



# Lamar State College Orange

## Administrative Policies and Procedures

Revised  
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## SECTION 1 – INTRODUCTION

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**Policy:** 1.0 Administrative Policies and Procedures  
**Scope:** Faculty and Staff

Lamar State College Orange is governed by the Board of Regents for the Texas State University System. The actions of persons employed by the College shall be consistent with policies, procedures, rules, regulations, directives, and guidelines that are adopted or otherwise prescribed by the Board.

State human resource management policies and regulations are drawn primarily from general laws enacted by the Legislature, the biennial Appropriations Act, Attorney General’s opinions, and State Auditor interpretations. The primary sources of reference have been *the Texas State University System Rules and Regulations* and the *Texas Human Resource Management Statutes Inventory*. In the event of conflict between the provisions of this Manual and the *System Rules and Regulations*, the latter shall prevail.

Relevant policies and regulations are presented in summary form in the Administrative Policies and Procedures Manual.

This Handbook includes only a brief description of benefits offered by Lamar State College Orange and an overview of major rules and policies. It is designed to be a reference to guide present employees as well as to provide initial information to new personnel.

Nothing in the Administrative Policies and Procedures Manual in any way creates an expressed or implied contract of employment.

### **CHANGES, AMENDMENTS, AND EXCEPTIONS**

Changes and amendments to these policies, rules, and regulations may be made by the President with the approval of the Board of Regents for substantial changes. In certain isolated and unique cases, exception to one or more of these policies, rules, and regulations may be necessary and/or desirable. The authority to grant exception to one or more of these provisions is vested in the Office of the President.

**Policy:** 1.1 Institutional Statement  
**Scope:** Faculty and Staff

## **INSTITUTIONAL POLICY STATEMENT**

Lamar State College Orange declares and reaffirms its policy of equal educational opportunity, and nondiscrimination in the provision of education, employment, and other services to the public.

## **EQUAL EMPLOYMENT OPPORTUNITY**

Lamar State College Orange is an equal opportunity employer. Students, faculty, and staff members are selected without regard to their race, color, sex, national origin, age, religion or disability consistent with