which any formal action may be taken are as listed below. The items listed in this notice may be considered in any order at the discretion of the Chair or Board and items listed for closed session discussion may be discussed and/or approved in open session and vice versa as permitted by law.

Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

1. **Call to Order**
2. **Pledge of Allegiance (American Flag), Texas Pledge & a Moment of Silence**
3. **Roll Call & Determination of Quorum**
4. **Consideration of and Possible Action to Approve the Full Board Minutes of Monday, April 22, 2024**
5. **Comments from the Community**
 - A. Students
 - B. Employees
 - C. Other Citizens
6. **Constituent Leader Activity Reports**
 - A. Professional Council - Alisha Lyon, President
 - B. Classified Council - Jennifer Denison, President
 - C. Student Government Association (SGA) - Mario Garza, SGA Treasurer
7. **Bond Update - Presented by LAN (Lockwood, Andrews & Newnam, Inc.)**
8. **Human Resources Items**
 - A. Appointment Nominations
 1. Consideration of and Possible Action to Approve the Appointment Nomination of Tyese Dunn to the Position of Financial Aid Generalist, Student Financial Services Department
 - B. New Position Approval
 1. Consideration of and Possible Action to Approve the Director of Quality Enhancement Plan Position, Division of Academic and Student Affairs

- C. Consideration of and Possible Acceptance of the Non-Contractual Positions Hiring Report as Written
- 9. **General Counsel Items**
 - A. Policy
 - 1. FLA(LOCAL) - Student Rights and Responsibilities; Student Expression and Use of College Facilities
 - a. Consideration of and Possible Action to Approve the Revisions to COM Local Policy FLA
 - B. SB17 Certification of Compliance
 - 1. Consideration of and Possible Action to Authorize Board Chair, Donald Gartman, to Certify Compliance with SB17 on Behalf of the Board
- 10. **Consideration of and Possible Action to Approve Award of Contract 24-15 to BHA Technologies for Ellucian Unidata to SQL Migration for an Amount Not-to-Exceed \$360,000 to be Paid from Fund Balance**
- 11. **Consideration of and Possible Action to Approve Award of Contract 24-07 to Pogue Construction for the Classroom Buildout of the 4th Floor of the STEAM Building for a Contract Amount Not-to-Exceed \$2,049,000 to be Paid with \$1,857,190 in 2018 Bond Funds and \$191,810 Fund Balance**
- 12. **Consideration of and Possible Action to Approve the Guaranteed Maximum Price for Construction Services per Contract #23-31 Awarded to Pogue Construction Company, LP for the Welding Building, Industrial Education Building, Physical Education Racquet Ball Court, Doyle Family Administration Building VP Suite, Shell Space and Marketing Suite Renovation Projects for a Not-to-Exceed Amount of \$13,195,176 for Construction Services to be Paid with \$12,396,258 from 2023 Bond Funds and the Remaining \$798,918 from Fund Balance**
- 13. **Consideration of and Possible Action to Approve Award of Contract 23-40 to Broaddus Construction, LLC for the Construction of Parking Lots A, B, C and Underground Utilities for a Not-to-Exceed Amount of \$9,762,700 to be Paid with 2023 Bond Funds**
- 14. **Financial Report(s)**
 - A. Consideration of and Possible Action to Accept the April 2024 Investment and Financial Reports
- 15. **Board Report**
- 16. **President's Report**
 - A. Updates
 - 1. Summer 2024 and Fall 2024 Enrollment Update(s)
 - 2. Culinary Arts Update
 - B. Reminders/Announcements
 - 1. Board Meetings
 - June 2024 - Monday, June 24th
 - July 2024 - Monday, July 22nd
 - August 2024 - Monday, August 26th
 - September 2024 - Monday, September 23rd
 - October 2024 - Monday, October 28th
 - December 2024 - Monday, December 9th
 - 2. COM's Juneteenth Celebration, Tuesday, June 18th, 12:30 p.m. - 1:30 p.m., COM Conference Center - History of the Black Cowboy 1865
 - 3. Reminder: COM will be Closed on Wednesday, June 19th in Observance of Juneteenth

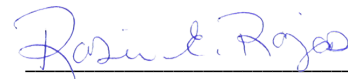
4. COM's Pride Month Celebration, Tuesday, June 25th, COM Conference Center, 12:30 p.m. - 1:30 p.m.
 5. COM's 4th of July Celebration - Tuesday, July 2nd, LRC Breezeway, Noon
 6. **Board Budget Workshop** - Friday, July 19th, 10:00 a.m. - Noon
- C. Resignations and Retirement Report
D. Miscellaneous Updates
17. **Adjournment to a closed or executive session pursuant to the Texas Government Code of the Open Meetings Act**
 18. **Consideration of and Possible Action on any Items Discussed in Closed Session**
 19. **Adjourn**

**If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the Board reserves the right to conduct a closed meeting in accordance with the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapters D and E, including but not limited to the following provisions; 1)Section 551.071-consultation with attorney, 2)Section 551.072-deliberation regarding real property, 3) Section 551.073-deliberation regarding prospective gifts, 4)Section 551.074-deliberation regarding personnel matters, and/or complaints against school personnel, 5)Section 551.082-deliberation regarding student disciplinary matters and/or complaints against personnel. 6)Section 551.087-deliberation regarding economic development negotiations, and/or 7)Section 551.089 – deliberation regarding security devices or security audits. Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting.*

The notice for this meeting was posted in compliance with the Texas Open Meeting Act on, Friday, May 24, 2024, 3:00 P.M.

Administration

President Warren Nichols, Ed.D.
Executive Vice President Helen Brewer, Ph.D.
Vice President David Wesse, Ph.D.



Rosie E. Rojas
Board Clerk



PRESIDENT'S OFFICE

Call to Order

Call to Order on (insert date)
at (insert time)



PRESIDENT'S OFFICE

Pledge of Allegiance to the American Flag
Texas Pledge
Moment of Silence

The Texas State Flag Pledge
"Honor the Texas flag; I pledge
allegiance to thee, Texas, one state under
God, one and indivisible."



College of the Mainland
Board of Trustees
2023-2024

Mr. Don Gartman,
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2538 Quaker Dr.
Texas City, 77590
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dgartman@com.edu

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Dr. Bill McGarvey,
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Mr. Kyle L. Dickson,
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2514 Pilgrim Estate Dr.
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dickson@murray-lobb.com



MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: May 29, 2024
Subject: Full Board Minutes

Presented for recommended acceptance to Board of Trustees on the same date.

MINUTE ORDER

Motion to be acted upon: "I move the Board of Trustees approve the Full Board Minutes of April 22, 2024."

PURPOSE

To ensure accuracy of the monthly minutes.

BACKGROUND

Minutes are brought forward every month for approval.

IMPLICATIONS

Financial: N/A

Strategic Goal #1: Strategic Goal #5: College of the Mainland will provide services/processes that enhance the integrity/safety/quality of the institution (including physical facilities) and that enhance the quality of the faculty and staff.

Human Resources: N/A

Attachments

1. Minutes of 4/22/24

College of the Mainland Board of Trustees
Minutes of Monday, April 22, 2024
1:30 p.m., Doyle Family Administration Building

Call to Order

Don Gartman called the meeting to order at 1:34 p.m.

Pledge of Allegiance (American Flag), Texas Pledge & a Moment of Silence

Roll Call & Determination of Quorum

Roll call indicated that all Trustees were present.

Minutes

Consideration of and Possible Action to Approve the Full Board Minutes of Wednesday, March 27, 2024

Melissa Skipworth moved the Board of Trustees approve the Full Board Minutes of Wednesday, March 27, 2024. Dawn King seconded the motion; all voted in approval.

Comments from the Community

Destiny Tobey– Dickinson citizen, spoke to the Board regarding the genderbred assignment and academic freedom.

Elias Ramirez – Texas City citizen, spoke to the Board regarding the genderbred assignment and academic freedom.

Stephen Flowers – Dickinson citizen, spoke to the Board regarding the genderbred assignment and academic freedom.

Joey S. Schoppe– Texas City citizen, spoke to the Board regarding the genderbred assignment and academic freedom.

Constituent Leader Activity Reports

Faculty Senate – Candice Edmonston, President, updated the Board on faculty activities.

Professional Council – Alisha Lyon, President, updated the Board on professional employee activities.

Classified Employees – Jennifer Denison, President, updated the Board on classified employee activities.

Student Government Association (SGA) – Mario Garza, Treasurer, updated the Board on Student Government Association activities.

Bond Update - Presented by LAN (Lockwood, Andrews & Newnam, Inc.)

Paula Drnevich and C.W. Scheibe updated the Board on the bond projects.

Human Resources Items

Appointment Nominations

Consideration of and Possible Action to Approve the Appointment Nomination of Dr. Blanca Bauer to the Position of Director, Office of Planning, Effectiveness, Assessment & Research, Division of Academic and Student Affairs

Alan Waters moved the Board of Trustees approve the appointment of Blanca Bauer to the position of Director, Office of Planning, Effectiveness, Assessment & Research, Division of Academic and Student Affairs. Melissa Skipworth seconded the motion; all voted in approval.

Consideration of and Possible Action to Approve the Appointment Nomination of Carla Burris to the Position of Nursing Simulation Center Coordinator, Nursing Department

Bill McGarvey moved the Board of Trustees approve the appointment of Carla Burris to the position of Nursing Simulation Center Coordinator, Nursing Department. Alan Waters seconded the motion; all voted in approval.

Consideration of and Possible Action to Approve the Appointment Nomination of Misty Perkins to the Position of Dental Hygiene Clinical Coordinator, Dental Hygiene Department

Alan Waters moved the Board of Trustees approve the appointment of Misty Perkins to the position of Dental Hygiene Clinical Coordinator, Dental Hygiene Department. Kyle Dickson seconded the motion; all voted in approval.

Consideration of and Possible Action to Approve the Appointment Nomination of Dr. Heather Rhodes to the Position of Vice President for Academic Affairs, Vice President for Academic Affairs Division

Bill McGarvey moved the Board of Trustees approve the appointment of Dr. Heather Rhodes to the position of Vice President for Academic Affairs, Vice President for Academic Affairs Division. Melissa Skipworth seconded the motion; all voted in approval.

Consideration of and Possible Action to Approve the Appointment Nomination of Sarrissa Ryan to the Position of Emergency Medical Services Program Coordinator, Public Service Careers

Melissa Skipworth moved the Board of Trustees approve the appointment of Sarrissa Ryan to the position of Emergency Medical Services Program Coordinator, Public Service Careers. Alan Waters seconded the motion; all voted in approval.

Consideration of and Possible Acceptance of the Non-Contractual Positions Hiring Report as Written

Alan Waters moved the Board of Trustees accept the Non-Contractual Positions Hiring Report as written. Melissa Skipworth seconded the motion; all voted in approval.

Re-appointment List(s)

Consideration of and Possible Action to Approve the 2024-2025 Faculty Re-Appointment List

Melissa Skipworth moved the Board of Trustees approve the 2024-2025 Faculty Re-Appointment List. Alan Waters seconded the motion; all voted in approval.

Consideration of and Possible Action to Approve the 2024-2025 Professional Re-Appointment List

Alan Waters moved the Board of Trustees approve the 2024-2025 Professional Re-Appointment List. Kyle Dickson seconded the motion; all voted in approval.

Policy

Consideration of and Possible Action to Approve the Revisions to COM Local Polices BBD, BBI, BG, CFE, CGC, CS, DAA, DEC, EBA, ECC, FFDA, FLB, GCB and the Addition of CDB, FA, and FAA

BBD(LOCAL) - Board Members Orientation and Training

BBI(LOCAL) - Board Members Technology Resources and Electronic Communications

BG(LOCAL) - Administrative Organization

CDB(LOCAL) - Accounting Inventories

CFE(LOCAL) - Purchasing and Acquisition Vendor Relations

CGC(LOCAL) - Safety Program Emergency Plans and Alerts

CS(LOCAL) - Information Security

DAA(LOCAL) - Employment Objectives Equal Employment Opportunity

DEC(LOCAL) - Compensation and Benefits Leaves and Absences

EBA(LOCAL) - Alternate Methods of Instruction Distance Education

ECC(LOCAL) - Instructional Arrangements Course Load and Schedules

FA(LOCAL) - Equal Educational Opportunity

FAA(LOCAL) - Equal Educational Opportunity Pregnant and Parenting Students

FFDA(LOCAL) - Freedom From Discrimination, Harassment, and Retaliation Sex and Sexual Violence

FLB(LOCAL) - Student Rights and Responsibilities Student Conduct

GCB(LOCAL) - Public Information Program Requests for Information

Alan Waters moved the Board of Trustees approve the revisions to COM Local Polices BBD, BBI, BG, CFE, CGC, CS, DAA, DEC, EBA, ECC, FFDA, FLB, GCB and the addition of CDB, FA, and FAA. Melissa Skipworth seconded the motion; all voted in approval.

Consideration of and Possible Action to Approve the Design Development for the New Corporate & Continuing Education Center Project, as Presented and Attached

Kyle Dickson moved the Board of Trustees approve the design development for the new Corporate & Continuing Education Center project, as presented and attached. Dawn King seconded the motion; all voted in approval.

Consideration of and Possible Approval of the Final Construction Documents for the Welding Building Addition/Renovation & Industrial Education Building Renovation, as Presented and Attached

Alan Waters moved the Board of Trustees approve the final construction documents for the Welding Building addition/renovation & Industrial Education Building renovation, as presented and attached. Bill McGarvey seconded the motion; all voted in approval.

Consideration of and Possible Action to Approve Award of Contract 23-39 for the Purchase of New Lathes and Mills from AGEducational Solutions for a Notto-Exceed Amount of \$357,688 to be Paid with \$178,844 Texas Reskilling and Upskilling through Education (TRUE) Grant Funds and the Remaining \$178,844 from 2023 Bond Funds

Bill McGarvey moved the Board of Trustees approve the purchase of new lathes and mills from AGEducational Solutions for a not-to-exceed amount of \$357,688 to be paid with \$178,844 Texas Reskilling and Upskilling through Education (TRUE) grant funds and the remaining \$178,844 from 2023 Bond funds. Alan Waters seconded the motion; all voted in approval.

Financial Report(s)

Consideration of and Possible Action to Accept the February 2024 Investment and Financial Reports

Alan Waters moved the Board of Trustees accept the March 2024 Investment Report and the February 2024 Financial Reports. Bill McGarvey seconded the motion; all voted in approval.

Consideration of and Possible Acceptance of the February 2024 Investment Quarterly Report

Bill McGarvey moved the Board of Trustees accept the February 2024 Investment Quarterly Report. Dawn King seconded the motion; all voted in approval.

Board Report

Melissa Skipworth – Strawberry Festival, Saturday, April 27th, Dickinson; Cinco de Mayo, May 2nd, COM Conference Center.

Bill McGarvey – Our job is to represent the community. It is good that community members come and give us their thoughts.

President's Report

Updates

Reminders/Announcements

Board Meetings

May 2024 – Wednesday, May 29th

December 2024 – Monday, December 9th

Employee Recognition Dinner - Friday, April 26th, 5:30 p.m. COM Conference Center

May 2024 Graduation - Saturday, May 11th

Please arrive by 9:00 a.m.

(Note: There will be two (2) ceremonies; the 2nd ceremony will start at 2:00 p.m.; we anticipate end time to be 4:00 p.m.)

Board Budget Workshop - Friday, July 19th, 10:00 a.m. - Noon

Resignations and Retirement Report


Miscellaneous

Alan Waters moved for adjournment. Kyle Dickson seconded the motion; all voted in approval.

Adjournment at 2:51 p.m.



Melissa Skipworth, Secretary
Board of Trustees



Don Garton, Chair
Board of Trustees

Comments from the Community

A citizen desiring to appear before the Board of Trustees shall complete a Public Comment Request Form indicating the topic about which they wish to speak which shall be filed with the Board Clerk ten (10) minutes prior to the start of the meeting. Time allotted each citizen or organization shall be limited to five minutes. The total time for hearing of citizens shall be no more than 60 minutes at any one meeting. Presentation of matters concerning a complaint or charge against a College District employee or officer will be heard in closed session unless the individual who is the subject of the change or complaint requests a public hearing.

We appreciate your concerns. If the matter(s) you raise are not included on the board agenda, state law, specifically the Texas Open Meetings Act, prohibits the Board from discussing, commenting on or taking action on these issues at this board meeting. Thank you.



PRESIDENT'S OFFICE

Constituents Leader Activity Reports

- A. Professional Council – Alisha Lyon, President
- B. Classified Council – Jennifer Denison, President
- C. Student Government Association (SGA) – Mario Garza, SGA
Treasurer

Bond Update

College of the Mainland, 2023 Bond Program
Board of Trustees Meeting

May 29, 2024



Lockwood, Andrews
& Newnam, Inc.
A LEO A DALY COMPANY



Library Classroom Building (LCB)

Architect: Cannon Design

Contractor/CMAR: Vaughn Const

Completed Activities:

- Design Development – Workshop # 1 was held April 23

Project Milestones:

- Design Phase: July 2023 – Feb 2025
- CMAR Procurement: Oct 2023 – Dec 2023
- Construction Phase: Apr 2025 – Apr 2027
- Project is on Schedule

Ongoing/Upcoming Activities:

- Design Development – Workshop # 2 scheduled for May 22
- Acoustic STC review meeting: June 14

Project Cost:

- Total Project Budget: \$ 123,453,618
- Project Cost to Date: \$ 1,421,372.84
- Total Construction Cost: \$ 99,546,407
- Construction Cost to Date: \$ 0.00
- Project scope is aligned with current Budget

Library + Classroom Building

Board Meeting Touch-Point

May 13, 2024



CANNONDESIGN



Request for Fourth Elevator

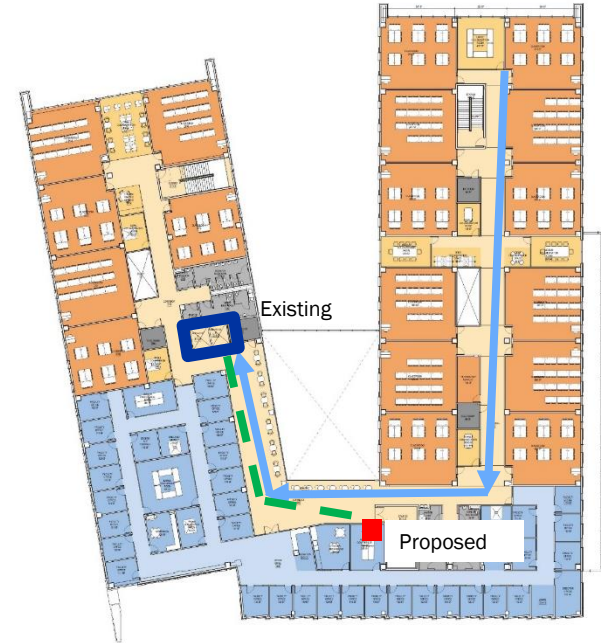
- At the April Board Meeting, the Board requested a study to consider adding another elevator to the east wing of LCB to aid in travel distance for non-able-bodied persons

Design Exploration:

- Existing East Wing Elevator: The location of the library and need for security negates an opportunity for that elevator to connect all floors in the east wing.
- Therefore, the new location for a fourth elevator would need to be in the center lobby.
- This proposed location reduces the total travel distance to the furthest corner of the east wing by 100' and would reduce travel time by just over 1 Minute.
 - Based on average walking speed of 3 mph
 - A less able-bodied person walking at 1 mph would still cover this in 1.15 minutes
- Addition of this fourth elevator would add \$350,000 to the project

Recommendation:

- Recommend maintaining pair in current location
- Wayfinding is the same pattern, if one is under repair



Public Safety Careers Center (PSC)

Architect: RDLR Architects

CMAR: Durotech, Inc.

Completed Activities:

- 50% CD Estimate –
 - Cost of Work = \$23,845,665
 - Total w/ fees and contingencies = \$27,305,270
- V/E Session # 1
- Furniture User Group Meeting

Project Milestones:

- Design Phase: July 2023 – June 2024
- CMAR Procurement: Aug 2023 – Oct 2023
- Construction Phase: Oct 2024 – May 2026
- Project is on Schedule

Ongoing/Upcoming Activities:

- 100% CD Completion – 6/16/2024
- Set up meeting with Santa Fe Fire Chief to discuss burn building
- VE Session # 2

Project Cost:

- Total Project Budget: \$34,493,359.65
- Project Cost to Date: \$1,181,314.32
- Total Construction Cost: \$24,000,000.00
- Construction Cost to Date: \$0.00
- Project is in Budget



Welding Building & Industrial Ed (WELD_IE)

Architect: Joiner Architects

CMAR: Pogue Construction

Completed Activities:

- Received GMP from Pogue Construction
 - Base Bid = \$12,241,667
 - Total w/ Alternates = \$13,195,176
- Furniture Planning User Group Meeting
- 100% CDs submitted for permit

Project Milestones:

- Design Phase: July 2023 – Mar 2024
- CMAR Procurement: Aug 2023 – Oct 2023
- Construction Phase: June 2024 – Sep 2025
- Project is on Schedule

Ongoing/Upcoming Activities:

- GMP Approval by COM BoT (5/29/2024)
 - GMP Amendment – COM and Legal Review
- Construction start date – pending permit approval

Project Cost:

- Total Project Budget: \$ 17,941,882.00
- Project Cost to Date: \$684,145.16
- Total Construction Cost: \$ 13,000,000.00
- Construction Cost to Date: \$0.00
- Project is in Budget

Corporate & Continuing Ed Center (CCEC)

Architect: Kirksey Architecture

CMAR: Tellepsen

Completed Activities:

- 100% DD Estimate –
 - Cost of Work = \$11,199,335
 - Total w/ fees and contingencies = \$13,945,246
- Furniture Planning User Group Meeting

Project Milestones:

- Design Phase: Oct 2023 – Aug 2024
- CMAR Procurement: Oct 2023 – Dec 2023
- Construction Phase: Oct 2024- Nov 2025

Ongoing/Upcoming Activities:

- Construction Document Phase
- V/E Exercise # 2

Project Cost:

- Total Project Budget: \$13,807,344.24
- Project Cost to Date: \$ 298,623.82
- Total Construction Cost: \$10,000,000.00
- Construction Cost to Date: \$0.00
- Project is in Budget



Infrastructure – Parking lots A, B and C, and Deferred Maintenance – Underground Utilities

A/E: Fittz & Shipman

Contractor: TBD

Completed Activities:

- March BOT approval of additional scope/fee
- Advertised for CSP Apr 2024
- Development Application approved by Texas City Planning Board May 6, 2024
- Submitted for Permit review
- CSP Proposal responses received 5/16/24.

Ongoing/Upcoming Activities:

- GC Recommendation to COM at BOT (5/29/2024)
- Construction start date – pending permit approval

Project Milestones:

- Design Phase(Parking Lots):Completed Apr 2024
- GC Procurement (CSP): Apr 2024–Jun 2024
- Construction Phase: Jun 2024 –Oct 2025 (pending permit approval)

Project Cost:

- Total Project Budget: \$ 12,903,817.70*
- Project Cost to Date: \$ 377,608.65
- Total Construction Budget: \$ 10,749,483
- Construction Cost to Date: \$ 0.00
- Project is in Budget

* Combined TPC for both Parking lots and Deferred Maintenance- Utilities

Infrastructure – COMmons and Site Lighting

A/E: TBD

Contractor: TBD

Completed Activities:

- Conceptual design is ongoing. Received input from students and COM staff.

Project Milestones:

- Design Phase: TBD
- GC Procurement (CSP): TBD
- Construction Phase: TBD

Ongoing/Upcoming Activities:

- Design to be updated and presented to Cabinet and Bond Steering Committee for input.
- Design is being coordinated with Memorial Garden design

Project Cost:

- Total Project Budget: \$ 8,451,013.93*
- Project Cost to Date: \$ 16,500.00
- Total Construction Budget: \$ 6,880,000
- Construction Cost to Date: \$ 0.00
- Project is in Budget

* Combined TPC for COMmons upgrades and Campus Site Lighting

Infrastructure – Deferred Maintenance - Buildings

A/E: Various to be identified

Contractor: TBD

Completed Activities:

- Working with COM to identify projects and schedule:
 - Planning to package roof work for Conference Center and Student Center for summer
 - Planning to replace the cooling tower in December 2025.

Project Milestones:

- Design Phase: TBD
- GC Procurement (CSP): TBD
- Construction Phase: TBD

Ongoing/Upcoming Activities:

- Scope being identified according to priority.
- Projects being planned based on best timing/priority.

Project Cost:

- Total Project Budget: \$ 5,105,211.05
- Project Cost to Date: \$ 0.00
- Total Construction Budget: \$ 4,000,000
- Construction Cost to Date: \$ 0.00
- Project is in Budget

Infrastructure – Campus Wayfinding, Signage

A/E: TBD

Contractor: TBD

Completed Activities:

- Initial coordination discussion held May 2

Project Milestones:

- Design Phase: June 2024 – June 2026
- Bid Package: Various
- Supplier Procurement (CSP): Various
- Construction Phase: Per project

Ongoing/Upcoming Activities:

- Continue coordination and planning for project elements

Project Cost:

- Total Project Budget: \$ TBD
- Project Cost to Date: \$ 0.00
- Total Construction Cost: \$ TBD
- Construction Cost to Date: \$ 0.00
- Project is in Budget

Campus Furniture Planning

A/E: Cannon Design Furniture Studio

Contractor: TBD

Completed Activities:

- Furniture Planning Kick-off Meeting held April 29
- Survey to students regarding existing furniture standards, what works, what doesn't, sent week of May 6

Project Milestones:

- Design Phase: April 2024 – Sept 2024
- Bid Package: Sept 2024 – Jan 2025
- Supplier Procurement (CSP): Jan 2025
- Construction Phase: Per project

Ongoing/Upcoming Activities:

- Furniture Planning – Meetings with each Project's User Groups to be held May 15 and May 16.

Project Cost:

- Total Project Budget: \$ TBD
- Project Cost to Date: \$ 0.00
- Total Construction Cost: \$ TBD
from within overall FF&E budget of \$11,531,102.10
- Construction Cost to Date: \$ 0.00
- Project is in Budget

Questions





PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: May 29, 2024
Subject: Recommendation – Financial Aid Generalist (Replacement)

Presented for recommended approval to the Board of Trustees on May 29, 2024 and forwarded for recommended approval to the Board of Trustees on the same date.

MINUTE ORDER

Motion to be acted upon: “I move the Board of Trustees approve the appointment of Tyese Dunn to the position of Financial Aid Generalist, Student Financial Services Department.”

PURPOSE

Responsible for counseling students and parents on the financial aid process, determine eligibility of financial aid for federal and state programs, that includes federal verification and make adjustments to awards during the year.

BACKGROUND

This is a replacement position for Cynthia Luna.

IMPLICATIONS

Financial: \$54,297 from budget 11-0-0000-4113-5140.

Strategic Goal 5: College of the Mainland will provide services/processes that enhance the integrity/safety/quality of the institution (including physical facilities) and that enhance the quality of the faculty and staff.

ATTACHMENTS

1. Appointment Nomination



PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: May 29, 2024
Subject: New position request (Director of Quality Enhancement Plan)

Presented for recommended approval to the Board of Trustees on May 29, 2024 and forwarded for recommended approval to the Board of Trustees on the same date.

MINUTE ORDER

Motion to be acted upon: "I move the Board of Trustees approve the Director of Quality Enhancement Plan position, Division of Academic and Student Affairs."

PURPOSE

Successfully implement College of the Mainland's Quality Enhancement Plan (QEP) for students, faculty and staff in support of institutional accreditation. Continue leadership throughout the QEP, culminating with the submission of the QEP Impact Report as a component of the SACSCOC 5th Year Interim Report.

BACKGROUND

This is a new position request. We are requesting \$87,446 to cover the cost of the new position by utilizing funds from the eliminated Director, Academic Planning and Innovation position currently budgeted at \$103,504. This new position will be added to the 2024-2025 annual budget.

IMPLICATIONS

Financial: \$87,446 from budget 11-0-0000-1325-5140.

Strategic Goal 5: College of the Mainland will provide services/processes that enhance the integrity/safety/quality of the institution (including physical facilities) and that enhance the quality of the faculty and staff.

ATTACHMENTS

1. Job description



Job Title: Director of Quality Enhancement Plan

Wage/Hour Status Exempt

Reports to: Executive Vice President for Academic and Student Affairs **Pay Grade:** 197

Department: Division for Academic and Student Affairs

Date Revised: 05/2024

CLASS SUMMARY:

Successfully implement College of the Mainland's Quality Enhancement Plan (QEP) for students, faculty and staff in support of institutional accreditation. Continue leadership throughout the QEP, culminating with the submission of the QEP Impact Report as a component of the SACSCOC 5th Year Interim Report.

ESSENTIAL DUTIES:

- Work with chairs of the QEP Steering Team and lead the transition from development to implementation.
- Assist with the coordination of required SACSCOC reports and events including the QEP presentation for the SACSCOC on-site visiting team.
- Provide leadership to staff, faculty and students through all phases of the QEP from implementation through final report preparation.
- Monitor QEP goals and student learning outcomes to ensure continued alignment with the college's mission and strategic plan.
- Oversee the submission of any additions/deletions/revisions to the college's policies and procedures resulting from implementation of the QEP throughout the 5-year process.
- Work with Academic Affairs and Student Affairs to identify professional development opportunities for faculty and staff as they pertain to the QEP.
- Direct and lead all assessments, data collection and analyses associated with the QEP's student learning outcomes.
- Maintain all records and data of the QEP project and complete the QEP Impact Report.
- Manage the college's annual QEP budget.
- Provide continuous QEP updates to the college's SACSCOC Leadership Team.

QUALIFICATIONS:

- Minimum of a bachelor's degree from a regionally accredited institution (Masters preferred)
- Three years of recent experience in assessments with related data collection, data analysis, and/ or analysis reporting specifically involving Quality Assessment Planning in higher education
- Direct experience in Guided Pathways in a community college environment preferred.

KNOWLEDGE, SKILLS AND ABILITIES:

- Understanding of higher education advising concepts
- Experience with curriculum development using a course management system
- Demonstrated experience with organizing and implementing training events
- Demonstrated experience with excellent oral and written communication.

WORKING CONDITIONS AND PHYSICAL EFFORT: No or very limited exposure to physical risk. Work is normally performed in a typical interior/office work environment. Must be willing to travel for college business.

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: May 29, 2024
Subject: Recommendation – Acceptance of Non-Contractual Positions Hiring Report

Presented for recommended acceptance to Board of Trustees on May 29, 2024.

MINUTE ORDER

Motion to be acted upon: “I move the Board of Trustees accept the *Non-Contractual Positions Hiring Report* as written.”

PURPOSE

The *Non-Contractual Positions Hiring Report* is being presented to the Board of Trustees for review and acceptance.

BACKGROUND

Notwithstanding Board policy DC (Local) which states that the Board delegates to the College President final authority to employ and dismiss non-contractual classified employees on an at-will basis, based on recommendations from the staff the persons listed on the attached Non-Contractual Positions Hiring Report is recommended for employment.

IMPLICATIONS

Financial:

Administrative Assistant III - \$41,498 from budget 32-0-3090-4199-5160

Culinary Arts Program Coordinator (FT Temporary) – \$76,293 from budget 11-0-0000-1326-5100

Administrative Assistant II - \$37,266 from budget 11-0-0000-4137-5160

Assistant Prof.-Anatomy & Physiology (FT Temporary) - \$70,362 from budget 11-0-0000-1120-5100

Assistant Prof.-Business (FT Temporary) - \$70,362 from budget 11-0-0000-1104-5100

Strategic Goal #5: College of the Mainland will provide services/processes that enhance the integrity/safety/quality of the institution (including physical facilities) and that enhance the quality of the faculty and staff.

Attachments

Non-contractual Positions Hiring Report

	POSITION	DEPARTMENT	CLASS SUMMARY	POSITION STATUS	SELECTED CANDIDATE	SALARY	SALARY RANGE
1	Administrative Assistant III	TRIO SSS	Incumbent is responsible for providing a variety of administrative support duties to ensure the success of planning, organizing, and executing the operations of the day-to-day program services within the TRIO Student Support Services department.	Replacement for Anita Cheatham	Mayra Morales	\$41,498	\$36,437 - \$45,546 - \$54,656
2	Culinary Arts Program Coordinator (Full Time Temporary Assignment)	Business	Responsible for developing coursework for our new Culinary Arts program, marketing the program, developing relationships with the high school culinary programs within our service area, and providing quality instruction within the Culinary Arts program. In addition, the coordinator will be responsible for providing scheduled office hours for student consultation, serving on College committees as needed and assigned, and participating in student-orientated instructional and advisement activities as needed and assigned.	Replacement for Kathleen Roussel	Brittany Shelby	\$76,293	\$55,615 - \$72,293 - \$88,976
3	Administrative Assistant II	Office of Veterans Success	Provides a variety of administrative support duties in relation to the Office for Veteran Success (OVS). Assists in coordinating and planning activities with various programs and services to support veterans and their family members on campus and throughout the community.	Replacement for Alexandria Devasier	Elizabeth Hansen	\$37,266	\$33,125 - \$41,406 - \$49,687
4	Assistant Professor - Anatomy & Physiology (FT Temporary Assignment)	Science & Engineering	Responsible for providing instruction within the Biology Program. Develop and revise curriculum and course work. Provide scheduled office hours for student consultation. Participate in student orientated instructional and advisement activities as needed and assigned.	Full Time Temporary Position	Joan Bytheway, Ph.D.	\$70,362	\$54,129 - \$70,362 - \$86,603
5	Assistant Professor - Business (FT Temporary Assignment)	Business	Responsible for providing instruction within the Business and Accounting Department – Business Administration program. Prepare, develop, and revise curriculum and coursework. Provide scheduled office hours for student consultation. Serves on College committees as needed and assigned. Participate in student-oriented instructional and advisement activities as needed and assigned.	Full Time Temporary Position	Belinda Aaron, Ph.D.	\$70,362	\$54,129 - \$70,362 - \$86,603
6							
7							
8							



MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: May 29, 2024
Subject: Recommendation to approve COM Local Policy FLA

AGENDA ITEM DESCRIPTION:

Discussion and possible action on the proposed revisions to COM Local Policy FLA Student Rights and Responsibilities; Student Expression and Use of College Facilities.

Presented and recommended for approval to the Board of Trustees on May 29, 2024.

PROPOSED MOTION:

“I move the Board of Trustees approve the revisions to COM Local Policy FLA.”

ATTACHMENTS

1. FLA(Local) Draft/Final – Student Rights and Responsibilities; Student Expression and Use of College Facilities.
2. Executive Order GA-44

Note: For expression and use of College District facilities and grounds by employees and employee organizations, see DGC. For expression and use of College District facilities and grounds by the community, including by nonstudents and organizations that are not registered student organizations, see GD.

Distribution of Literature

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any College District student or registered student organization [see FKC], except in accordance with this policy.

The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by students or registered student organizations that is not sponsored by the College District.

Materials distributed under the supervision of instructional personnel as a part of instruction or other authorized classroom activities shall not be governed by this policy.

Limitations on Content

Materials shall not be distributed by students or registered student organizations on College District property if:

1. The materials are obscene.
2. The materials contain defamatory statements about public figures or others.
3. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action.
4. The materials are considered prohibited harassment. [See DIAA, DIAB, FFDA, and FFDB]
5. The materials constitute nonpermissible solicitation. [See FI]
6. The materials infringe upon intellectual property rights of the College District. [See CT]

Time, Place, and Manner Restrictions

Distribution of the materials shall be conducted in a manner that:

1. Is not disruptive; [See FLB]
2. Does not impede reasonable access to College District facilities;
3. Does not result in damage to College District property;

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA
(LOCAL)

4. Does not coerce, badger, or intimidate a person;
5. Does not interfere with the rights of others; and
6. Does not violate local, state, or federal laws or College District policies and procedures.

The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.

The Vice President for Student Affairs shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by students or registered student organizations to students or others in College District facilities and in areas that are not considered common outdoor areas.

Commented [CB1]: Will this need to be changed?

Deleted: vice president for student services

Posting of Signs

For the purposes of this policy, "sign" shall be defined as a billboard, decal, notice, placard, poster, banner, or any kind of hand-held sign; and "posting" shall be defined as any means used for displaying a sign.

Except for signs that violate the restrictions in this policy and administrative procedures, a student or registered student organization may publicly post a sign on College District property in common outdoor areas and in areas or locations designated by the Vice President for Student Affairs or designee. No object other than a sign may be posted on College District property.

Deleted: vice president for student services

Restrictions

A sign shall not be larger than 22 inches by 28 inches, unless authorized by the Vice President for Student Affairs. A sign shall not be attached or posted:

Deleted: vice president for student services

1. To a shrub or plant;
2. To a tree, except by string to its trunk;
3. To a permanent sign installed for another purpose;
4. To a fence or chain or its supporting structure;
5. To a brick, concrete, or masonry structure;
6. To a statue, monument, or similar structure;
7. On or adjacent to a fire hydrant; or
8. In a College District building, except on a bulletin board designated for that purpose.

Removal

A student or registered student organization shall remove each sign not later than 14 days after posting or, if it relates to an event,

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

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not longer than 24 hours after the event to which it relates has ended.

A sign posted in accordance with this section shall not be removed without permission from the Vice President for Student Affairs, the student, or the registered student organization.

Deleted: vice president for student services

Disclaimer

Materials distributed by a registered student organization must include a disclaimer indicating that the materials are not sponsored by the College District and do not represent the views of the College District or College District officials, faculty, or staff.

Use of Facilities and Grounds

The facilities and grounds of the College District shall be made available to student clubs or registered student organizations [see FKC] when such use does not conflict with use by, or any of the policies and procedures of, the College District. The requesting student club or student organization shall not be required to pay a facility use fee so long as the use of the facility supports an educational benefit.

Requests

To request permission to meet or host a speaker in College District facilities, interested students or registered student organizations shall file a written request with the Vice President for Student Affairs in accordance with administrative procedures.

Deleted: vice president for student services

The students or the registered student organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.

Approval

The Vice President for Student Affairs shall approve or reject the request in accordance with provisions and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the student's or registered student organization's use of the facility.

Deleted: vice president for student services

Approval shall not be granted when the official has reasonable grounds to believe that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes nonpermissible solicitation [see F];

STUDENT RIGHTS AND RESPONSIBILITIES
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4. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
5. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
6. The proposed activity would disrupt or disturb the regular academic program;
7. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property; or
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group.

The Vice President for Student Affairs shall provide the applicant a written statement of the grounds for rejection if a request is denied.

Deleted: vice president for student services

*Common
Outdoor Area
Exception*

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Students and student organizations may engage in expressive activities in common outdoor areas, unless:

1. The person's conduct is unlawful;
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Antisemitic Speech

The College District prohibits speech which has the effect of inciting violence or harassing other students. Antisemitic speech which has the effect of inciting violence or harassment of other students is prohibited conduct.

Prohibited conduct is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, national origin, age, veteran status, disability, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct limits or denies a student's ability to participate in or benefit from the College District's educational program. [See FFDB]

"Antisemitism" is defined as a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

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Announcements and Publicity	<p><u>Jewish individuals or their property or toward Jewish community institutions and religious facilities.</u></p> <p><u>Students engaging in prohibited conduct may be subject to disciplinary action up to and including expulsion.</u></p> <p>In accordance with administrative procedures, all students and registered student organizations shall be given access on the same basis for making announcements and publicizing their meetings and activities.</p>
Identification	<p>Students or registered student organizations distributing materials on campus or using College District facilities shall provide identification when requested to do so by a College District representative.</p>
Violations of Policy	<p>Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, confiscation of nonconforming materials, suspension of a student's or registered student organization's use of College District facilities, and/or other disciplinary action in accordance with the College District's discipline policies and procedures [see FM and FMA].</p>
Interference with Expression	<p>Faculty members, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures [see DH, FM, and FMA].</p>
Appeals	<p>Decisions made by the administration in accordance with this policy may be appealed in accordance with DGBA(LOCAL) or FLD(LOCAL), as applicable.</p>
Publication	<p>This policy and associated procedures must be posted on the College District's website and distributed in the student and employee handbooks and other appropriate publications. They must also be distributed to students at orientation.</p>

Note: For expression and use of College District facilities and grounds by employees and employee organizations, see DGC. For expression and use of College District facilities and grounds by the community, including by nonstudents and organizations that are not registered student organizations, see GD.

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STUDENT RIGHTS AND RESPONSIBILITIES
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STUDENT RIGHTS AND RESPONSIBILITIES
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STUDENT RIGHTS AND RESPONSIBILITIES
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	<p>Jewish individuals or their property or toward Jewish community institutions and religious facilities.</p> <p>Students engaging in prohibited conduct may be subject to disciplinary action up to and including expulsion.</p>
<p>Announcements and Publicity</p>	<p>In accordance with administrative procedures, all students and registered student organizations shall be given access on the same basis for making announcements and publicizing their meetings and activities.</p>
<p>Identification</p>	<p>Students or registered student organizations distributing materials on campus or using College District facilities shall provide identification when requested to do so by a College District representative.</p>
<p>Violations of Policy</p>	<p>Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, confiscation of nonconforming materials, suspension of a student's or registered student organization's use of College District facilities, and/or other disciplinary action in accordance with the College District's discipline policies and procedures [see FM and FMA].</p>
<p>Interference with Expression</p>	<p>Faculty members, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures [see DH, FM, and FMA].</p>
<p>Appeals</p>	<p>Decisions made by the administration in accordance with this policy may be appealed in accordance with DGBA(LOCAL) or FLD(LOCAL), as applicable.</p>
<p>Publication</p>	<p>This policy and associated procedures must be posted on the College District's website and distributed in the student and employee handbooks and other appropriate publications. They must also be distributed to students at orientation.</p>



GOVERNOR GREG ABBOTT

March 27, 2024

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:15 AM O'CLOCK

The Honorable Jane Nelson
Secretary of State
State Capitol, Room 1E.8
Austin, Texas 78701

MAR 27 2024


Secretary of State

Dear Secretary Nelson:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-44 relating to addressing acts of antisemitism in institutions of higher education.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD:gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
March 27, 2024

EXECUTIVE ORDER
GA 44

Relating to addressing acts of antisemitism in institutions of higher education.

WHEREAS, on October 7th of last year, the terrorist group Hamas committed unspeakable and heinous acts when they launched a surprise attack on Israel; and

WHEREAS, this attack killed over 1,200 innocent civilians including women, children, and approximately 30 American citizens, and Hamas took over 250 individuals hostage, including at least 10 Americans; and

WHEREAS, immediately after the October 7th attack, Governor Abbott reiterated his longstanding support for Israel and the Texas Jewish community and took initial steps to address acts of antisemitism in Texas, including authorizing \$4 million in additional grant funds to protect synagogues and Jewish schools, prohibiting state agencies from purchasing goods from the Gaza Strip or entities that support Hamas, and directing the Texas Education Agency and the Texas Holocaust, Genocide, and Antisemitism Advisory Commission to educate Texans about the Israel–Hamas War and antisemitism; and

WHEREAS, Texas will continue to stand with Israel and support our Jewish neighbors in Texas; and

WHEREAS, incidents of antisemitism have increased since Hamas' attack, and the proliferation of antisemitism at public universities is particularly concerning; and

WHEREAS, while many Texas universities have acted quickly to condemn antisemitism and foster appropriate discourse on the terrorist attacks against Israel and the ensuing Israel–Hamas War, some radical organizations have engaged in unacceptable actions on university campuses; and

WHEREAS, protected free speech areas on Texas university campuses, as well as the buildings and parking lots of Jewish student organizations, have been covered in antisemitic graffiti; and

WHEREAS, multiple protests and walkouts have been staged by universities' student organizations, with students chanting antisemitic phrases such as "from the river to the sea, Palestine will be free," which has long been used by Hamas supporters to call for the violent dismantling of the State of Israel and the destruction of the Jewish people who live there; and

WHEREAS, Texas supports free speech, especially on university campuses, but that freedom comes with responsibilities for both students and the institutions themselves; and

WHEREAS, such speech can never incite violence, encourage people to violate the law,

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:15AM O'CLOCK

MAR 27 2024

harass other students or other Texans, or disrupt the core educational purpose of a university; and

WHEREAS, Section 51.9315(f) of the Texas Education Code requires all higher education institutions to adopt policies detailing students' responsibilities regarding free expression on campus; and

WHEREAS, Section 51.9315(c)(2) of the Texas Education Code provides that students should not participate in, and higher education institutions should not allow, expression that is unlawful or disrupts the operations of the institution; and

WHEREAS, antisemitism and the harassment of Jewish students have no place on Texas university campuses and will not be tolerated by my administration;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, hereby direct all Texas higher education institutions to do the following:

1. Review and update free speech policies to address the sharp rise in antisemitic speech and acts on university campuses and establish appropriate punishments, including expulsion from the institution.
2. Ensure that these policies are being enforced on campuses and that groups such as the Palestine Solidarity Committee and Students for Justice in Palestine are disciplined for violating these policies.
3. Include the definition of antisemitism, adopted by the State of Texas in Section 448.001 of the Texas Government Code, in university free speech policies to guide university personnel and students on what constitutes antisemitic speech.

Within 90 days of this executive order, the chair of the board of regents for each Texas public university system shall report to the Office of the Governor, Budget and Policy Division, that the above actions were taken by each institution of higher education overseen by that board of regents. The report shall include documentation verifying revisions made to free speech policies and evidence that those policies are being enforced.


This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the
27th day of March, 2024.


GREG ABBOTT
Governor

ATTESTED BY:


JANE NELSON
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:15AM O'CLOCK

MAR 27 2024



MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: May 29, 2024
Subject: SB17 Certification of Compliance

Discussion and possible action to approve and sign the SB17 Certification of Compliance pursuant to Tex. Educ. Code § 51.3525.

Presented and recommended for approval to the Board of Trustees on May 29, 2024.

MINUTE ORDER

Motion To Be Acted Upon: “I move the Board of Trustees authorize Board Chair, Donald Gartman, to certify compliance with SB17 on behalf of the board.

BACKGROUND

SB17 was passed during the 88th Legislature related to diversity, equity, and inclusion programs. College of the Mainland has adopted appropriate policies to ensure compliance with Tex. Educ. Code §51.3525. On or before September 1, 2024 and each year thereafter, colleges and universities are required to file annual certifications with THECB and the legislature to certify compliance.

ATTACHMENTS

- 1) SB17 Certification of Compliance
- 2) Supporting documents for submission including the following policies adopted by College of the Mainland: BG, BI, CFE, DAA, DH, and FA.
- 3) Memorandum THECB SB17
- 4) Senator Creighton 4.29.24 SB17 Letter



PRESIDENT'S OFFICE

I certify, under penalty of perjury and the loss of funding to College of the Mainland that College of the Mainland has complied with the requirements in Tex. Educ. Code § 51.3525:

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY2024 have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year College of the Mainland has conducted the following actions: adopted new and/or revised policies to ensure compliance with current law, reviewed practices and procedures to verify compliance, provided updates to the college community, designated an individual as the point of contact to respond to the State Auditor for all inquiries.

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law.

Signature of Institution President: _____

Date: 5-7-2024

Signature of Board Chair: _____

Date: _____

Date submitted to THECB: _____

Date submitted to the Legislature: _____

**Texas Higher
Education
COORDINATING BOARD**

Memorandum

TO: Chancellors and Presidents of all Texas Public Institutions

FROM: Jerel Booker, Assistant Deputy Commissioner for Academic Affairs & Workforce Education

DATE: April 9, 2024

SUBJECT: Senate Bill 17 Compliance Reporting for FY2024

Senate Bill 17 (88th, Regular Session) requires the governing board of each Texas public institution of higher education to annually certify compliance with the bill's provisions for the preceding fiscal year to the Texas legislature and the Texas Higher Education Coordinating Board.

An institution of higher education may not spend money appropriated to the institution for FY2025 until the governing board certifies each institution's compliance for FY2024 to the legislature and Coordinating Board.

Your governing board's FY2024 certification is due to the legislature and the Coordinating Board on or before September 1, 2024. You must submit the certification to the Coordinating Board using [this](#) web portal.

Please read the attached form and complete the form, place the content on the official letterhead of your institution, and date and return the form via the agency's web portal on or before September 1, 2024. Please use the specific language in the attached form.

Thank you for your attention to this important matter.

Attachment: [Certification Form](#)

c: Institution Liaisons



BRANDON CREIGHTON

STATE SENATOR
DISTRICT 4

April 29, 2024

Dr. Warren Nichols,
President of College of the Mainland,
1200 Amburn Rd
Texas City, TX 77591

Dear President Nichols,

I am writing to you in my capacity as Chairman of the Texas Senate Committee on Education regarding the implementation and adherence to the provisions of Senate Bill 17 (SB 17), which became effective on January 1, 2024. This bill enacts comprehensive and strict prohibitions concerning diversity, equity, and inclusion (DEI) practices at public institutions of higher education within Texas. A similar directive has been communicated to Chancellors and Members of the Board of Regents of the four-year university systems, underlining the importance of compliance across all higher education institutions.

As the leader of the College of the Mainland, it is imperative that you ensure your institution is in compliance with these regulations. SB 17 mandates significant changes aimed at establishing a merit-based academic and employment environment. These include:

- Eliminating DEI offices or any roles performing similar functions.
- Prohibiting the requirement of DEI statements or related training for students, staff, or faculty.
- Ensuring that all hiring and promotional practices are conducted solely based on merit, without demographic preferences.

It is crucial that these changes are implemented effectively and are not merely superficial adjustments. Compliance with SB 17 is not only a legal obligation but a commitment to fostering a merit-focused educational landscape.

Please be advised that regular audits will be conducted by the State Auditor's Office to ensure adherence to these requirements, as detailed in Texas Education Code subsection 51.3525(g). Non-compliance may result in serious consequences, including potential funding freezes and legal ramifications.

While your participation in the upcoming Senate Committee on Education hearing in May is not requested at this time, I strongly encourage a thorough review and adjustment of your institution's policies and practices to fully align with the stipulations of SB 17.

Should you require assistance or have any questions regarding these directives, do not hesitate to contact my office for support.

Sincerely,

Brandon Creighton

A handwritten signature in cursive script that reads "Brandon Creighton".

Chairman, Texas Senate Committee on Education
State Senator, District 4

CAPITOL OFFICE:
P.O. BOX 12068
AUSTIN, TEXAS 78711
(512) 463-0104 • FAX (512) 463-6373

DISTRICT OFFICE:
2829 TECHNOLOGY FOREST, STE. 240
THE WOODLANDS, TEXAS 77381
(281) 292-4128

E-MAIL: BRANDON.CREIGHTON@SENATE.TEXAS.GOV

The organizational structure of the College District shall be flexible and responsive and shall promote academic excellence, student success, and accountability.

The College President shall build a capable, unified, and diverse leadership group. As chief executive officer, the College President is responsible for determining and specifying in writing the staffing and scope of individual managerial positions. The College President shall develop and publish an organization chart for the College District. The College President shall keep the other College District officers well informed about Board and presidential issues, activities, and plans.

Note: For related information on diversity, equity, and inclusion initiatives, see CFE for contractor discipline, DAA for employees, DH for employee discipline, and FA for students.

**Diversity, Equity,
and Inclusion Office**

Except as required by federal law, the College District shall not:

1. Establish or maintain a diversity, equity, and inclusion office; or
2. Hire or assign an employee or contract with a third party to perform the duties of a diversity, equity, and inclusion office.

"Diversity, equity, and inclusion office" means an office, division, or other unit of the College District established for the purpose of:

1. Influencing hiring or employment practices at the College District with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
2. Promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
3. Promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by the College District's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
4. Conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by

ADMINISTRATIVE ORGANIZATION

BG
(LOCAL)

the College District's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Exceptions

Nothing in this section may be construed to limit or prohibit the College District or a College District employee from, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that:

1. Highlights the College District's work in supporting first-generation college students, low-income students, or underserved student populations; or
2. Certifies compliance with state and federal antidiscrimination laws.

The prohibitions do not apply to:

1. Academic course instruction;
2. Scholarly research or a creative work by College District employees or students;
3. An activity of a student organization registered with or recognized by the College District;
4. Guest speakers or performers on short-term engagements;
5. A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;
6. Data collection; or
7. Student recruitment or admissions.

Note: For related information on diversity, equity, and inclusion initiatives, see CFE for contractors, DAA(LEGAL) for employees, and FA(LEGAL) for students.

**Diversity, Equity,
and Inclusion Office**

The governing board of an institution of higher education, including a college district, shall ensure that each unit of the institution does not, except as required by federal law:

1. Establish or maintain a diversity, equity, and inclusion office; or
2. Hire or assign an employee of the institution or contract with a third party to perform the duties of a diversity, equity, and inclusion office.

"Diversity, equity, and inclusion office" means an office, division, or other unit of an institution of higher education established for the purpose of:

1. Influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
2. Promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
3. Promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by the institution's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
4. Conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by the institution's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Education Code 51.3525(a)-(b)(1)

Exceptions

Nothing in this section may be construed to limit or prohibit an institution of higher education or an employee of an institution of higher education from, for purposes of applying for a grant or complying

with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that:

1. Highlights the institution's work in supporting first-generation college students, low-income students, or underserved student populations; or
2. Certifies compliance with state and federal antidiscrimination laws.

This section may not be construed to apply to:

1. Academic course instruction;
2. Scholarly research or a creative work by an institution of higher education's students, faculty, or other research personnel or the dissemination of that research or work;
3. An activity of a student organization registered with or recognized by an institution of higher education;
4. Guest speakers or performers on short-term engagements;
5. A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;
6. Data collection; or
7. Student recruitment or admissions.

Education Code 51.3525(c)-(d)

Compliance
Report

An institution of higher education may not spend money appropriated to the institution for a state fiscal year until the governing board of the institution submits to the legislature and the Coordinating Board a report certifying the board's compliance with this section during the preceding state fiscal year. *Education Code 51.3525(e)*

Testimony

In the interim between each regular session of the legislature, the governing board of each institution of higher education, or the board's designee, shall testify before the standing legislative committees with primary jurisdiction over higher education at a public hearing of the committee regarding the board's compliance with this section. *Education Code 51.3525(f)*

Audit

The state auditor shall periodically conduct a compliance audit of each institution of higher education to determine whether the institution has spent state money in violation of Education Code 51.3525. The state auditor shall adopt a schedule by which the

state auditor will conduct compliance audits. The schedule must ensure that each institution of higher education is audited at least once every four years.

If the state auditor determines pursuant to a compliance audit that an institution of higher education has spent state money in violation of this section, the institution:

1. Must cure the violation not later than the 180th day after the date on which the determination is made; and
2. If the institution fails to cure the violation during the period described by item 1, is ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

Education Code 51.3525(g)-(h)

Note: The following is an index of periodic reports that are addressed in the legal reference material of the policy manual. The list is not all-inclusive. This list does not address responsive reports (those that are required in response to a specific incident), reports required under special circumstances, or reports required under administrative procedures of an agency.

Reports by College District

A college district shall publish and/or distribute the following reports:

1. As soon as practicable after the end of each academic year, the college district shall prepare an annual performance report for that academic year, under Education Code 130.0035. [See AFA]
2. Not later than June 1 of each even-numbered year and on request of the Legislative Budget Board (LBB) or the governor's Office of Budget and Policy (OBP), the college district shall report customer service information to the LBB and the OBP, under Government Code 2114.002. [See AFA]
3. In the form and manner and at the times required by the Coordinating Board, the college district shall report to the Coordinating Board on the enrollment status of students of the college district, under Education Code 130.0036. [See AFA]
4. The college district shall follow applicable institutional and financial assistance information dissemination requirements found at 20 U.S.C. 1092. [See AFA]
5. The minutes of the last regular meeting held by the board during a calendar year must reflect whether each member of the board has completed any training required to be completed by the member as of the meeting date, under Education Code 61.084. [See BBD]
6. The college district shall submit to the legislature and the Coordinating Board a report certifying the board's compliance regarding diversity, equity, and inclusion initiatives during the preceding state fiscal year, under Education Code 51.3525. [See BG]
7. The college district shall report monthly to the retirement system set out in Government Code 825.404, in a form it prescribes, the employee salary and other information required under Government Code 825.406. [See CAAB, CAM]

8. The investment officer shall prepare a report on the Public Funds Investment Act (PFIA) and deliver it to the board no later than the 180th day after the last day of each regular session of the legislature, under Government Code 2256.007. [See CAK]
9. Not less than quarterly and within a reasonable time after the end of the period, the investment officer shall prepare and submit to the board a written report of investment transactions for all funds covered by the PFIA, under Education Code 51.0032 and Government Code 2256.023. [See CAK]
10. The college district shall submit its audited annual financial report to the Coordinating Board by January 1st of each year, under 19 Administrative Code 13.62. [See CDA]
11. Not later than November 20 of each year, a college district shall submit an annual financial report regarding the college district's use of appropriated money during the preceding fiscal year to the government officials specified in Government Code 2101.011. [See CDA]
12. The board shall be responsible for the preparation of an annual financial statement, under Local Government Code 140.005. [See CDA]
13. The college district shall annually compile and report information regarding debt obligations, under Local Government Code 140.008. [See CDA]
14. Three copies of the annual audit report for the fiscal year ending August 31 shall be filed with the Coordinating Board by January 1 following the close of the fiscal year for which the audit was made, an electronic copy shall be posted to the Coordinating Board's collection server, and required copies shall be sent to other governmental agencies, under the publication *Budget Requirements and Annual Financial Reporting Requirements for Texas Public Community Colleges*. [See CDC]
15. Annually, a college district that enters into a qualifying purchasing contract shall present a written report on any contract-related fee as an agenda item in an open meeting of the board of trustees, under Education Code 44.0331. [See CF]
16. Annually, a college district shall report to the State Energy Conservation Office (SECO) regarding the college district's goal to reduce electric consumption, the college district's efforts to meet the goal, and progress the college district has made, under Health and Safety Code 388.005. [See CH]

17. Not later than March 1 of each year, each college district police department shall submit a report containing information about traffic stops during the previous calendar year to the Texas Commission on Law Enforcement Officers and Standards and the governing body of each county or municipality served by the department, under Code of Criminal Procedure 2.134. [See CHA]
18. At least once every three years, a college district shall conduct a security audit of the college district's facilities and report the results of the security audit to the Texas School Safety Center, under Education Code 37.108. [See CG]
19. No later than January 1 of each odd-numbered year, the college district shall submit a written report regarding the institution's compliance with the online course information posting to certain state officials, under Education Code 51.974 and 19 Administrative Code 4.225 to 4.228. [See EFA]
20. Not later than May 1 of each year and in the form prescribed by the Coordinating Board, each college district shall provide to the Coordinating Board and the legislature a report on courses taken by students who, during the preceding academic year, transferred to a general academic teaching institution or earned an associate degree at the college, under Education Code 51.4034. [See EFA]
21. Every five years, following the same timetable as the regular accreditation reports sent to the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) or its successor, each college district shall review its policies regarding credit earned as part of an approved field of study curriculum, and report the results to the Coordinating Board, under 19 Administrative Code 4.33(a). [See EFAA]
22. On an annual basis during the designated time period, the college district shall review course sequences for accuracy and submit any revisions or changes to the Coordinating Board, under Education Code 51.96852(c) and 19 Administrative Code 4.364. [See EFB]
23. A college district offering a baccalaureate degree program shall review each program and submit a report on the operation, quality, and effectiveness of the programs to the Coordinating Board in a specified format by January 1 of each odd-numbered year, under Education Code 130.011 and 19 Administrative Code 2.89, 2.183, and 9.678. [See EFBB]

24. Contact hours for career technical/workforce continuing education courses from public two-year colleges must be determined and reported in compliance with Coordinating Board policy as outlined in the Guidelines for Instructional Programs in Workforce Education as approved by the Coordinating Board, the Workforce Education Course Manual, and state law, under 19 Administrative Code 9.113, 9.114, and 9.116. [See EFCB]
25. No later than the July 1 immediately following the 12-month period ending August 31 during which 150 percent of the normal time for completion or graduation has elapsed for the students, the college district shall report on the completion and transfer-out rates of certificate- or degree-seeking, first-time, full-time undergraduate students, under 34 C.F.R. 668.45. [See EGC]
26. Annually, by July 1, a college district that is attended by students receiving athletically-related student aid must produce a report containing student athlete completion and transfer-out rates, under 34 C.F.R. 668.48. [See EGC]
27. At the end of each semester, the college district shall report to the Coordinating Board certain information for undergraduate students, under 19 Administrative Code 4.60. [See EI]
28. At times prescribed by the Coordinating Board, the college district shall report to the Coordinating Board all programs and services provided for persons with intellectual and developmental disabilities by the college district, under Education Code 61.0663. [See FA]
29. Not later than May 1 of each academic year, a college district shall submit to the Coordinating Board a report that contains certain information regarding students enrolled at the institution for the current academic year who are the parent or guardian of a child younger than 18 years of age, under Education Code 51.9357. [See FAA]
30. The college district shall report to the Coordinating Board all information regarding adjusted tuition rates for excessive hours and repeated courses required to comply with the provisions of 19 Administrative Code Chapter 13, Subchapter F, under 19 Administrative Code 13.109. [See FD]
31. The college district shall report to the Coordinating Board the types and amounts of tuition and fees charged to students by semester during the previous academic year, under 19 Administrative Code 13.143. [See FD]

32. Annually, the college district chief executive officer shall certify in writing to the Coordinating Board that the college district is in substantial compliance with Education Code Chapter 51, Subchapter E-2, under Education Code 51.258. [See DIAA, FFDA]
33. By October 1 of each year, a college district that provides on-campus housing shall prepare, publish, and distribute, through appropriate publications or mailings, an annual fire safety report to all current students and employees and, upon request, to any applicant for enrollment or employment, under 34 C.F.R. 668.41(e)(1). [See FG]
34. Not later than the 14th day before the first class day of each fall or spring semester and at student orientation, the college district shall provide a report to each student on hazing committed on or off campus by an organization registered with or recognized by the college district, under Education Code 51.936. [See FLBC]
35. By October 1 of each year, the college district shall prepare, publish, and distribute, through appropriate publications or mailings, an annual security report to all current students and employees and, upon request, to any applicant for enrollment or employment, under 20 U.S.C. 1092(f) and 34 C.F.R. 668.41(e)(1). [See GCC]
36. The college district must report statistics for the three most recent calendar years concerning the occurrence on campus, in or on noncampus buildings or property and on public property, of certain crimes that are reported to local police agencies or to a campus security authority, under 34 C.F.R. 668.46. [See GCC]
37. The college district shall, in a manner that is timely and will aid in the prevention of similar crimes, report to the campus community on crimes that are considered by the college district to represent a threat to students and employees, under 34 C.F.R. 668.46(e). [See GCC]
38. The college district shall report student performance during the first year a student is enrolled after graduation from high school to the high school or public two-year college the student last attended, under Education Code 51.403 and 19 Administrative Code 9.23. [See GH]

PURCHASING AND ACQUISITION
VENDOR RELATIONS

CFE
(LOCAL)

For purposes of this policy, a vendor is defined as a seller of goods or services. A vendor must receive permission from the vice president for fiscal affairs or designee prior to entering College District property for the purpose of soliciting goods or services.

Vendors permitted on campus shall include those invited to:

1. Provide demonstrations, submit bids, or acquaint the staff with goods and services to be purchased for College District purposes.
2. Provide required or approved College District-wide services (e.g., retirement plans or approved insurance programs) that are of benefit to the staff, students, or the College District.

The College President shall have the authority to invite vendors to participate in College District functions, programs, or activities as appropriate.

**Diversity, Equity,
and Inclusion
Initiatives**

The College President or designee shall develop procedures addressing the discipline, up to and including termination, of a College District contractor who violates Education Code 51.3525(b)(1). [See BG, DAA, and FA]

**Required Vendor
Disclosure**

The disclosure requirement applies to a person who is a vendor.
Local Gov't Code 176.002(a)

A person is not subject to the disclosure requirements if the person is a state, a political subdivision of a state, the federal government, or a foreign government, or an employee or agent of such an entity, acting in the employee's or agent's official capacity. *Local Gov't Code 176.002(b)*

A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

1. Has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that a contract between the local governmental entity and vendor has been executed or the local governmental entity is considering entering into a contract with the vendor;
2. Has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that a contract between the local governmental entity and vendor has been executed or the local governmental entity is considering entering into a contract with the vendor, excluding any gift that is:
 - a. A political contribution as defined by Election Code Title 15; or
 - b. Food accepted as a guest; or
3. Has a family relationship with a local government officer of that local governmental entity.

A person who is both a local government officer and a vendor of a local governmental entity is required to file the vendor questionnaire required by Local Government Code 176.006(a)(1) only if the person:

1. Enters or seeks to enter into a contract with the local governmental entity; or
2. Is an agent of a person who enters or seeks to enter into a contract with the local governmental entity.

The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

1. The date that the vendor:
 - a. Begins discussions or negotiations to enter into a contract with the local governmental entity; or
 - b. Submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or
2. The date the vendor becomes aware:
 - a. Of an employment or other business relationship with a local government officer, or a family member of the officer;
 - b. That the vendor has given one or more gifts; or
 - c. Of a family relationship with a local government officer.

Local Gov't Code 176.003(a)(2), (a-1), .006(a)–(b), (e)

Definitions

Vendor

“Vendor” means a person who enters or seeks to enter into a contract with a local governmental entity. The term includes an agent of a vendor. The term includes an officer or employee of a state agency when that individual is acting in a private capacity to enter into a contract. The term does not include a state agency except for Texas Correctional Industries. *Local Gov't Code 176.001(7)*

Agent

“Agent” means a third party who undertakes to transact some business or manage some affair for another person by the authority or on account of the other person. The term includes an employee. *Local Gov't Code 176.001(1)*

*Business
Relationship*

“Business relationship” means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

1. A transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
2. A transaction conducted at a price and subject to terms available to the public; or
3. A purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Gov't Code 176.001(1-a)

PURCHASING AND ACQUISITION
VENDOR RELATIONS

CFE
(LEGAL)

<i>Family Member</i>	“Family member” means a person related to another person within the first degree by consanguinity or affinity, as described by Government Code Chapter 573, Subchapter B. [See DBE(EXHIBIT)] <i>Local Gov’t Code 176.001(2)</i>
<i>Family Relationship</i>	“Family relationship” means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Government Code Chapter 573, Subchapter B. [See DBE(EXHIBIT)] <i>Local Gov’t Code 176.001(3)</i>
<i>Records Administrator</i>	“Records administrator” means the director, county clerk, municipal secretary, superintendent, or other person responsible for maintaining the records of the local governmental entity or another person designated by the local governmental entity to maintain statements and questionnaires filed under Local Government Code Chapter 176 and perform related functions. [See CIA] <i>Local Gov’t Code 176.001(5)</i>
<i>Gift</i>	“Gift” means a benefit offered by a person, including food, lodging, transportation, and entertainment accepted as a guest. The term does not include a benefit offered on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient. <i>Local Gov’t Code 176.001(2-b)</i>
<i>Investment Income</i>	“Investment income” means dividends, capital gains, or interest income generated from: <ol style="list-style-type: none">1. A personal or business:<ol style="list-style-type: none">a. Checking or savings account;b. Share draft or share account; orc. Other similar account;2. A personal or business investment; or3. A personal or business loan. <i>Local Gov’t Code 176.001(2-d)</i>
Disclosure Form	The Texas Ethics Commission shall adopt a conflict of interest questionnaire that requires disclosure of a vendor’s business and family relationships with a local governmental entity. <i>Local Gov’t Code 176.006(b)</i>
<i>Electronic Filing</i>	The required questionnaire, including signature requirements, may be filed electronically in a form approved by the Commission. <i>Local Gov’t Code 176.008</i>

PURCHASING AND ACQUISITION
VENDOR RELATIONS

CFE
(LEGAL)

Updates	A vendor shall file an updated completed questionnaire with the appropriate records administrator not later than the seventh business day after the date on which the vendor becomes aware of an event that would make a statement in the questionnaire incomplete or inaccurate. <i>Local Gov't Code 176.006(d)</i>
List of Local Government Officers	The records administrator for a local governmental entity shall maintain a list of local government officers of the entity and shall make that list available to the public and any person who may be required to file a conflict of interest questionnaire. [See BBFA] <i>Local Gov't Code 176.0065</i>
Internet Posting	A local governmental entity that maintains an internet website shall provide access to the conflict of interest questionnaires required to be filed under this policy on that website. <i>Local Gov't Code 176.009</i>
Contract Declared Void	The governing body of a local governmental entity may, at its discretion, declare a contract void if the governing body determines that a vendor failed to file a conflict of interest questionnaire required by Local Government Code 176.006. <i>Local Gov't Code 176.013(e)</i>
Violations	<p>A vendor commits an offense under Local Government Code Chapter 176 if the vendor:</p> <ol style="list-style-type: none">1. Is required to file a conflict of interest questionnaire under Local Government Code 176.006; and2. Either:<ol style="list-style-type: none">a. Knowingly fails to file the required questionnaire with the appropriate records administrator not later than 5:00 p.m. on the seventh business day after the date on which the vendor becomes aware of the facts that require the filing of the questionnaire; orb. Knowingly fails to file an updated questionnaire with the appropriate records administrator not later than 5:00 p.m. on the seventh business day after the date on which the vendor becomes aware of an event that would make a statement in a questionnaire previously filed by the vendor incomplete or inaccurate. <p>It is an exception to the application of the offense that the vendor filed the required questionnaire not later than the seventh business day after the date the vendor received notice from the local governmental entity of the alleged violation.</p> <p><i>Local Gov't Code 176.013(b), (g)</i></p>

Note: The [Conflict of Interest Questionnaire, Form CIQ](#),¹ is available on the Texas Ethics Commission website.

**Diversity, Equity,
and Inclusion
Initiatives**

The governing board of an institution of higher education, including a college district, shall ensure that each unit of the institution adopts policies and procedures for appropriately disciplining, including by termination, a contractor of the institution who engages in conduct in violation of Education Code 51.3525(b)(1) [see BG, DAA, and FA]. *Education Code 51.3525(b)(2)*

¹ Conflict of Interest Forms: <https://www.ethics.state.tx.us/forms/conflict/>

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Purpose	The purpose of the College District's equal employment opportunity policy is to reaffirm that the College District is an equal opportunity/affirmative action employer and to ensure that all applicants are selected without regard for race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, genetic information, gender identity, or gender expression.
Affirmative Action	The Board authorizes the annual development and implementation of an Affirmative Action Plan in accordance with the Equal Employment Opportunity Commission's Uniform Guidelines on Employee Selection Procedures.
Employment Discrimination Training	Pursuant to Section 21.010 of the Texas Labor Code, the College District shall provide to employees an employment discrimination training program. The training program must provide the employee with information regarding the College District's policies and procedures relating to employment discrimination, including employment discrimination involving sexual harassment. Each employee shall complete the training not later than the 30th day after the date the employee is hired and shall complete supplemental training every two years.
English Only Rule	<p>The College District prides itself in its diversity. To this end, the College District invites its staff and students to engage in casual conversation in whatever language desired.</p> <p>Furthermore, neither students nor staff should be reprimanded or retaliated against for speaking the language of their choice in casual or business-related conversations.</p> <p>However, nothing in this policy shall be construed to limit any reasonable requirement that the English language be spoken in classrooms and other curricular in which English is the predominate language.</p>
Prohibited Discrimination	<p>Conduct and actions covered under this policy shall include those that are deemed to be prohibited by the following:</p> <ol style="list-style-type: none">1. Title IX of the Education Act of 1972;2. Titles VI and VII of the Civil Rights Act of 1964;3. Sections 503 and 504 of the Rehabilitation Act of 1973;4. The Americans with Disabilities Act (ADA) of 1990;5. The Age Discrimination in Employment Act (ADEA) of 1967;6. The Lily Ledbetter Fair Pay Act of 2009; and7. Other federal, state, and local laws as well as other College District policies.

Note: For complaints of discrimination, harassment, and retaliation targeting employees on the basis of a protected characteristic, see DIAA and DIAB.

**Diversity, Equity,
and Inclusion
Initiatives**

Except as required by federal law, the College District shall not:

1. Compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
2. Give preference on the basis of race, sex, color, ethnicity, or national origin to a participant in any College District function; or
3. Require as a condition of enrolling at the College District or performing any College District function any person to participate in diversity, equity, and inclusion training that references race, color, ethnicity, gender identity, or sexual orientation, unless it was developed by an attorney and approved in writing by the College District's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Exceptions

Nothing in this section may be construed to limit or prohibit the College District or a College District employee from, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that:

1. Highlights the College District's work in supporting first-generation college students, low-income students, or underserved student populations; or
2. Certifies compliance with state and federal antidiscrimination laws.

The prohibitions do not apply to:

1. Submitting a statement as part of a grant application or to comply with the terms of accreditation that highlights the College District's work in supporting first-generation college students, low-income students, or underserved student populations, or that certifies compliance with state and federal antidiscrimination laws;
2. Academic course instruction;
3. Scholarly research or a creative work by College District employees or students;

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4. An activity of a student organization registered with or recognized by the College District;
5. Guest speakers or performers on short-term engagements;
6. A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;
7. Data collection; or
8. Student recruitment or admissions.

Note: For related information on diversity, equity, and inclusion initiatives, see BG for diversity, equity, and inclusion offices, CFE for contractor discipline, DH for employee discipline, and FA for students.

Note: For complaints of discrimination, harassment, and retaliation targeting employees on the basis of a protected characteristic, see DIAA(LEGAL) and DIAB(LEGAL).

No governmental entity, including a college district, shall deny to any person within its jurisdiction the equal protection of the laws. *U.S. Const. Amend. XIV*

**Title VII—
Discrimination on
the Basis of Sex,
Race, Color,
Religion, or National
Origin**

Generally

It shall be an unlawful employment practice for an employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to the individual's compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin or to limit, segregate, or classify the individual's employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the individual's status as an employee, because of such individual's race, color, religion, sex, or national origin. 42 *U.S.C. 2000e-2(a)*

Terminating an employee on the basis of the employee's homosexuality or transgender status violates Title VII's prohibition against sex discrimination in employment. *Bostock v. Clayton County, Georgia, 140 S. Ct. 1731 (2020)*

Title VII proscribes not only overt discrimination (disparate treatment) but also employment practices that are fair in form but discriminatory in operation (disparate impact). *Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989)*

*Disparate
Treatment*

Disparate treatment occurs where members of a race, sex, or ethnic group have been denied the same employment, promotion, membership, or other employment opportunities as have been available to other employees or applicants. 29 *C.F.R. 1607.11*

Disparate Impact

An unlawful employment practice based on disparate impact is established only if a complaining party demonstrates that a respondent uses a particular employment practice that causes a disparate impact on the basis of race, color, religion, sex, or national origin, and the respondent fails to demonstrate that the challenged practice is job-related and consistent with business necessity. 42 *U.S.C. 2000e-2(k)(1)(A)*

Training

It shall be an unlawful employment practice for any employer controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because of his race, color, religion, sex, or national origin in

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	admission to, or employment in, any program established to provide apprenticeship or other training. <i>42 U.S.C. 2000e-2(d)</i>
Job Qualification	It shall not be an unlawful employment practice for an employer to hire and employ an employee on the basis of his religion, sex, national origin, or age in those certain instances where religion, sex, national origin, or age is a bona fide occupational qualification. <i>42 U.S.C. 2000e-2(e)</i>
Employment Postings	It shall be an unlawful employment practice for an employer controlling apprenticeship or other training or retraining, including on-the-job training programs, to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, or relating to admission to, or employment in, any program established to provide apprenticeship or other training by such a joint labor-management committee, indicating any preference, limitation, specification, or discrimination based on race, color, religion, sex, or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, or national origin when religion, sex, or national origin is a bona fide occupational qualification. <i>42 U.S.C. 2000e-3(b)</i>
Additional Considerations Sex Discrimination Gender Stereotypes Pregnancy	An employer, including a college district, may not evaluate employees by assuming or insisting that they match the stereotype associated with their group. <i>Price Waterhouse v. Hopkins, 490 U.S. 228 (1989)</i> The terms “because of sex” or “on the basis of sex” include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and nothing in 29 U.S.C. 2000e-2(h) shall be interpreted to permit otherwise. <i>42 U.S.C. 2000e(k)</i>
Equal Pay	No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance

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of which requires equal skill, effort, or responsibility, and which are performed under similar working conditions, except where such payment is pursuant to a seniority system, a merit system, a system which 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 C.F.R. 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 an employer demonstrates that it is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship to the employer's business. "Undue hardship" means more than a *de minimus* (minimal) cost. *42 U.S.C. 2000e(j); 29 C.F.R. 1605.2*

Note: See State Law, below, for state prohibitions on discrimination based on race, color, religion, sex, or national origin.

**Title VII—
Harassment of
Employees on the
Basis of Sex, Race,
Color, Religion, and
National Origin**

Harassment violates Title VII if it is sufficiently severe and pervasive to alter the conditions of employment. *Pennsylvania State Police v. Suders, 542 U.S. 129 (2004)*

Harassment on the basis of sex is a violation of Title VII, 42 U.S.C. 2000e-2.

The Equal Employment Opportunity Commission (EEOC) has consistently held that harassment on the basis of national origin is a violation of Title VII. An employer has an affirmative duty to maintain a working environment free of harassment on the basis of national origin.

42 U.S.C. 2000e-2; 29 C.F.R. 1606.8(a), 1604.11(a)

Title VII does not prohibit all verbal and physical harassment in the workplace. For example, harassment between men and women is not automatically unlawful sexual harassment merely because the words used have sexual content or connotations. *Oncale v. Sun-downer Offshore Services, Inc., 523 U.S. 75 (1998)*

Hostile Environment

Verbal or physical conduct based on a person's sex, race, color, religion, or national origin constitutes unlawful harassment when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or

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3. Otherwise adversely affects an individual's employment opportunities.

Pennsylvania State Police v. Suders, 542 U.S. 129 (2004); *Nat'l Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002); *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986); 29 C.F.R. 1604.11, 1606.8

Quid Pro Quo

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

29 C.F.R. 1604.11(a)

Same-Sex Sexual Harassment

Same-sex sexual harassment constitutes sexual harassment. *Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998)

Sexual Harassment Policy

An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned. 29 C.F.R. 1604.11(f)

Corrective Action

With respect to conduct between fellow employees, an employer is responsible for acts of sexual harassment or harassment in the workplace on the basis of national origin in the workplace where the employer (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action.

An employer may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace or harassment of employees in the workplace on the basis of national origin, where the employer (or its agents or supervisory employees) knows or should have known of the conduct and fails to take immediate and appropriate corrective action. In reviewing these cases, the EEOC will consider the extent of the employer's control and any other legal responsibility that the employer may have with respect to the conduct of such non-employees.

29 C.F.R. 1604.11(d)–(e), 1606.8(d)–(e)

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When no tangible employment action is taken, an employer may raise the following affirmative defense:

1. That the employer exercised reasonable care to prevent and promptly correct any harassing behavior; and
2. That the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.

Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998); Faragher v. City of Boca Raton, 524 U.S. 775 (1998)

Note: For related information regarding Title IX and the Clery Act see FA(LEGAL).

**ADEA—Age
Discrimination**

It shall be unlawful for an employer:

1. To fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment because of such individual's age;
2. To limit, segregate, or classify his employees in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee because of such individual's age; or
3. To reduce the wage rate of any employee in order to comply with 29 U.S.C. Chapter 14.

29 U.S.C. 623(a)

It shall not be unlawful for an employer:

1. To take any action otherwise prohibited under 29 U.S.C. 623(a) where age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business, or where the differentiation is based on reasonable factors other than age, or where such practices involve an employee in a workplace in a foreign country, and compliance with such subsections would cause such employer, or a corporation controlled by such employer, to violate the laws of the country in which such workplace is located;
2. To take any action otherwise prohibited under 29 U.S.C. 623(a):
 - a. To observe the terms of a bona fide seniority system that is not intended to evade the purposes of 29 U.S.C.

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Chapter 14, except that no such seniority system shall require or permit the involuntary retirement of any individual specified by 29 U.S.C. 631(a) because of the age of such individual; or

- b. To observe the terms of a bona fide employee benefit plan in compliance with 29 U.S.C. 623. No such employee benefit plan shall excuse the failure to hire any individual, and no such employee benefit plan shall require or permit the involuntary retirement of any individual specified by 29 U.S.C. 631(a) because of the age of such individual.

3. To discharge or otherwise discipline an individual for good cause.

29 U.S.C. 623(f)

It shall be unlawful for an employer to discriminate against any of his employees or applicants for employment because such individual has opposed any practice made unlawful by this section, or because such individual has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or litigation under 29 U.S.C. Chapter 14. *29 U.S.C. 623(d)*

Note: See State Law, below, for state prohibitions on discrimination based on age.

**ADA and Section 504
—Disability
Discrimination**

No covered entity, including a college district, shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment. *42 U.S.C. 12112(a); 29 C.F.R. 1630.4(b)*

Discrimination
Based on Lack of
Disability

Nothing in the Americans with Disabilities Act (ADA), 42 U.S.C. Chapter 126, shall provide the basis for a claim by an individual without a disability that the individual was subject to discrimination because of the individual's lack of disability. *42 U.S.C. 12201(g); 29 C.F.R. 1630.4(b)*

Definition of
Disability

“Disability” means, with respect to an individual:

1. A physical or mental impairment that substantially limits one or more major life activities of an individual;
2. A record of having such an impairment; or
3. Being regarded as having such an impairment.

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	<p>An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.</p> <p><i>42 U.S.C. 12102(1), (4)(C)–(D); 29 C.F.R. 1630.2(g), (j)(1), .3</i></p>
<p><i>Regarded as Having Such an Impairment</i></p>	<p>An individual meets the requirement of being “regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under the ADA because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.</p> <p><i>42 U.S.C. 12102(3)(A); 29 C.F.R. 1630.2(g), (l)</i></p>
<p>Transitory and Minor</p>	<p>Item 3 in the definition of “disability,” above, (“regarded as having such an impairment”) shall not apply to impairments that are transitory or minor. A transitory impairment is an impairment with an actual or expected duration of six months or less. <i>42 U.S.C. 12102(3)(B); 29 C.F.R. 1630.2(j)(1)(ix)</i></p>
<p><i>Mitigating Measures</i></p>	<p>The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy or supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; or learned behavioral or adaptive neurological modifications.</p> <p>The ameliorative effects of mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.</p> <p>“Ordinary eyeglasses and contact lenses” are lenses that are intended to fully correct visual acuity or to eliminate refractive error.</p> <p>“Low-vision devices” means devices that magnify, enhance, or otherwise augment a visual image.</p> <p><i>42 U.S.C. 12102(4)(E)</i></p>
<p>Other Definitions</p> <p><i>Major Life Activities</i></p>	<p>“Major life activities” include, but are not limited to:</p> <ol style="list-style-type: none">1. Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and

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2. The operation of a major bodily function, including functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within the body system.

42 U.S.C. 12102(2); 29 C.F.R. 1630.2(i)

*Physical or
Mental
Impairment*

“Physical or mental impairment” means:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or
2. Any mental or psychological disorder, such as an intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

29 C.F.R. 1630.2(h)

*Qualified
Individual*

“Qualified” with respect to an individual with a disability, means that the individual:

1. Satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires; and
2. With or without reasonable accommodation, can perform the essential functions of such position. Consideration shall be given to the employer’s judgment as to what functions of a job are essential, and if an employer has prepared a written job description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job.

42 U.S.C. 12111(8); 29 C.F.R. 1630.2(m)

*Reasonable
Accommodation*

A covered entity is required, absent undue hardship, to provide a reasonable accommodation to an otherwise qualified individual who meets the definition of disability under the “actual disability” prong or “record of disability” prong, but is not required to provide a reasonable accommodation to an individual who meets the definition of disability solely under the “regarded as” prong. [See DBB regarding medical examinations and inquiries under the Americans

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with Disabilities Act] 29 U.S.C. 794, 42 U.S.C. 12112(b)(5);
29 C.F.R. 1630.2(o)(4), .9, 34 C.F.R. 104.11

“Reasonable accommodation” may include:

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 modification 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 C.F.R. 1630.2(o); 34 C.F.R. 104.12(b)

Undue Hardship

“Undue hardship” means an action requiring significant difficulty or expense, when considered in light of the following factors. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include the nature and cost of the accommodation needed, the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the overall financial resources of the covered entity, the type of operation or operations of the covered entity, and other factors set out in 42 U.S.C. 12111(10). 42 U.S.C. 12111(10); 29 C.F.R. 1630.2(p); 34 C.F.R. 104.12(c)

Discrimination
Based on
Relationship

It is unlawful for a covered entity to 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 C.F.R. 1630.8

Illegal Drugs and
Alcohol

A qualified individual with a disability shall not include any employee or applicant who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of such use. 42 U.S.C. 12114(a); 29 C.F.R. 1630.3(a)

Drug Testing

Nothing in 42 U.S.C. Chapter 126, Subchapter I shall be construed to encourage, prohibit, or authorize the conducting of drug testing for the illegal use of drugs by job applicants or employees or making employment decisions based on the results of such tests. [See DHA] 42 U.S.C. 12114(d)(2); 29 C.F.R. 1630.3(c), .16(c)

Alcohol Use

The term “individual with a disability” does not include any individual who is an alcoholic whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse,

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	<p>would constitute a direct threat to property or the safety of others. <i>29 U.S.C. 705(20)(C)(v), 42 U.S.C. 12114(a); 29 C.F.R. 1630.16(b)</i></p>
Qualification Standards	<p>It is unlawful for a covered entity to use qualification standards, employment tests, or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and is consistent with business necessity. <i>29 C.F.R. 1630.10(a)</i></p>
<i>Direct Threat to Health or Safety</i>	<p>The term “qualification standards” may include a requirement 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. The determination that an individual poses a “direct threat” shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job. This assessment shall be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. In determining whether an individual would pose a direct threat, the factors to be considered include the duration of the risk; the nature and severity of the potential harm; the likelihood that the potential harm will occur; and the imminence of the potential harm. <i>42 U.S.C. 12111(3), 12113(b); 29 C.F.R. 1630.2(r)</i></p>
<i>Vision Standards and Tests</i>	<p>A covered entity shall not use qualification standards, employment tests, or other selection criteria based on an individual’s uncorrected vision unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and consistent with business necessity. <i>42 U.S.C. 12113(c); 29 C.F.R. 1630.10(b)</i></p>
<i>Communicable Diseases</i>	<p>In any case in which an individual has an infectious or communicable disease that is transmitted to others through the handling of food, that is included on the list developed by the U.S. Secretary of Health and Human Services under 42 U.S.C. 12113(e)(1), and that cannot be eliminated by reasonable accommodation, a covered entity may refuse to assign or continue to assign an individual to a job involving food handling. <i>42 U.S.C. 12113(e)(2); 29 U.S.C. 705(20)(D); 29 C.F.R. 1630.16(e)</i></p>
Service Animals	<p>A covered entity that is subject to the jurisdiction of Title I of the ADA (employment discrimination) or to section 504 of the Rehabilitation Act (employment discrimination), shall comply with the reasonable accommodation requirements of those laws with respect to service animals. [See Reasonable Accommodations, above]</p>

A covered entity that is not subject to either Title I or section 504 shall comply with Title II of the ADA (discrimination by public entity). An employer that is subject to Title II shall comply with 28 C.F.R. part 35, including the requirements relating to service animals at 28 C.F.R. 35.136 [see FAB].

28 C.F.R. 35.140

Note: See State Law, below, for state prohibitions on discrimination based on disability.

**Accommodations
Based on Pregnancy**

It shall be an unlawful employment practice for a covered entity, including a college district, to:

1. Not make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity;
2. Require a qualified employee affected by pregnancy, childbirth, or related medical conditions to accept an accommodation other than any reasonable accommodation arrived at through the interactive process;
3. Deny employment opportunities to a qualified employee if such denial is based on the need of the covered entity to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of the qualified employee; or
4. Take adverse action in terms, conditions, or privileges of employment against a qualified employee on account of the employee requesting or using a reasonable accommodation to the known limitations related to the pregnancy, childbirth, or related medical conditions of the employee.

42 U.S.C. 2000gg-1

Retaliation
Prohibited

No person shall discriminate against any employee because such employee has opposed any act or practice made unlawful by this section or because such employee made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this section.

42 U.S.C. 2000gg-2(f)

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Definitions

Known Limitation

The term “known limitation” means physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or employee’s representative has communicated to the employer whether or not such condition meets the definition of disability specified in the Americans with Disabilities Act (ADA) of 1990, 42 U.S.C. 12102. 42 U.S.C. 2000gg(4)

Qualified Employee

The term “qualified employee” means an employee or applicant who, with or without reasonable accommodation, can perform the essential functions of the employment position, except that an employee or applicant shall be considered qualified if:

1. Any inability to perform an essential function is for a temporary period;
2. The essential function could be performed in the near future; and
3. The inability to perform the essential function can be reasonably accommodated.

42 U.S.C. 2000gg(6)

Reasonable Accommodation and Undue Hardship

The terms “reasonable accommodation and “undue hardship” have the meanings given such terms in the ADA, 42 U.S.C. 12111, and shall be construed as such terms are construed under the ADA and as set forth in the regulations required by this section, including with regard to the interactive process that will typically be used to determine an appropriate reasonable accommodation. 42 U.S.C. 2000gg(7)

Note: See Title VII—Discrimination on the Basis of Sex, Race, Color, Religion, or National Origin, above, for additional federal prohibitions on discrimination based on pregnancy, and State Law, below, for state prohibitions on discrimination based on pregnancy.

Military Service

A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of that membership, application for membership, performance of service, application for service, or obligation.

An employer, including a college district, may not discriminate in employment against or take any adverse employment action against any person because such person has taken action to en-

force protections afforded any person under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. Chapter 43, has testified or otherwise made a statement in or in connection with any proceeding under USERRA, has assisted or otherwise participated in an investigation under USERRA, or has exercised a right provided for in USERRA.

38 U.S.C. 4311 [See DECB]

Bankruptcy

A governmental unit, including a college district, may not deny, revoke, suspend, or refuse to renew a license, permit, charter, franchise, or other similar grant to, condition such a grant to, discriminate with respect to such a grant against, deny employment to, terminate the employment of, or discriminate with respect to employment against, a person that is or has been a debtor under U.S.C. Title 11 or a bankrupt or a debtor under the Bankruptcy Act, or another person with whom such bankrupt or debtor has been associated, solely because such bankrupt or debtor is or has been a debtor under Title 11 or a bankrupt or debtor under the Bankruptcy Act, has been insolvent before the commencement of the case under Title 11, or during the case but before the debtor is granted or denied a discharge, or has not paid a debt that is dischargeable in the case under Title 11 or that was discharged under the Bankruptcy Act. *11 U.S.C. 525(a)*

Retaliation

An employer, including 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 C.F.R. 100.7(e) (Title VI); 34 C.F.R. 110.34 (Age Act); 42 U.S.C. 12203 (ADA); Jackson v. Birmingham Bd. of Educ., 544 U.S. 167 (2005) (Title IX)*

Note: See State Law, below, for state prohibitions on retaliation.

State Law

Unlawful Employment Practice

An employer commits an unlawful employment practice if because of race, color, disability, religion, sex, national origin, or age the employer fails or refuses to hire an individual, discharges an individual, or discriminates in any other manner against an individual in connection with compensation or the terms, conditions, or privileges of employment; or limits, segregates, or classifies an employee or applicant for employment in a manner that would deprive or tend to deprive an individual of any employment opportunity or adversely affect in any other manner the status of an employee.

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An employer commits an unlawful employment practice if it aids, abets, incites, or coerces a person to engage in an unlawful discriminatory practice based on race, color, disability, religion, sex, national origin, or age.

Labor Code 21.051; 40 TAC 819.12(a), (f)

Disparate Impact

An unlawful employment practice based on disparate impact is established under Labor Code Chapter 21 only if a complainant demonstrates that a respondent uses a particular employment practice that causes a disparate impact on the basis of race, color, sex, national origin, religion, or disability and the respondent fails to demonstrate that the challenged practice is job-related for the position in question and consistent with business necessity; or the complainant makes the demonstration in accordance with federal law as that law existed June 4, 1989, with respect to the concept of alternative employment practices, and the respondent refuses to adopt such an alternative employment practice. To demonstrate that a particular employment practice causes a disparate impact, the complainant must demonstrate that each particular challenged employment practice causes a disparate impact, except that if the complainant demonstrates to the satisfaction of the court that the elements of a respondent's decision-making process are not capable of separation for analysis, that decision-making process may be analyzed as one employment practice. *Labor Code 21.122(a), (c)*

Exception

An employer does not commit an unlawful employment practice by engaging in a practice that has a discriminatory effect and that would otherwise be prohibited by Chapter 21 if the employer establishes that the practice is not intentionally devised or operated to contravene the prohibitions of Chapter 21 and is justified by business necessity. *Labor Code 21.115(a)*

Job Training
Programs

Unless a training or retraining opportunity or program is provided under an affirmative action plan approved under a federal law, rule, or order, an employer, labor organization, or joint labor-management committee controlling an apprenticeship, on-the-job training, or other training or retraining program commits an unlawful employment practice if the employer, labor organization, or committee discriminates against an individual because of race, color, disability, religion, sex, national origin, or age in admission to or participation in the program. *Labor Code 21.054*

Selection Criterion

An employer may not use a qualification standard, employment test, or other selection criterion based on an individual's uncorrected vision unless the standard, test, or criterion is consistent with business necessity and job-related for the position to which the standard, test, or criterion applies. *Labor Code 21.115(b)*

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*Bona Fide
Occupational
Qualification*

If disability, religion, sex, national origin, or age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business or enterprise, performing any of the following practices on the basis of disability, religion, sex, national origin, or age of an employee, member, or other individual is not an unlawful employment practice:

1. An employer hiring and employing an employee;
2. An employment agency classifying or referring an individual for employment; or
3. An employer controlling an apprenticeship, on-the-job training, or other training or retraining program admitting or employing an individual in its program.

Labor Code 21.119

Job Advertisement

An employer, labor organization, employment agency, or joint labor-management committee controlling an apprenticeship, on-the-job training, or other training or retraining program commits an unlawful employment practice if the employer, labor organization, employment agency, or committee prints or publishes or causes to be printed or published a notice or advertisement relating to employment that:

1. Indicates a preference, limitation, specification, or discrimination based on race, color, disability, religion, sex, national origin, or age; and
2. Concerns an employee's status, employment, or admission to or membership or participation in a labor union or training or retraining program.

Labor Code 21.059 does not apply if disability, religion, sex, national origin, or age is a bona fide occupational qualification.

Labor Code 21.059; 40 TAC 819.12(i)

Bona Fide
Employee Benefit
Plan

An employer does not commit an unlawful employment practice by applying different standards of compensation or different terms, conditions, or privileges of employment under a bona fide seniority system, merit system, or an employee benefit plan, such as a retirement, pension, or insurance plan, that is not a subterfuge to evade Labor Code Chapter 21 or a system that measures earnings by quantity or quality of production. *Labor Code 21.102(a)*

Exception

An employee benefit plan may not excuse a failure to hire on the basis of age. A seniority system or employee benefit plan may not require or permit involuntary retirement on the basis of age except as permitted by Labor Code 21.103.

This section does not apply to standards of compensation or terms, conditions, or privileges of employment that are discriminatory on the basis of race, color, disability, religion, sex, national origin, or age.

Labor Code 21.102(b)–(c)

Diversity, Equity,
and Inclusion
Initiatives

The governing board of an institution of higher education, including a college district, shall ensure that each unit of the institution does not, except as required by federal law:

1. Compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
2. Give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution; or
3. Require as a condition of performing any institution function any person to participate in diversity, equity, and inclusion training, which:
 - a. Includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and
 - b. Does not include a training, program, or activity developed by an attorney and approved in writing by the institution's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Education Code 51.3525(b)(1)

Exceptions

Nothing in this section may be construed to limit or prohibit an institution of higher education or an employee of an institution of higher education from, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that:

1. Highlights the institution's work in supporting first-generation college students, low-income students, or underserved student populations; or
2. Certifies compliance with state and federal antidiscrimination laws.

This section may not be construed to apply to:

1. Academic course instruction;

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2. Scholarly research or a creative work by an institution of higher education's faculty or other research personnel or the dissemination of that research or work;
3. Guest speakers or performers on short-term engagements;
4. A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;
5. Data collection; or
6. Student recruitment or admissions.

Education Code 51.3525(c)-(d)

Note: For related information on diversity, equity, and inclusion initiatives, see BG(LEGAL) for diversity, equity, and inclusion offices, CFE(LEGAL) for contractor discipline, DH(LEGAL) for employee discipline, and FA(LEGAL) for students.

Additional
Considerations
*Sexual
Harassment*

"Employer" means a person who employs one or more employees or acts directly in the interests of an employer in relation to an employee.

"Sexual harassment" means an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature if:

1. Submission to the advance, request, or conduct is made a term or condition of an individual's employment, either explicitly or implicitly;
2. Submission to or rejection of the advance, request, or conduct by an individual is used as the basis for a decision affecting the individual's employment;
3. The advance, request, or conduct has the purpose or effect of unreasonably interfering with an individual's work performance; or
4. The advance, request, or conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

An employer commits an unlawful employment practice if sexual harassment of an employee occurs and the employer or the employer's agents or supervisors:

1. Know or should have known that the conduct constituting sexual harassment was occurring; and
2. Fail to take immediate and appropriate corrective action.

Labor Code 21.141–.142, 40 TAC 819.11(6), (10),.12(k)

*Pregnancy
Discrimination*

A provision in Labor Code Chapter 21 referring to discrimination because of sex or on the basis of sex includes discrimination because of or on the basis of pregnancy, childbirth, or a related medical condition. A woman affected by pregnancy, childbirth, or a related medical condition shall be treated for all purposes related to employment, including receipt of a benefit under a fringe benefit program, in the same manner as another individual not affected but similar in the individual's ability or inability to work. *Labor Code 21.106*

*Hair Texture or
Style*

A provision under Labor Code Chapter 21 referring to discrimination because of race or on the basis of race includes discrimination because of or on the basis of an employee's hair texture or protective hairstyle commonly or historically associated with race.

An employer, labor union, or employment agency commits an unlawful employment practice if the employer, labor union, or employment agency adopts or enforces a dress or grooming policy that discriminates against a hair texture or protective hairstyle commonly or historically associated with race.

"Protective hairstyle" includes braids, locks, and twists.

Labor Code 21.1095 [See DH]

*Religious
Discrimination*

A provision in Chapter 21 referring to discrimination because of religion or on the basis of religion applies to discrimination because of or on the basis of any aspect of religious observance, practice, or belief, unless an employer demonstrates that the employer is unable reasonably to accommodate the religious observance or practice of an employee or applicant without undue hardship to the conduct of the employer's business. *Labor Code 21.108*

A government agency, including a college district, may not substantially burden a person's free exercise of religion. The prohibition does not apply if the government agency demonstrates that the application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. *Civ. Prac. and Rem. Code 110.003(a)–(b)*

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*Association with
a Religious
Organization*

Notwithstanding any other law, a governmental entity, including a college district, may not take any adverse action against any person, as defined by Government Code 2400.001(4), based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization.

"Adverse action" means any action taken by a governmental entity to:

1. Withhold, reduce, exclude, terminate, or otherwise deny any grant, contract, subcontract, cooperative agreement, loan, scholarship, license, registration, accreditation, employment, or other similar status from or to a person;
2. Withhold, reduce, exclude, terminate, or otherwise deny any benefit provided under a benefit program from or to a person;
3. Alter in any way the tax treatment of, cause any tax, penalty, or payment assessment against, or deny, delay, or revoke a tax exemption of a person;
4. Disallow a tax deduction for any charitable contribution made to or by a person;
5. Deny admission to, equal treatment in, or eligibility for a degree from an educational program or institution to a person; or
6. Withhold, reduce, exclude, terminate, or otherwise deny access to a property, educational institution, speech forum, or charitable fundraising campaign from or to a person.

Gov't Code 2400.001(1), .002 [See GA]

*Access for
Religious
Organizations
During Disasters*

A governmental entity may not:

1. At any time, including during a declared state of disaster, prohibit a religious organization from engaging in religious and other related activities or continuing to operate in the discharge of the organization's foundational faith-based mission and purpose; or
2. During a declared state of disaster order a religious organization to close or otherwise alter the organization's purposes or activities.

Gov't Code 2401.002(b) [See GA]

*Age
Discrimination*

The provisions of Labor Code Chapter 21 referring to discrimination because of age or on the basis of age apply only to discrimination against an individual 40 years of age or older. *Labor Code 21.101*

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<i>Discrimination Based on Lack of Disability</i>	Nothing in Chapter 21 may be construed as the basis for a claim by an individual without a disability that the individual was subject to discrimination because of the individual's lack of a disability. <i>Labor Code 21.005(c)</i>
<i>Reasonable Accommodation</i>	It is an unlawful employment practice for a respondent covered under this chapter to fail or refuse to make a reasonable workplace accommodation to a known physical or mental limitation of an otherwise qualified individual with a disability who is an employee or applicant for employment, unless the respondent demonstrates that the accommodation would impose an undue hardship on the operation of the business of the respondent. A showing of undue hardship by the respondent is a defense to a complaint of discrimination made by an otherwise qualified individual with a disability. <i>Labor Code 21.128(a)–(b)</i>
Official Oppression	<p>A public servant acting under color of the public servant's office or employment commits an offense if the public servant intentionally subjects another to sexual harassment.</p> <p>"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly. An offense under this section is a Class A misdemeanor.</p> <p><i>Penal Code 39.03(a), (c)–(d)</i></p>
Sexual Harassment of Unpaid Interns	<p>An employer commits an unlawful employment practice if sexual harassment of an unpaid intern occurs and the employer or the employer's agents or supervisors:</p> <ol style="list-style-type: none">1. Know or should have known that the conduct constituting sexual harassment was occurring; and2. Fail to take immediate and appropriate corrective action. <p>An individual is considered to be an unpaid intern of an employer if:</p> <ol style="list-style-type: none">1. The individual's internship, even though it includes engagement in the employer's operations or the performance of productive work for the employer, is similar to training that would be given in an educational environment;2. The individual's internship experience is for the individual's benefit;3. The individual does not displace the employer's regular employees but works under close supervision of the employer's existing staff;

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4. The employer does not derive any immediate advantage from the individual's internship activities and on occasion the employer's operations may be impeded by those activities;
5. The individual is not entitled to a job at the conclusion of the internship; and
6. The individual is not entitled to wages for the time spent in the internship.

"Sexual harassment" means an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature if:

1. Submission to the advance, request, or conduct is made a term or condition of an individual's internship, either explicitly or implicitly;
2. Submission to or rejection of the advance, request, or conduct by an individual is used as the basis for a decision affecting the individual's internship;
3. The advance, request, or conduct has the purpose or effect of unreasonably interfering with an individual's work performance at the individual's internship; or
4. The advance, request, or conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

Labor Code 21.1065

Retaliation

An employer commits an unlawful employment practice if the employer, labor union, or employment agency retaliates or discriminates against a person who, under Labor Code Chapter 21 opposes a discriminatory practice; makes or files a charge; files a complaint; or testifies, assists, or participates in any manner in an investigation, proceeding, or hearing. *Labor Code 21.055; 40 TAC 819.12(e)*

Notices

Title VII

Every employer, including each college district, shall post and keep posted in conspicuous places upon its premises, where notices to employees, applicants for employment, and members are customarily posted, a notice to be prepared or approved by the Equal Employment Opportunity Commission (EEOC) setting forth excerpts from or, summaries of, the pertinent provisions of 42 U.S.C. Chapter 21, Subchapter VI, and information pertinent to the filing of a complaint. *42 U.S.C. 2000e-10*

ADEA

Every employer shall post and keep posted in conspicuous places upon its premises a notice to be prepared or approved by the

EEOC setting forth information as the EEOC deems appropriate to effectuate the purposes of the ADEA. *29 U.S.C. 627*

Section 504 Notice

A recipient of federal funds 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 in violation of Section 504 of the Rehabilitation Act or 34 C.F.R. Part 104.

The notification shall state, where appropriate, that the recipient does not discriminate in employment in its program or activity. The notification shall also include an identification of the responsible employee designated pursuant to 34 C.F.R. 104.7(a) (Section 504 coordinator).

Methods of initial and continuing notification may include:

1. Posting of notices;
2. Publication in newspapers and magazines;
3. Placement of notices in recipients' publications; and
4. Distribution of memoranda or other written communications.

If a recipient publishes or uses recruitment materials or publications containing general information that it makes available to applicants or employees, it shall include in those materials or publications a statement of its nondiscrimination policy.

34 C.F.R. 104.8

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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 38), and abuse of office (Chapter 39). [See DBD and BBFA] <i>Penal Code 1.07(a)(41), Title 8</i>
Hair Texture and Style	An employer, including a college district, commits an unlawful employment practice if the employer adopts or enforces a dress or grooming policy that discriminates against a hair texture or protective hairstyle commonly or historically associated with race. "Protective hairstyle" includes braids, locks, and twists. [See DAA] <i>Labor Code 21.1095</i>
Low-THC Cannabis	A municipality, county, or other political subdivision, including a college district, may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of low-THC cannabis, as authorized by Health and Safety Code Chapter 487.201. <i>Health and Safety Code 487.201</i>
Hemp	A municipality, county, or other political subdivision of this state, including a college district, may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, handling, transportation, or sale of hemp as authorized by Agriculture Code Chapter 122. <i>Agriculture Code 122.002</i>
Dextromethorphan	A political subdivision of this state, including a college district, may not adopt or enforce an ordinance, order, rule, regulation, or policy that governs the sale, distribution, or possession of dextromethorphan. An ordinance, order, rule, regulation, or policy described by this section is void and unenforceable. <i>Health and Safety Code 488.005</i>
Drug and Alcohol Abuse Program	A person other than an individual shall not receive a grant from a Federal agency unless the person agrees to provide a drug-free workplace by:
Federal Drug-Free Workplace Act	<ol style="list-style-type: none">1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violations of the prohibition [see DI(EXHIBIT)];2. Establishing a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the grantee's policy of maintaining a drug-free workplace; available drug counseling, rehabilitation, and employee assis-

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tance programs; and the penalties that may be imposed on employees for drug abuse violations;

3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by item 1;
4. Notifying the employee in the statement required by item 1 that as a condition of employment in the grant the employee will abide by the terms of the statement; and notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after the conviction;
5. Notifying the granting agency within ten days after receiving notice under item 4 from an employee or otherwise receiving actual notice of a conviction;
6. Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is convicted, as required by 41 U.S.C. 8104; and
7. Making a good faith effort to continue to maintain a drug-free workplace through the implementation of items 1 to 6.

41 U.S.C. 8103(a)(1)

**Sex Offender
Registration**

Not later than the later of the seventh day after the date on which the person begins to work or the first date the applicable authority by policy allows the person to register, a person required to register under Code of Criminal Procedure Chapter 62 who is employed or carries on a vocation at a public or private institution of higher education in this state shall report that fact to:

1. The authority for campus security for that institution; or
2. If an authority for campus security for that institution does not exist 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 62.051(c). 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 institution any information received from the person under Code of Criminal Procedure 62.153 and any information received from the Texas Department of Public Safety under Code of Criminal Procedure 62.005.

This section does not impose the requirements of public notification or notification to public or private primary or secondary schools on:

1. An authority for campus security; or
2. A local law enforcement authority, if those requirements relate to a person about whom the authority is not otherwise required by Code of Criminal Procedure Chapter 62 to make notifications.

Code of Criminal Procedure 62.153(a)–(d), (f) [See also GCA]

Disqualification from Retirement Annuity for Conviction of Certain Felonies

A person is not eligible to receive a service retirement annuity from the Teacher Retirement System of Texas (TRS) if the person is convicted of a qualifying felony the victim of which is a student.

"Qualifying felony" means an offense that is punishable as a felony under the following sections of the Penal Code:

1. Section 21.02 (continuous sexual abuse of young child or disabled individual);
2. Section 21.12 (improper relationship between educator and student);
3. Section 22.011 (sexual assault) or Section 22.021 (aggravated sexual assault); or
4. Section 43.24 (sale, distribution, or display of harmful material to minor).

The term includes any federal offense that contains elements that are substantially similar to the elements of a felony offense described above.

Gov't Code 824.009(a)–(c)

Public Information on a Privately-Owned Device

A current or former officer or employee of a governmental body who maintains public information on a privately-owned device shall:

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1. Forward or transfer the public information to the governmental body or a governmental body server to be preserved as provided by Government Code 552.004(a); or
2. Preserve the public information in its original form in a backup or archive and on the privately-owned device for the time described under Government Code 552.004(a).

Gov't Code 552.004(b) [See CIA and GCB]

**Diversity, Equity,
and Inclusion
Initiatives**

The governing board of an institution of higher education, including a college district, shall ensure that each unit of the institution adopts policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Education Code 51.3525(b)(1) [see BG, DAA, and FA]. *Education Code 51.3525(b)(2)*

Note: For complaints of discrimination, harassment, and retaliation on the basis of a protected characteristic, see FFDA and FFDB.

**Diversity, Equity,
and Inclusion
Initiatives**

Except as required by federal law, the College District shall not:

1. Compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
2. Give preference on the basis of race, sex, color, ethnicity, or national origin to a participant in any College District function; or
3. Require as a condition of enrolling at the College District or performing any College District function any person to participate in diversity, equity, and inclusion training that references race, color, ethnicity, gender identity, or sexual orientation, unless it was developed by an attorney and approved in writing by the College District's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Exceptions

The prohibitions do not apply to:

1. Academic course instruction;
2. Scholarly research or a creative work by College District employees or students;
3. An activity of a student organization registered with or recognized by the College District;
4. Guest speakers or performers on short-term engagements;
5. A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;
6. Data collection; or
7. Student recruitment or admissions.

Note: For related information on diversity, equity, and inclusion initiatives, see BG for diversity, equity, and inclusion offices, CFE for contractor discipline, DAA for employees, and DH for employee discipline.

Note: For complaints of discrimination, harassment, and retaliation on the basis of a protected characteristic, see FFDA and FFDB.

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Section I: Generally

No governmental entity, including a college district, shall deny to any person within its jurisdiction the equal protection of the laws. *U.S. Const. Amend. XIV*

An officer or employee of a political subdivision, including a college district, who is acting or purporting to act in an official capacity may not, because of the student's race, religion, color, sex, or national origin, refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the political subdivision; refuse to grant a benefit to the person; or impose an unreasonable burden on the person. *Civ. Prac. & Rem. Code 106.001(a)*

Section II: Religious Freedom

A governmental entity, including a college district, shall make no law prohibiting the free exercise of religion. *U.S. Const. Amends. I, XIV*

A government agency, including a college district, may not substantially burden a student's free exercise of religion, unless the government agency demonstrates that the application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. *Civ. Prac. & Rem. Code 110.003*

Association with a
Religious
Organization

Notwithstanding any other law, a governmental entity, including a college district, may not take any adverse action against any person, as defined by Government Code 2400.001(4), based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization.

"Adverse action" means any action taken by a governmental entity to:

1. Withhold, reduce, exclude, terminate, or otherwise deny any grant, contract, subcontract, cooperative agreement, loan, scholarship, license, registration, accreditation, employment, or other similar status from or to a person;
2. Withhold, reduce, exclude, terminate, or otherwise deny any benefit provided under a benefit program from or to a person;
3. Alter in any way the tax treatment of, cause any tax, penalty, or payment assessment against, or deny, delay, or revoke a tax exemption of a person;
4. Disallow a tax deduction for any charitable contribution made to or by a person;
5. Deny admission to, equal treatment in, or eligibility for a degree from an educational program or institution to a person; or

6. Withhold, reduce, exclude, terminate, or otherwise deny access to a property, educational institution, speech forum, or charitable fundraising campaign from or to a person.

Gov't Code 2400.001(1), .002 [See GA]

Access for
Religious
Organizations
During Disasters

A governmental entity may not:

1. At any time, including during a declared state of disaster, prohibit a religious organization from engaging in religious and other related activities or continuing to operate in the discharge of the organization's foundational faith-based mission and purpose; or
2. During a declared state of disaster order a religious organization to close or otherwise alter the organization's purposes or activities.

Gov't Code 2401.002(b) [See GA]

**Section III:
Discrimination on
the Basis of Sex**

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. *20 U.S.C. 1681; 34 C.F.R. 106.31*

Educational programs and activities include:

1. Housing. *34 C.F.R. 106.32*
2. Comparable facilities. *34 C.F.R. 106.33*
3. Access to course offerings. *34 C.F.R. 106.34*
4. Counseling. *34 C.F.R. 106.36*
5. Financial assistance. *34 C.F.R. 106.37*
6. Employment assistance to students. *34 C.F.R. 106.38*
7. Health and insurance benefits and services. *34 C.F.R. 106.39*
8. Athletics. *34 C.F.R. 106.41*

Parental, Family,
and Marital Status

A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. [See also FAA] *34 C.F.R. 106.40(a)*

Sexual Harassment

Sexual harassment of students is discrimination on the basis of sex under Title IX. *Franklin v. Gwinnett County Schools, 503 U.S. 60 (1992)* [See also FFDA]

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<i>Definition of Sexual Harassment</i>	Sexual harassment of students is conduct that is so severe, pervasive, and objectively offensive that it can be said to deprive the victim of access to the educational opportunities or benefits provided by the school. Sexual harassment does not include simple acts of teasing and name-calling, however, even when the comments target differences in gender. <u><i>Davis v. Monroe County Bd. of Educ.</i></u> , 526 U.S. 629 (1999)
<i>Employee–Student Sexual Harassment</i>	An official of an educational entity who has authority to address alleged harassment by employees on the entity’s behalf shall take corrective measures to address the harassment or abuse. <u><i>Gebser v. Lago Vista Indep. Sch. Dist.</i></u> , 524 U.S. 274 (1998)
<i>Student–Student Sexual Harassment</i>	An educational entity must reasonably respond to known student-on-student harassment where the harasser is under the entity’s disciplinary authority. <u><i>Davis v. Monroe County Bd. of Educ.</i></u> , 526 U.S. 629 (1999)
Clery Act—Campus Sexual Assault Programs	<p>An institution’s Clery Act annual security report [see GCC] must include a statement of policy regarding the institution’s programs to prevent dating violence, domestic violence, sexual assault, and stalking and of procedures that the institution will follow when one of these crimes is reported. The statement must include:</p> <ol style="list-style-type: none">1. A description of the institution's educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking, as described below at Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking;2. Procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, including written information about:<ol style="list-style-type: none">a. The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;b. How and to whom the alleged offense should be reported;c. Options about the involvement of law enforcement and campus authorities, including notification of the victim's option to:<ol style="list-style-type: none">(1) Notify proper law enforcement authorities, including on-campus and local police;

- (2) Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - (3) Decline to notify such authorities; and
 - d. Where applicable, the rights of victims and the institution's responsibilities for orders of protection, "no-contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the institution;
3. Information about how the institution will protect the confidentiality of victims and other necessary parties, including how the institution will:
 - a. Complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in the Violence Against Women Act of 1994, 42 U.S.C. 13925(a)(20); and
 - b. Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures;
4. A statement that the institution will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community;
5. A statement that the institution will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement;
6. An explanation of the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as described below at Procedures for Institutional Disciplinary Action; and

7. A statement that, when a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options, as described in items 1 through 6 of this list.

20 U.S.C. 1092(f)(8); 34 C.F.R. 668.46(b)(11)

*Programs to
Prevent Dating
Violence,
Domestic
Violence, Sexual
Assault, and
Stalking*

An institution must include in its annual security report a statement of policy that addresses the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking. The statement must include:

1. A description of the institution's primary prevention and awareness programs for all incoming students and new employees, which must include:
 - a. A statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as those terms are defined in 34 C.F.R. 668.46(a) [see Definitions];
 - b. The definition of "dating violence," "domestic violence," "sexual assault," and "stalking" in the applicable jurisdiction [see Penal Code 22.011, 22.021, 42.072; Family Code 71.0021, 71.004];
 - c. The definition of "consent," in reference to sexual activity, in the applicable jurisdiction;
 - d. A description of safe and positive options for bystander intervention;
 - e. Information on risk reduction; and
 - f. The information described in 34 C.F.R. 668.46(b)(11) and 34 C.F.R. 668.46(k)(2); and
2. A description of the institution's ongoing prevention and awareness campaigns for students and employees, including information described at item 1.

An institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking must include, at a minimum, the information required to be included in the statement.

34 C.F.R. 668.46(j)

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Awareness Programs	“Awareness programs” means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration. <i>34 C.F.R. 668.46(j)(2)(i)</i>
Bystander Intervention	“Bystander intervention” means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. <i>34 C.F.R. 668.46(j)(2)(ii)</i>
Ongoing Prevention and Awareness Campaigns	“Ongoing prevention and awareness campaigns” means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution and including information described in item 1, above. <i>34 C.F.R. 668.46(j)(2)(iii)</i>
Primary Prevention Programs	“Primary prevention programs” means programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions. <i>34 C.F.R. 668.46(j)(2)(iv)</i>
Risk Reduction	“Risk reduction” means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. <i>34 C.F.R. 668.46(j)(2)(v)</i>
<i>Procedures for Institutional Disciplinary Action</i>	<p>An institution must include in its annual security report a clear statement of policy that addresses the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as defined in <i>34 C.F.R. 668.46(a)</i>, and that:</p> <ol style="list-style-type: none">1. Describes each type of disciplinary proceeding used by the institution; the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding; how to file a disciplinary complaint; and how the institution determines which type of proceeding to use based on the circumstances

of an allegation of dating violence, domestic violence, sexual assault, or stalking;

2. Describes the standard of evidence that will be used during any institutional disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking;
3. Lists all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking; and
4. Describes the range of protective measures that the institution may offer to the victim following an allegation of dating violence, domestic violence, sexual assault, or stalking;
5. Provides that the proceedings will:
 - a. Include a prompt, fair, and impartial process from the initial investigation to the final result;
 - b. Be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
 - c. Provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;
 - d. Not limit the choice of adviser or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties; and
 - e. Require simultaneous notification, in writing, to both the accuser and the accused, of:
 - (1) The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;
 - (2) The institution's procedures for the accused and the victim to appeal the result of the institutional

disciplinary proceeding, if such procedures are available;

(3) Any change to the result; and

(4) When such results become final.

34 C.F.R. 668.46(k)

Compliance with 34 C.F.R. 668.46(k) does not constitute a violation of Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g. *34 C.F.R. 668.46(l)*

Prompt, Fair,
and Impartial
Proceeding

“Prompt, fair, and impartial proceeding” includes a proceeding that is:

1. Completed within reasonably prompt time frames designated by an institution's policy, including a process that allows for the extension of time frames for good cause with written notice to the accuser and the accused of the delay and the reason for the delay;
2. Conducted in a manner that:
 - a. Is consistent with the institution's policies and transparent to the accuser and accused;
 - b. Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
 - c. Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
3. Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

34 C.F.R. 668.46(k)(3)(i)

Adviser

“Adviser” means any individual who provides the accuser or accused support, guidance, or advice. *34 C.F.R. 668.46(k)(3)(ii)*

Proceeding

“Proceeding” means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim. *34 C.F.R. 668.46(k)(3)(iii)*

Result “Result” means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding FERPA, the result must also include the rationale for the result and the sanctions. *34 C.F.R. 668.46(k)(3)(iv)*

Definitions

Dating Violence

“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse and dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and 34 C.F.R. 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

34 C.F.R. 668.46(a)

Domestic Violence

“Domestic violence” is a felony or misdemeanor crime of violence committed:

1. By a current or former spouse or intimate partner of the victim;
2. By a person with whom the victim shares a child in common;
3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
5. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

For the purposes of complying with the requirements of this section and 34 C.F.R. 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

34 C.F.R. 668.46(a)

Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking

“Programs to prevent dating violence, domestic violence, sexual assault, and stalking” means comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:

1. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
2. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees, as defined in 34 C.F.R. 668.46(j)(2).

34 C.F.R. 668.46(a)

Sexual Assault

“Sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program and included in Appendix A of 34 C.F.R. Part 668, Subpart D. *34 C.F.R. 668.46(a)*

Stalking

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress.

For the purposes of this definition:

1. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

34 C.F.R. 668.46(a)

**Section IV:
Discrimination on
the Basis of Race,
Color, or National
Origin**

No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which 34 C.F.R. Part 100 applies.

A recipient under any program to which Part 100 applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin:

1. Deny an individual any service, financial aid, or other benefit provided under the program;
2. Provide any service, financial aid, or other benefit to an individual that is different, or is provided in a different manner, from that provided to others under the program;
3. Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;
4. Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;
5. Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition that individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;
6. Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so that is different from that afforded others under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in 34 C.F.R. 100.3(c)); or
7. Deny a person the opportunity to participate as a member of a planning or advisory body that is an integral part of the program.

A recipient, in determining the types of services, financial aid, or other benefits, or facilities that will be provided under any such program, or the class of individuals to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration that have the effect of subjecting individuals to discrimination because of their race, color, or na-

tional origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin.

42 U.S.C. 2000d; 34 C.F.R. 100.3(a)–(b)

Hair Texture or
Style

Discrimination on the basis of hair texture or a protective hairstyle in student dress or grooming policies is prohibited in accordance with Education Code 51.979 [see FLBA]. *Education Code 51.979*

**Section V: Diversity,
Equity, and Inclusion
Initiatives**

The governing board of an institution of higher education, including a college district, shall ensure that each unit of the institution does not, except as required by federal law:

1. Compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
2. Give preference on the basis of race, sex, color, ethnicity, or national origin to a participant in any function of the institution; or
3. Require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training, which:
 - a. Includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and
 - b. Does not include a training, program, or activity developed by an attorney and approved in writing by the institution's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Education Code 51.3525(b)(1)

Exceptions

This section may not be construed to apply to:

1. Academic course instruction;
2. Scholarly research or a creative work by an institution of higher education's students or the dissemination of that research or work;
3. An activity of a student organization registered with or recognized by an institution of higher education;
4. Guest speakers or performers on short-term engagements;

5. A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;
6. Data collection; or
7. Student recruitment or admissions.

Education Code 51.3525(c)-(d)

Note: For related information on diversity, equity, and inclusion initiatives, see BG(LEGAL) for diversity, equity, and inclusion offices, CFE(LEGAL) for contractor discipline, DAA(LEGAL) for employees, and DH(LEGAL) for employee discipline.

**Section VI:
Discrimination on
the Basis of Age**

No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance. *42 U.S.C. 6102; 34 C.F.R. 110.10*

Exceptions

*Normal Operation
or Statutory
Objective*

A recipient is permitted to take an action otherwise prohibited by 34 C.F.R. 110.10 if the action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity. An action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity, if:

1. Age is used as a measure or approximation of one or more other characteristics;
2. The other characteristic or characteristics must be measured or approximated in order for the normal operation of the program or activity to continue, or to achieve any statutory objective of the program or activity;
3. The other characteristic or characteristics can be reasonably measured or approximated by the use of age; and
4. The other characteristic or characteristics are impractical to measure directly on an individual basis.

34 C.F.R. 110.12

*Reasonable
Factors Other
Than Age*

A recipient is permitted to take an action otherwise prohibited by 34 C.F.R. 110.10 that is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages. An action may be based on a factor other than

age only if the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective. *34 C.F.R. 110.13*

*Special Benefits
for Children and
the Elderly*

If a recipient operating a program or activity provides special benefits to the elderly or to children, the use of age distinctions is presumed to be necessary to the normal operation of the program or activity, notwithstanding the provisions of 34 C.F.R. 110.12. *34 C.F.R. 110.16*

Affirmative Action

Even in the absence of a finding of discrimination, a recipient may take affirmative action to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity on the basis of age. *34 C.F.R. 110.15*

Notice

A recipient shall notify its beneficiaries, in a continuing manner, of information regarding the provisions of the Age Discrimination Act of 1975 and the associated regulations. *34 C.F.R. 110.25(b)*

**Section VII:
Discrimination on
the Basis of
Disability**

ADA

Under the Americans with Disabilities Act (ADA), no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, including a college district, or be subjected to discrimination by any such entity. A public entity shall not exclude or otherwise deny equal services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association. *42 U.S.C. 12132; 28 C.F.R. 35.130*

Section 504

Under Section 504 of the Rehabilitation Act, no otherwise qualified individual with a disability shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. *29 U.S.C. 794(a)*

Disability

"Disability" means, with respect to an individual:

1. A physical or mental impairment that substantially limits one or more major life activities of an individual;
2. A record of having such an impairment; or
3. Being regarded as having such an impairment.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

The term "disability" does not include:

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1. Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
2. Compulsive gambling, kleptomania, or pyromania; or
3. Psychoactive substance use disorders resulting from current illegal use of drugs.

42 U.S.C. 12102(1), (4)(C)–(D); 28 C.F.R. 35.108(a), (d), (g)

*Regarded as
Having Such an
Impairment*

An individual meets the requirement of being “regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under the ADA because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. *42 U.S.C. 12102(3)(A); 28 C.F.R. 35.108(f)*

Transitory and
Minor

Item 3 in the definition of “Disability,” above, (“regarded as having such an impairment”) shall not apply to impairments that are transitory or minor. A transitory impairment is an impairment with an actual or expected duration of six months or less. *42 U.S.C. 12102(3)(B); 28 C.F.R. 35.108(d)(1)(ix), (f)(2)*

*Mitigating
Measures*

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy or supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; learned behavioral or adaptive neurological modifications; or psychotherapy, behavioral therapy, or physical therapy.

The ameliorative effects of mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

“Ordinary eyeglasses and contact lenses” are lenses that are intended to fully correct visual acuity or to eliminate refractive error.

“Low-vision devices” means devices that magnify, enhance, or otherwise augment a visual image.

42 U.S.C. 12102(4)(E); 28 C.F.R. 35.108(d)(1)(viii), (4)

*Major Life
Activities*

“Major life activities” include, but are not limited to:

1. Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting,

bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and

2. The operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

In determining whether an impairment substantially limits a major life activity, the term "major" shall not be interpreted strictly to create a demanding standard. Whether an activity is a major life activity is not determined by reference to whether it is of central importance to daily life.

42 U.S.C. 12102(2); 28 C.F.R. 35.108(c)-(d)

*Physical or
Mental
Impairment*

"Physical or mental impairment" means:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or
2. Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability.

Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

Physical or mental impairment does not include homosexuality or bisexuality.

28 C.F.R. 35.108(b)

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Qualified Individual with a Disability	<p>The term “qualified individual with a disability” means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the college district. <i>42 U.S.C. 12131(2); 28 C.F.R. 35.104</i></p>
<i>Individual with a Disability</i>	<p>“Individual with a disability” means a person who has a disability. The term individual with a disability does not include an individual who is currently engaging in the illegal use of drugs, when the public entity acts on the basis of such use. <i>28 C.F.R. 35.104</i></p>
Student with a Disability	<p>A “student with a disability” is one who has a physical or mental impairment that substantially limits one or more of the student’s major life activities, has a record of having such an impairment, or is being regarded as having such an impairment.</p> <p>The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as medication, medical supplies, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics, hearing aids, mobility devices, oxygen therapy, assistive technology, or learned behavioral or adaptive neurological modifications.</p> <p>An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.</p> <p>A student meets the requirement of being “regarded as” having an impairment if the student establishes that he or she has been subjected to a prohibited action because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This provision does not apply to impairments that are transitory or minor. A transitory impairment is one with an actual or expected duration of six months or less.</p> <p><i>29 U.S.C. 705(20)(B); 42 U.S.C. 12102(1), (3)–(4)</i></p>
Reasonable Modification	<p>A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.</p> <p>A public entity is not required to provide a reasonable modification to an individual who meets the definition of “disability” solely under</p>

the “regarded as” prong of the definition of “disability” at 28 C.F.R. 35.108(a)(1)(iii).

28 C.F.R. 35.130(b)(7)

Communications

A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public, and companions with disabilities are as effective as communications with others. A public entity shall furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity. In determining what types of auxiliary aids or services are necessary, a public entity shall give primary consideration to the requests of the individual with disabilities. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability. *28 C.F.R. 35.160*

*Auxiliary Aids
and Services*

“Auxiliary aids and services” include:

1. Qualified interpreters on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;
2. Qualified readers; taped texts; audio recordings; Braille materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods for making visually delivered materials available to individuals who are blind or have low vision;
3. Acquisition or modification of equipment or devices; and
4. Other similar services and actions.

28 C.F.R. 35.104

<i>Limits of Required Modification</i>	Title 28 C.F.R. Chapter I, Part 35, Subpart E does not require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. The decision that compliance would result in such alteration or burdens must be made by the head of the public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. <i>28 C.F.R. 35.164</i>
Direct Threat	<p>The ADA does not require a public entity to permit an individual to participate in or benefit from the services, programs, or activities of the public entity when that individual poses a direct threat to the health or safety of others.</p> <p>“Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services as provided below.</p> <p><i>28 C.F.R. 35.104</i></p> <p>In determining whether an individual poses a direct threat to the health or safety of others, a public entity must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain:</p> <ol style="list-style-type: none">1. The nature, duration, and severity of the risk;2. The probability that the potential injury will actually occur; and3. Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.
Services Inventory	<p>The Coordinating Board shall maintain an inventory of all postsecondary educational programs and services provided for persons with intellectual and developmental disabilities by institutions of higher education. The Coordinating Board shall:</p> <ol style="list-style-type: none">1. Post the inventory on the Coordinating Board's internet website in an easily identifiable and accessible location;2. Submit the inventory to TEA for inclusion in the transition and employment guide under Education Code 29.0112; and3. Update the inventory at least once every two years.

At times prescribed by the Coordinating Board, each institution of higher education, including each college district, shall report to the Coordinating Board all programs and services described above provided by that institution.

Education Code 61.0663

**Section VIII:
Retaliation**

No recipient of federal financial assistance or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title VI, Title IX, or Section 504 or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under 34 C.F.R. Parts 100, 104, or 106. *34 C.F.R. 100.7(e) (Title VI), 104.61 (Section 504), 106.71 (Title IX)*

**Section IX: Handgun
License as Proof of
Identification**

A person may not deny the holder of a concealed handgun license issued under Government Code Chapter 411, Subchapter H access to goods, services, or facilities, except as provided by Transportation Code 521.460 (regarding motor vehicle rentals) or in regard to the operation of a motor vehicle, because the holder has or presents a concealed handgun license rather than a driver's license or other acceptable form of personal identification.

This section does not affect the requirement under Government Code 411.205 that a person present a driver's license or identification certificate in addition to a concealed handgun license.

Business and Commerce Code 506.001



PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: May 29, 2024
Subject: Agenda Item for COM Board of Trustees

AGENDA ITEM DESCRIPTION:

Approval of contract 24-15 for Ellucian Unidata to SQL Migration

FUNDING SOURCE:

Fund Balance Project 2024-01

PURPOSE

To migrate the current Unidata database to Microsoft SQL. The migration for Unidata to SQL presents several advantages, including easier integration with other systems, upgraded reporting capabilities, and additional support for analytics and business intelligence tools.

PROPOSED MOTION:

“I move the Board of Trustees approve award of contract 24-15 to BHA Technologies for Ellucian Unidata to SQL Migration for an amount not-to-exceed \$360,000 to be paid from Fund Balance.”

BACKGROUND:

On April 30, 2024 five (5) proposals were received in response to a Request for Proposal (RFP). Based on the results of a best value analysis, the Chief Information Officer recommends the approval of the subject contract to BHA Technologies in an amount of \$332,475 plus an 8% contingency for a total not-to-exceed amount of \$360,000 to be paid from Fund Balance. Based on the above, this contract award recommendation is considered a competitive procurement in accordance with Texas Education Code 44.031.

Attachments:

Evaluation Summary

Supplier Scoring Summary

ELLUCIAN UNIDATA TO SQL MIGRATION - Scoring Round

Supplier	Rank		Score						
	1	2	RFP/RFB	Purchase Price	Vendor Reputation	Quality of Vendors Good	Extent Goods or Services	Total long term cost to CO	Any other relevant factors
			30.00	20.00	10.00	25.00	10.00	5.00	
BHA Technologies	1	92.85	29.10	18.00	9.50	23.75	8.00	4.50	
Strata Information Group	2	68.35	28.35	11.00	6.00	15.00	5.00	3.00	
CampusWorks Inc	3	63.80	27.30	11.00	6.50	11.25	5.00	2.75	
California Creative Solutions, Ferrilli	4	51.25	30.00	10.00	2.50	3.75	4.50	0.50	
	5	38.50	0.00	10.00	7.00	15.00	3.50	3.00	



PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: May 29, 2024
Subject: Agenda Item for COM Board of Trustees

AGENDA ITEM DESCRIPTION:

Approval of contract 24-07 for STEAM 4th Floor Shell Space Buildout

FUNDING SOURCE:

2018 Bond Funds and Fund Balance

PURPOSE

Additional classroom space on 4th floor of STEAM building.

PROPOSED MOTION:

“I move the Board of Trustees approve award of contract 24-07 to Pogue Construction for the classroom buildout of the 4th floor of the STEAM Building for a contract amount not-to-exceed \$2,049,000.00 to be paid with \$1,857,190 in 2018 Bond Funds and \$191,810 Fund Balance”.

BACKGROUND:

On March 27, 2024 the Board approved the design of the 4th Floor STEAM buildout as proposed by Joiner Architects. On May 2, 2024, five (5) proposals were received in response to a Request for Competitive Sealed Proposal (RCSP). Based on the evaluation of each proposal, it is recommended to award a contract to Pogue Construction for a not-to-exceed amount of \$2,049,000.00. The funding source for this project will be paid for using \$1,857,190 of 2018 Bond Funds and \$191,810 Fund Balance. The procurement method for this project is in compliance with Government Code 2269.

Attachments:

Joiner Architects Recommendation Letter

Pogue Proposal Form

Evaluation Summary



Site Aerial Image





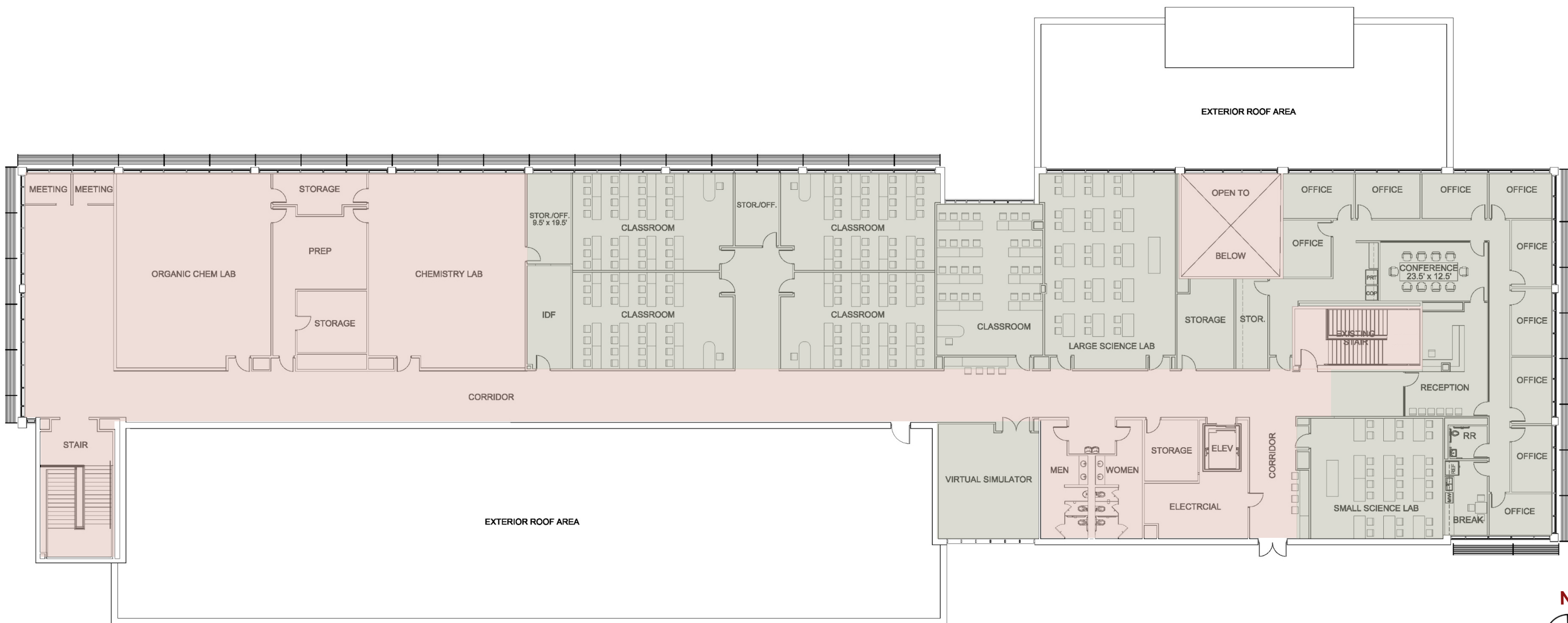
Revised Fourth Floor Plan Diagram

GENERAL NOTES:

- NEW FINISHES THROUGHOUT SHELL BUILDOUT.
- NEW ELECTRICAL DEVICES, LED LIGHTING, ACCESS CONTROL, AND FIRE ALARM DEVICES THROUGHOUT SHELL BUILDOUT.
- LOCKING SECURITY DOOR HARDWARE AT CLASSROOMS/LABS/OFFICES.
- ROLLER SHADES AT ALL EXTERIOR WINDOWS.

PLAN LEGEND:

-  EXISTING BUILDING - 12,278 SF (NO WORK)
-  AREA OF SHELL BUILDOUT – 10,772 SF



JOINER ARCHITECTS

700 Rockmead, Ste 265 | Kingwood, TX 77339 | 281.359.6401
2600 S. Shore Blvd, Ste 300 | League City, TX 77573 | 281.245.3304

May 16, 2024

Mr. Timothy Bacon
Director of Facility Services
College of the Mainland
1200 N. Amburn Road
Texas City, Texas 77591

Re: College of the Mainland S.T.E.A.M. Building Shell Space Buildout
General Contractor Recommendation
Joiner Architects Project Number: 23012

Dear Mr. Bacon,

On Thursday, May 2, 2024, Competitive Sealed Proposals were received by the College of the Mainland Purchasing Department for the interior renovations and shell space buildout of the existing fourth floor of the S.T.E.A.M. Building. Five (5) total offerors submitted proposals as requested.

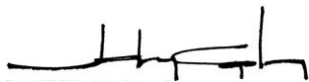
The Selection Committee made up of myself, you, and several members of the College of the Mainland staff evaluated the proposals, and ultimately ranked them on May 15, 2024, based on the selection criteria published in the Request for Proposals issued by the College. Once all scores were tabulated, one offeror ranked significantly higher than all the others to be the most qualified and would provide the best value to the College. After the conclusion of the evaluations, the Committee unanimously agreed that Pogue Construction proved to be the most qualified General Contractor for the College of the Mainland S.T.E.A.M. Building Shell Space Buildout project.

Joiner Architects recommends to the College of the Mainland the acceptance of the Selection Committee's recommendation to choose Pogue Construction as General Contractor for the S.T.E.A.M. Building Shell Space Buildout project.

We would like to express our sincere thanks to you, the College of the Mainland and its staff, Dr. Nichols, and the entire Board of Trustees for allowing us the exciting opportunity to be part of this important project.

We look forward to a successful partnership between the College and Pogue Construction on this project.

Sincerely,



Joby Copley, AIA
Partner

JMC:ss

Submit with Part 1

Company Name: Pogue Construction Co., LP

1. Addenda: The undersigned acknowledges receipt of:

Addenda 1dated..... 4/18/24

Addenda 2dated..... 4/23/24

Addenda 3dated..... /-/

Addenda 4dated..... /-/

FEE PROPOSAL

1. Lump Sum Fee for the S.T.E.A.M. Building Shell Space Buildout including all scheduled allowances.


\$. 2,049,000.00 (Written in figures)

Two Million Forty Nine Thousand Dollars (Written in words)

Company: Pogue Construction Co., LP

Address: 575 N. Dairy Ashford #730, Houston, TX 77079

Telephone: 281-654-7890 City ST Zip
Fax: 1-844-254-1300 Email: proposals@pogueconstruction.com

Printed Name/Title: Ben Pogue; Sole Member of Ben Pogue, LC
General Partner of Pogue Construction Co., LP Signature: 

State whether firm is a: r Corporation Partnership r Individual



RFP # 24-07 STEAM SHELL SPACE BUILDOUT

Proposal Date & Time: 5/2/2024 2:00 P.M.

Recorded By: Sonja Blinka, COM Director of Purchasing

Project Manager: Bo Bacon, COM Director of Facilities

Architect: Joby Copley/Joiner Architects

Competitive Sealed Proposal Evaluation

	Point Value (total/each)	Pogue Construction	Trevino Group	Nash Industries	Vaughn Construction	Tegrity Group
1. Fee Proposal	25					
Base Proposal:		\$ 2,049,000	\$ 2,366,000	\$ 2,444,000	\$ 2,535,000	\$ 2,727,777
Points Awarded		25.00	1.69	0.19	0.19	0.19
2. Evaluation Survey of Company References and Project Contacts	15	10.5	0.0	6.3	3.0	15.0
Points Awarded		0.00	0.00	0.00	0.00	0.00
3. History of Company Performance	10					
Points Awarded		9.33	8.33	7.00	9.33	6.67
4. Demonstrated Company Skill With CMAR Concepts	30					
Points Awarded		26.33	24.33	18.67	26.67	14.67
5. Similar Company Project Experience and Qualifications	10					
Points Awarded		8.67	7.67	5.67	9.33	7.00
6. Similar Individual Personnel Project Experience and Qualifications	10					
Points Awarded		8.50	7.33	6.00	8.67	6.33
Total:	100	77.83	49.35	37.52	54.19	34.85

Rank

Number of reviewers

3

1

3

4

2

5



PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: May 29, 2024
Subject: Agenda Item for COM Board of Trustees

AGENDA ITEM DESCRIPTION:

Approval of the Guaranteed Maximum Price (GMP) for Contract # 23-31 awarded to Pogue Construction Company, LP for the Welding Building, Industrial Education Building, Physical Education Building Racquet Ball Court, and Doyle Administration Building VP Suite, Shell Space and Marketing Suite Renovation Projects.

FUNDING SOURCE:

2023 Bond and Fund Balance

PURPOSE

To begin construction services for the Welding Building, Industrial Education Building, Physical Education Building Racquet Ball Court, and Doyle Administration Building VP Suite, Shell Space and Marketing Suite Renovation Projects.

PROPOSED MOTION:

“I move the Board of Trustees approve the Guaranteed Maximum Price for construction services per Contract # 23-31 awarded to Pogue Construction Company, LP for the Welding Building, Industrial Education Building, Physical Education Racquet Ball Court, Doyle Family Administration Building VP Suite, Shell Space and Marketing Suite Renovation Projects for a not-to-exceed amount of \$13,195,176.00 for construction services to be paid with \$12,396,258.00 from 2023 Bond Funds and the remaining \$798,918.00 from Fund Balance.”

BACKGROUND:

Pogue Construction was selected and approved as the CMAR by the Board of Trustees on October 23, 2023. The design was completed by Joiner Architects and approved by the Board of Trustees on April 22, 2024. Pogue received all subcontractor bids on May 1, 2024, and provided a GMP proposal to COM on May 15, 2024. The proposal includes the Base GMP plus Alternate 1 and Alternate 2 as follows:

Base GMP Proposal for Welding & Industrial Careers:	\$12,241,667.00
Alternate 1 for Physical Ed Racquet Ball Court:	\$ 154,591.00
<u>Alternate 2 for Doyle Admin VP Suite, Shell Space and Marketing Suite:</u>	<u>\$ 798,918.00</u>
Total:	\$13,195,176.00

Attachments:

1. LAN Cover Letter
2. GMP Proposal Summary from Pogue Construction Company, LP dated May 15, 2024



GMP Welding Tech & Industrial Ed SUMMARY

Weld Tech & Industrial Education Building

May 14, 2023

BASE BUDGET

CLIENT's REPORTED BUDGET	\$13,000,000
50% CD BUDGET	\$11,865,690
100% IFC BASE BID GMP	\$12,241,667

ALTERNATES

		Accepted / Rejected
ALTERNATE 1: Work Associated with the Physical Education Bldg	\$154,591	Accepted
TOTAL GMP WITH ALTERNATE 1	\$12,396,258	
ALTERNATE 2: Work Associated with the Doyle Administration Building Suites	\$798,918	Accepted
TOTAL GMP WITH ALTERNATES 1 & 2	\$13,195,176	



To: Dr. Warren Nichols, President, College of the Mainland (COM)

From: Lockwood, Andrews & Newnam (LAN)

Date: May 15, 2024

Re: Approval of the Guaranteed Maximum Price (GMP) to Contract 23-31 (Welding Building A/R & Industrial Education Building Renovation) for Pogue Construction Company, LP.

Background: COM elected to use CM at Risk (CMAR) as the contracting method for the Welding Building Addition/Renovation & the Industrial Education Building Renovation. Pogue Construction was selected and approved as the CMAR by the Board of Trustees on October 23, 2023. Design was completed and approved by the Board of Trustees on April 22, 2024.

Pogue received all subcontractor bids on May 1, 2024 and provided their GMP to COM on May 15, 2024. The GMP provided by Pogue is \$13,195,176, which includes:

Base Bid \$12,241,667

Alternate 1: Work Associated with the Physical Education Building \$154,591

TOTAL GMP WITH ALTERNATE 1	\$12,396,258	2023 Bond Funded Amount
Alternate 2: Work Associated with the Doyle Administration Building	\$798,918	Fund Balance Funded
TOTAL GMP WITH ALTERNATES 1 & 2	\$13,195,176	Total Amount of GMP

Recommendation: LAN recommends the COM Board of Trustees approve the GMP for Pogue Construction in the amount of \$13,195,176, to be paid with \$12,396,258 from 2023 Bond Funds and the remaining \$798,918 to be paid with Fund Balance.

C.W. Scheibe, CCM, PMP
Program Manager, LAN
cwscheibe@lan-inc.com
mobile: (972) 890-3002



PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: May 29, 2024
Subject: Agenda Item for COM Board of Trustees

AGENDA ITEM DESCRIPTION:

Approval of contract award 23-40 to Broaddus Construction for the construction of Parking Lots A,B, C and Underground Utilities Project

FUNDING SOURCE:

2023 Bond

PURPOSE

Provide construction of Parking Lots A,B, C and Underground Utilities using COM 2023 Bond funds.

PROPOSED MOTION:

“I move the Board of Trustees approve award of contract 23-40 to Broaddus Construction, LLC for the construction of Parking Lots A,B,C and Underground Utilities for a not-to-exceed amount of \$9,762,700.00 to be paid with 2023 Bond Funds.”

BACKGROUND:

On May 16, 2024, (5) Five responses were received in response to a Request for Proposal (RFP) for the construction of Parking Lots A,B,C and Underground Utilities. The Respondents were evaluated according to the published scoring criteria outlined in the RFP. Based on the evaluation results, it is the recommendation to award the subject contract to Broaddus for construction of Parking Lots A,B,C and Underground Utilities project. The Owner's budget for the Cost of the Work is \$10,749,483.00. The subject procurement is in accordance with the Texas Government Code 2269.

Attachments:

1. LAN Cover Letter
2. RFP # 23-40 Evaluation Results



**Lockwood, Andrews
& Newnam, Inc.**
A LEO A DALY COMPANY

To: Dr. Warren Nichols, President, College of the Mainland (COM)

From: Lockwood, Andrews & Newnam (LAN)

Date: May 29, 2024

Re: Request for Proposal (RFP) # 23-40, CSP for the renovations of the Parking Lots A,B,C and Underground Utilities project – Evaluation Committee Results and Recommendation

Background: College of the Mainland (COM) elected to use CSP (Competitive Sealed Proposal) as the contracting method for the renovations of the Parking Lots A,B,C and Underground Utilities project.

Selection Process: Based on this direction, COM advertised a request for CSP proposals. COM received proposals from (5) Five interested firms on Thursday, May 16, 2024. As stated in the RFP, a selection committee comprised of LAN Staff and Fittz & Shipman, Inc., consulting engineers, reviewed the proposals and ranked them according to the criteria listed in the RFP. The result of the ranking is summarized below.

Firm Name	Ranking	Score
Broadus Construction, LLC	1	89.00
Pogue	2	74.86
Vaughn	3	59.30
SETEX	4	41.30
The Trevino Group	5	31.10

Recommendation: LAN recommends Broadus Construction, LLC as the Best Value in response to RFP # 23-40.

Erwin C. Enojado, CCM
Program Manager, LAN
ecenojado@lan-inc.com
mobile: (713) 249-6621



RFP # 23-40, Parking Lots A,B,C and Underground Utilities

Proposal Date and Time: 05/16/2024 at 2:00 P.M.

Recorded By: Erwin C. Enojado

Architect/Engineer: Fittz & Shipman., Inc.

Program Manager: Lockwood, Andrews & Newnam, Inc.

Competitive Sealed Proposal Evaluation

	Point Value (total/each)	Broaddus	Pogue	SETEX	The Trevino Group	Vaughn
1. Fee Proposal	40					
Base Proposal and Owner Selected Alternates		\$ 9,762,700	\$ 10,308,000	\$ 12,630,000	\$ 10,719,999	\$ 13,313,000
Points Awarded		40.00	26.20	0.30	10.60	0.30
2. Evaluation Survey of Company References and Project Contacts	10					
Points Awarded		3.00	7.91	2.00	0.00	10.00
3. History of Company Performance	10					
Points Awarded		14.50	16.00	15.75	11.00	19.00
4. Similar Company Project Experience and Qualifications	20					
Points Awarded		15.75	10.25	10.25	7.25	12.00
5. Similar Individual Personnel Project Experience and Qualifications	20					
Points Awarded		15.75	14.50	13.00	2.25	18.00
Total:	100	89.00	74.86	41.30	31.10	59.30

Rank

Number of reviewers

4

1

2

4

5

3

April 2024

Monthly Financial Report

Cash Situation

(in millions)

Gross cash balance at the end of month:	\$40.2
Less pending I&S liability:	<u>(\$10.2)</u>
Net unrestricted cash:	\$30.0
Minimum required cash :	\$8.2
Excess cash above minimum:	\$21.8

Unaudited Operations

Year to Date *(in millions)*

Revenues

Budget:	\$42.0
Actual:	\$38.9

(93% earned at 67% of year)

Expense

Budget:	\$42.0
Actual:	\$28.4

(68% Spent at 67% of year)



MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: May 20, 2024
Subject: Monthly Financial & Investment Reports

AGENDA ITEM DESCRIPTION:

Consideration of and possible acceptance of the April 2024 Investment and Financial Reports.

PURPOSE

To report to the Board of Trustees the year-to-date revenues and expenses for the college, comparison of revenues and expenses to budget, and the college's current cash balance.

FUNDING SOURCE:

N/A

PROPOSED MOTION:

Suggested motion: "I move the Board of Trustees accept the April 2024 Investment Report and the April 2024 Financial Reports."

BACKGROUND

The investment officer shall prepare and submit to the Board a written report of investment transactions for all funds covered by the PFIA under Education Code 51.0032 and Government Code 2256.023.

In accordance with COM policy CDA (LOCAL) – Periodic financial reports shall be submitted to the Board outlining the progress of the budget to that date and reporting on the status of all District funds and District accounts.

ATTACHMENTS

1. April 2024 Investment Discussion & Report
2. April 2024 Revenue & Expense Summary
3. April 2024 Expense by Division Report



INVESTMENT REPORT
For the Month Ended April 2024

Investment discussion:

College of the Mainland earned \$283,819 for the month of April on its short-term investments in TexPool & Logic for a total of \$1,694,247 investment interest earned fiscal year to date. The College earned an additional \$3 fiscal year to date, from interest-bearing checking accounts. In total, the College earned \$1,694,250 interest for the fiscal year to date period ending April TexPool - \$909,657 Logic - \$784,590 and TFB - \$3.

Investments in the TexPool & Logic investment pools remain more profitable than the fixed rate certificate of deposits purchased at our depository bank. In addition, the investment pool provides more efficient liquidity than certificates of deposit, which are restricted to specific term lengths. Therefore, all investment funds remain in TexPool, Logic and interest earning checking accounts.

Investment Compliance Statement:

We provide reasonable assurance that the attached listing constitutes all investments currently owned by the College of the Mainland District as of the date indicated and that all these investments and investing procedures conform to the "Public Funds Investment Act" as amended by House Bill 2459 of the 74th Texas Legislature.

Furthermore, these same investments are in compliance with College of the Mainland's investment policy and strategy as adopted by the College of the Mainland's Board of Trustees.

A handwritten signature in blue ink, appearing to read 'D. Wesse', positioned above a horizontal line.

David Wesse
Vice President of Fiscal Affairs
College of the Mainland

A handwritten signature in blue ink, appearing to read 'Trudy Trochesset', positioned above a horizontal line.

Trudy Trochesset
Controller
College of the Mainland



April 2024 - Revenue and Expense Summary

Unrestricted Fund (Unaudited)

Summary of Revenue

	<u>Current Actual</u>	<u>2023-24 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Operating revenue						
Tuition-credit	(5,892,893)	(5,927,997)	(35,104)	99%	(5,038,953)	(853,940)
Tuition-non-credit	(357,924)	(1,176,000)	(818,076)	30%	(362,825)	4,902
Exemptions and waivers	1,424,392	1,248,000	(176,392)	114%	1,208,695	215,697
Registration fees	(2,309,274)	(2,095,017)	214,257	110%	(2,328,788)	19,514
Other fees	(151,174)	(154,000)	(2,826)	98%	(140,977)	(10,197)
Grant revenue	(90,882)	(152,000)	(61,118)	60%	(123,569)	32,687
Sales and service revenue	(35,540)	(995,000)	(959,460)	4%	(30,878)	(4,662)
Miscellaneous revenue	(213,127)	(269,000)	(55,873)	79%	(911,839)	698,713
TPEG transfer in/out	0	465,000	465,000	0%	0	0
<u>Totals for Operating revenue</u>	<u>(7,626,422)</u>	<u>(9,056,014)</u>	<u>(1,429,592)</u>	<u>84%</u>	<u>(7,729,135)</u>	<u>102,714</u>
Non-operating revenue						
State appropriation-Academic	(5,803,872)	(7,738,496)	(1,934,624)	75%	(4,122,457)	(1,681,415)
Property tax revenue	(23,750,027)	(25,032,183)	(1,282,156)	95%	(22,603,596)	(1,146,432)
Interest revenue	(908,652)	(469,000)	439,652	194%	(710,746)	(197,906)
FTZ reimbursement	(883,022)	(534,307)	348,715	165%	(547,722)	(335,301)
Renew & replace transfer out	0	830,000	830,000	0%	0	0
<u>Totals for Non-operating revenue</u>	<u>(31,345,574)</u>	<u>(32,943,986)</u>	<u>(1,598,412)</u>	<u>95%</u>	<u>(27,984,521)</u>	<u>(3,361,053)</u>
<u>Total Revenue</u>	<u>(38,971,995)</u>	<u>(42,000,000)</u>	<u>(3,028,005)</u>	<u>93%</u>	<u>(35,713,656)</u>	<u>(3,258,340)</u>



April 2024 - Revenue and Expense Summary

Unrestricted Fund (Unaudited)

Summary of Expense

	<u>Current Actual</u>	<u>2023-24 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Salary and wages						
Faculty full-time	5,153,167	7,963,058	2,809,891	65%	4,996,018	157,149
Admin full-time	1,173,150	1,802,001	628,851	65%	1,182,979	(9,829)
Professional full-time	5,426,107	8,390,070	2,963,963	65%	5,126,999	299,108
Classified full-time	2,681,988	4,227,727	1,545,739	63%	2,323,570	358,418
Part-time	2,290,194	3,710,429	1,420,235	62%	2,007,058	283,137
Salary increase	0	1,017,724	1,017,724	0%	0	0
Vacancy savings	0	(1,587,628)	(1,587,628)	0%	0	0
<u>Totals for Salary and wages</u>	<u>16,724,607</u>	<u>25,523,381</u>	<u>8,798,774</u>	<u>66%</u>	<u>15,636,623</u>	<u>1,087,984</u>
Benefits						
Benefits	3,184,843	4,410,214	1,225,372	72%	2,918,941	265,901
<u>Totals for Benefits</u>	<u>3,184,843</u>	<u>4,410,214</u>	<u>1,225,372</u>	<u>72%</u>	<u>2,918,941</u>	<u>265,901</u>
Operating expenses						
Contract services	2,734,972	4,061,832	1,326,860	67%	2,306,346	428,627
Legal	281	20,608	20,326	1%	100	181
Operations	378,618	765,092	386,475	49%	352,480	26,138
Utilities and Rent	1,376,725	2,590,076	1,213,351	53%	1,433,669	(56,945)
Postage, printing, and supplies	686,548	1,443,187	756,640	48%	684,352	2,196
Bank fees	99,750	90,100	(9,650)	111%	51,963	47,787
Capital outlay & leases	58,976	84,853	25,877	70%	103,160	(44,184)
Insurance	2,607,695	2,557,423	(50,272)	102%	2,175,471	432,224
Public rel, marketing and advert	113,457	279,099	165,642	41%	99,891	13,567
Misc.	404,058	482,884	78,826	84%	359,987	44,070
Reimbursement from Others	0	(309,649)	(309,649)	0%	0	0
<u>Totals for Operating expenses</u>	<u>8,461,081</u>	<u>12,065,506</u>	<u>3,604,425</u>	<u>70%</u>	<u>7,567,420</u>	<u>893,660</u>



Unrestricted Fund (Unaudited)

<u>Total Expense</u>	<u>28,370,530</u>	<u>41,999,101</u>	<u>13,628,571</u>	<u>68%</u>	<u>26,122,985</u>	<u>2,247,545</u>
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April 2024 - Revenue and Expense Summary

Unrestricted Fund (Unaudited)

Summary of Fund Bal

	<u>Current Actual</u>	<u>2023-24 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Salary and wages						
Faculty full-time	0	0	0	0%	82,342	(82,342)
<u>Totals for Salary and wages</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0%</u>	<u>82,342</u>	<u>(82,342)</u>
Benefits						
Benefits	899	899	0	100%	11,796	(10,898)
<u>Totals for Benefits</u>	<u>899</u>	<u>899</u>	<u>0</u>	<u>100%</u>	<u>11,796</u>	<u>(10,898)</u>
Operating expenses						
Contract services	711,052	0	(711,052)	0%	361,095	349,957
Legal	35,000	0	(35,000)	0%	5,619	29,381
Operations	33,961	0	(33,961)	0%	1,000	32,961
Utilities and Rent	1,534	0	(1,534)	0%	0	1,534
Postage, printing, and supplies	144,732	0	(144,732)	0%	357,615	(212,882)
Capital outlay & leases	300,917	0	(300,917)	0%	1,582,485	(1,281,568)
Public rel, marketing and advert	15,981	0	(15,981)	0%	123,354	(107,373)
Misc.	9,950	0	(9,950)	0%	24,239	(14,289)
<u>Totals for Operating expenses</u>	<u>1,253,126</u>	<u>0</u>	<u>(1,253,126)</u>	<u>0%</u>	<u>2,455,405</u>	<u>(1,202,279)</u>
<u>Total Fund Bal</u>	<u>1,254,025</u>	<u>899</u>	<u>(1,253,126)</u>	<u>139536%</u>	<u>2,549,543</u>	<u>(1,295,518)</u>



April 2024 - Expense by Division Report

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2023-24 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
<u>Expense by Division</u>						
<u>Summary for President</u>						
Board of Trustees	2,271	19,700	17,429	12%	0	2,271
Campus Police	462,908	773,303	310,395	60%	440,793	22,114
EVP-Academic & Student	39,416	3,583	(35,833)	1100%	0	39,416
Gen Institution	354,091	361,484	7,393	98%	240,621	113,470
Information Technology Serv	1,763,224	2,401,783	638,559	73%	1,676,471	86,753
Internal Audit	63,638	150,000	86,363	42%	30,733	32,905
OPEAR	277,456	470,575	193,119	59%	311,738	(34,283)
Presidents Office	526,839	607,699	80,860	87%	420,838	106,001
Self Study SACS	500	10,237	9,737	5%	4,088	(3,588)
Staff Attorney	198,783	309,556	110,773	64%	101,145	97,638
<u>Totals for President</u>	<u>3,689,126</u>	<u>5,107,920</u>	<u>1,418,794</u>	<u>72%</u>	<u>3,226,428</u>	<u>462,698</u>
<u>Summary for VP Fiscal Affairs</u>						
Central Mail	76,373	127,861	51,488	60%	90,670	(14,298)
Custodial Services	798,226	1,416,009	617,782	56%	193,912	604,314
Facilities	3,880,805	4,673,740	792,935	83%	4,077,000	(196,195)
Financial Services	636,614	913,404	276,790	70%	609,799	26,816
Grounds	287,993	470,466	182,473	61%	87,526	200,467
Human Resources	467,321	624,909	157,588	75%	508,394	(41,073)
Purchasing	235,960	334,464	98,504	71%	226,995	8,965
Records Mgmt	9,233	20,952	11,719	44%	18,037	(8,804)
Reimbursement	0	(309,649)	(309,649)	0%	0	0
Salary Savings	0	(1,587,628)	(1,587,628)	0%	0	0
Staff Benefits	855,300	3,098,463	2,243,163	28%	785,921	69,379
Tax Admin	195,634	232,631	36,997	84%	181,901	13,733



April 2024 - Expense by Division Report

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2023-24 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Utilities	614,198	1,195,000	580,802	51%	643,441	(29,243)
Vehicle Operations	85,896	111,872	25,976	77%	76,922	8,975
VP College & Fin Svcs	182,445	211,064	28,619	86%	144,642	37,803
<u>Totals for VP Fiscal Affairs</u>	<u>8,325,998</u>	<u>11,533,557</u>	<u>3,207,559</u>	<u>72%</u>	<u>7,645,159</u>	<u>680,839</u>
<u>Summary for VP Institutional Advancement</u>						
COM Foundation Dept	72,150	121,533	49,383	59%	84,189	(12,038)
Marketing and Communications	548,014	953,439	405,425	57%	517,419	30,594
VP Institutional Advancement	424,071	595,333	171,262	71%	417,111	6,960
<u>Totals for VP Institutional Advancement</u>	<u>1,044,235</u>	<u>1,670,305</u>	<u>626,070</u>	<u>63%</u>	<u>1,018,719</u>	<u>25,516</u>
<u>Summary for VP Instruction</u>						
Acad Succ Re/Wr	695,832	1,009,633	313,801	69%	714,320	(18,488)
Academic Planning	166,125	185,427	19,302	90%	0	166,125
Accting-Credit	76,149	86,559	10,410	88%	69,792	6,356
Adm-C.I.D.T.	55,239	78,006	22,767	71%	41,518	13,721
Adm-Cont Ed	307,479	394,940	87,460	78%	310,386	(2,907)
Adm-Ind Tech	5,675	8,342	2,667	68%	5,666	10
Adm-Instruct	24,408	75,498	51,090	32%	41,214	(16,806)
Adm-Perf & Vis Arts	43,227	68,431	25,204	63%	36,970	6,256
Adm-Pub Svc Ed	78,708	114,663	35,956	69%	78,241	467
Adm-Science	46,804	80,940	34,136	58%	39,571	7,233
Adm-Soc Sci	53,307	81,912	28,606	65%	50,993	2,314
Adult Education	169,122	229,923	60,801	74%	142,088	27,034
Allied Health CE	41,442	211,182	169,740	20%	66,057	(24,614)
Art	189,428	255,990	66,562	74%	184,019	5,409
Art Gallery	7,619	25,975	18,356	29%	733	6,886
Biol & Nutrition	600,271	763,128	162,856	79%	540,630	59,641
Bus Ed-NonCR	0	0	0	0%	2,100	(2,100)



April 2024 - Expense by Division Report

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2023-24 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
C.I.S.	80,175	90,950	10,775	88%	71,227	8,947
Chemistry	140,600	181,578	40,979	77%	129,342	11,257
Child Develop	70,820	77,103	6,283	92%	56,420	14,400
Cmnty Theater	241,822	300,824	59,002	80%	246,311	(4,489)
Collegiate H.S.-CR	116,213	160,849	44,636	72%	110,071	6,142
Cosmetology	533,917	633,824	99,907	84%	494,955	38,962
Criminal Justice	1,235,579	1,756,512	520,933	70%	57,345	1,178,234
Culinary Arts	45,089	123,443	78,354	37%	0	45,089
Dean Cont Ed	144,912	210,033	65,121	69%	101,053	43,859
Dean Gen Ed	178,539	400,627	222,088	45%	147,491	31,048
Dental Hygiene	62,835	178,078	115,244	35%	58,851	3,983
Distance Ed	299,289	428,741	129,452	70%	242,478	56,812
Drafting	5,505	71,126	65,621	8%	64,595	(59,090)
Dual Credit Dept	124,734	179,072	54,338	70%	99,971	24,763
Economics	60,686	79,020	18,334	77%	61,145	(460)
EMS-Credit	155,979	235,585	79,607	66%	209,151	(53,172)
Engineering	26,178	8,819	(17,359)	297%	13,724	12,454
Fire Tech	273,936	308,326	34,390	89%	257,739	16,197
Firearms Acad	35,824	42,165	6,342	85%	53,347	(17,523)
Foreign Lang	50,127	69,572	19,445	72%	49,983	144
Gen Bus-Credit	221,230	279,284	58,053	79%	184,820	36,411
Geology	78,831	98,434	19,603	80%	55,058	23,773
Government	271,896	341,546	69,649	80%	257,817	14,079
Graphic Arts	111,030	115,233	4,202	96%	99,977	11,053
Health and PE Credit	110,743	145,503	34,760	76%	109,413	1,330
Health Info Mgmt	170,119	233,696	63,577	73%	151,068	19,051
Hist & Geog	271,217	279,956	8,739	97%	230,024	41,193
Humanities	145,199	173,150	27,951	84%	137,254	7,945



April 2024 - Expense by Division Report

Unrestricted Fund (Unaudited)

	<u>Current</u> <u>Actual</u>	<u>2023-24</u> <u>Budget</u>	<u>Budget</u> <u>Remaining</u>	<u>Budget</u> <u>Pct.YTD</u>	<u>Prior Year to</u> <u>Actual</u>	<u>Curr. vs Prior</u> <u>Year to Year</u>
Instr Tech Department	167,141	246,359	79,218	68%	152,500	14,641
Instr Tech Lab Mgrs	4,000	36,787	32,788	11%	16,849	(12,850)
Law Enforcement	137,086	251,622	114,536	54%	50,339	86,747
Law Enforcemnt-NonCR	53,170	22,275	(30,895)	239%	67,311	(14,141)
LC Ctr Admin	3,949	20,944	16,994	19%	1,532	2,417
Library	548,336	756,824	208,488	72%	524,919	23,418
Management	0	0	0	0%	16,746	(16,746)
Massage Therapy	3,512	7,400	3,888	47%	14,130	(10,617)
Math	616,399	784,632	168,233	79%	582,603	33,796
Medical Assistant	68,662	103,285	34,623	66%	62,432	6,230
Music	177,004	273,176	96,172	65%	228,634	(51,630)
Networking	70,325	92,914	22,589	76%	76,532	(6,206)
Nursing Administration	326,189	559,576	233,386	58%	1,481,423	(1,155,233)
Nursing-AD	132	0	(132)	0%	526	(394)
Nursing-VN	0	0	0	0%	0	0
Pharmacy Tech	67,355	92,997	25,642	72%	66,518	837
Philosophy	43,452	21,318	(22,133)	204%	36,186	7,266
Physics	78,741	97,297	18,556	81%	84,121	(5,380)
Process Tech	355,099	515,461	160,362	69%	319,608	35,490
Prof Develop Acad	850	9,000	8,150	9%	366	484
Psychology	275,080	356,934	81,854	77%	265,662	9,417
QEP	8,589	507	(8,082)	1695%	0	8,589
Radiography	96,708	296,437	199,729	33%	626	96,082
Safety-CR	55,604	79,507	23,903	70%	73,960	(18,355)
Senior Adult Dept	191,431	234,288	42,856	82%	173,100	18,332
Social Science Non CR	30,614	10,324	(20,290)	297%	25,397	5,217
Sociology	57,721	73,809	16,088	78%	19,784	37,937
Speaking,Reading,Writing	359,543	621,493	261,950	58%	280,265	79,278



April 2024 - Expense by Division Report

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2023-24 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Theater Arts-Credit	111,754	188,779	77,025	59%	78,243	33,511
Thermal Tech-NonCR	70,416	132,145	61,729	53%	83,754	(13,338)
VP Instruction	223,007	1,914,406	1,691,400	12%	257,209	(34,202)
Welding-Cred	328,748	520,065	191,318	63%	336,112	(7,364)
<u>Totals for VP Instruction</u>	<u>12,354,477</u>	<u>19,194,160</u>	<u>6,839,684</u>	<u>64%</u>	<u>11,452,316</u>	<u>902,161</u>
<u>Summary for VP of Instruction</u>						
Allied Health Admin	8,747	12,292	3,545	71%	8,100	647
CE-CAN Program	14,195	22,694	8,499	63%	24,158	(9,963)
CE-CPR	0	0	0	0%	3,235	(3,235)
CE-Dental	0	5,756	5,756	0%	1,190	(1,190)
Program Development	75,004	90,506	15,502	83%	153,727	(78,723)
<u>Totals for VP of Instruction</u>	<u>97,946</u>	<u>131,248</u>	<u>33,302</u>	<u>75%</u>	<u>190,410</u>	<u>(92,464)</u>
<u>Summary for VP Student Services</u>						
Admissions	280,517	405,021	124,505	69%	218,699	61,818
Advise Center	408,020	601,089	193,069	68%	405,010	3,010
Career & Placement	61,501	121,660	60,159	51%	60,533	969
Enrollment Mgmt	40,355	45,622	5,267	88%	47,181	(6,826)
Facilities & Student Recreat	77,465	118,479	41,013	65%	63,893	13,572
Judicial Affairs	142,880	222,465	79,585	64%	152,627	(9,748)
Multicultural Department	16,234	32,500	16,266	50%	9,768	6,466
Recruitment	484,369	606,641	122,272	80%	423,625	60,744
Stu Financial Svcs	394,543	613,632	219,089	64%	413,971	(19,428)
Stu Organizations	229,121	340,441	111,321	67%	245,188	(16,067)
Student Graduation	48,096	70,008	21,912	69%	27,966	20,130
Svcs-Disab Students	33,535	45,628	12,093	73%	27,719	5,815
Testing	211,176	331,210	120,033	64%	194,008	17,169
Veteran Affairs	135,695	187,979	52,284	72%	105,445	30,250



Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2023-24 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
VP Student Services	295,241	619,535	324,293	48%	194,320	100,922
<u>Totals for VP Student Services</u>	<u>2,858,748</u>	<u>4,361,910</u>	<u>1,503,163</u>	<u>66%</u>	<u>2,589,952</u>	<u>268,795</u>
<u>Totals for Expense</u>	<u>28,370,530</u>	<u>41,999,101</u>	<u>13,628,571</u>	<u>68%</u>	<u>26,122,985</u>	<u>2,247,545</u>

Fund Bal by Division

Summary for VP Fiscal Affairs

Fund Balance - Academic Support	0	0	0	0%	4,950	(4,950)
Fund Balance - Institutional Support	699,496	0	(699,496)	0%	880,074	(180,578)
Fund Balance - Instruction	182,490	899	(181,592)	20306%	230,468	(47,978)
Fund Balance - Oper & Maint	115,958	0	(115,958)	0%	1,359,623	(1,243,665)
Fund Balance - Student Services	256,081	0	(256,081)	0%	74,429	181,652
<u>Totals for VP Fiscal Affairs</u>	<u>1,254,025</u>	<u>899</u>	<u>(1,253,126)</u>	<u>139536%</u>	<u>2,549,543</u>	<u>(1,295,518)</u>
<u>Totals for Fund Bal</u>	<u>1,254,025</u>	<u>899</u>	<u>(1,253,126)</u>	<u>139536%</u>	<u>2,549,543</u>	<u>(1,295,518)</u>
<u>Totals for Report</u>	<u>29,624,555</u>	<u>42,000,000</u>	<u>12,375,445</u>		<u>28,672,528</u>	<u>952,027</u>



PRESIDENT'S OFFICE

Board Report

Presenter: Board Chair

A. Miscellaneous Updates



PRESIDENT'S OFFICE

President's Report

Presenter: Dr. Warren Nichols

A. Updates

1. Summer 2024 and Fall 2024 Enrollment Update(s)
2. Culinary Arts Update

B. Reminders/Announcements

1. Board Meetings

- a. June 2024 – Monday, June 24th
- b. July 2024 – Monday, July 22nd
- c. August 2024 – Monday, August 26th
- d. September 2024 – Monday, September 23rd
- e. October 2024 – Monday, October 28th
- f. December 2024 – Monday, December 9th

2. COM's Juneteenth Celebration, Tuesday, June 18th, 12:30 p.m. – 1:30 p.m., COM Conference Center – History of the Black Cowboy 1865

3. Reminder: COM will be closed on Wednesday, June 19th in Observance of Juneteenth

4. COM's Pride Month Celebration, Tuesday, June 25th, COM Conference Center, 12:30 p.m. – 1:30 p.m.

5. COM's 4th of July Celebration – Tuesday, July 2nd, LRC Breezeway, Noon

6. **Board Budget Workshop** - Friday, July 19th, 10:00 a.m. – Noon

C. Resignations and Retirement Report

D. Miscellaneous Updates



PRESIDENT'S OFFICE

Resignations & Retirements

Last Name	First Name	Position	Hire Date	Last Date of Work	Termination Reason
Roussel	Kathleen	Culinary Arts Program Coordinator	01/09/2023	04/30/2024	Resignation
Davis, Ph.D.	Michelle	Director, Academic Planning & Innovation	01/02/2023	04/30/2024	Resignation
Lewellen	Brooks	Assistant Professor – History	08/21/2023	05/31/2024	Temporary Assignment Ended
Mays	Joshua	Assistant Professor – Information Systems	08/21/2023	05/31/2024	Temporary Assignment Ended
Suarez	Monique	Assistant Professor – English	01/17/2023	05/31/2024	Temporary Assignment Ended
Hejazi, Ph.D.	Michael	Director, Gulf Coast Safety Institute	06/12/2023	05/31/2024	Resignation
Duron	Michael	Instrumentation & Electrical Faculty/Program Coordinator	08/21/2023	07/08/2024	Resignation
Anderson, Ph.D.	Carla	Faculty Doctoral - Criminal Justice	08/23/2004	08/31/2024	Retirement
Esposito, Ed.D.	Marita	Student Conduct Officer	08/23/2023	08/31/2024	Resignation



PRESIDENT'S OFFICE

Executive Session

If, during the course of the meeting covered by this Notice, the Board should determine that a closed or executive meeting or session of the Board should be held or is required in relation to any items included in this Notice, then such closed or executive meeting or session as authorized by Section 551.001 et seq. of the Texas Government Code (the Open Meetings Act) will be held by the Board at that date, hour and place given in this Notice or as soon after the commencement of the meeting covered by the Notice as the Board may conveniently meet in such closed or executive meeting or session concerning any and all subjects and for any and all purposes permitted by Sections 551.071, inclusive, of the Open Meetings Act, including, but not limited to:

Section 551.071 – For the purpose of a private consultation with the Board's attorney on any or all subjects or matters authorized by law.

Section 551.072 – For the purpose of discussing the purchase, exchange, lease or value of real property.

Section 551.073 – For the purpose of considering a negotiated contract for a prospective gift or donation.

Section 551.074 – For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee.

Section 551.076 – To consider the deployment, or specific occasions for implementation, of security personnel or devices.

Section 551.082 – For the purpose of considering discipline of a student or to hear a complaint by an employee against another employee if the complaint or charge directly results in a need for a hearing.

Section 551.084 – For the purpose of excluding a witness or witnesses from a hearing during examination of another witness.

Should any final action, final decision, or final vote be required in the opinion of the Board with regard to any matter considered in such closed or executive meeting or session, then such final action, final decision, or final vote shall be at either:

- A. The open meeting covered by this Notice upon the reconvening of the public meeting, or
- B. At a subsequent public meeting of the Board upon notice thereof, as the Board shall determine.



PRESIDENT'S OFFICE

Possible Action on Agenda Items, Including Closed Session Matters

Consideration of and Possible Action on any items discussed in closed session.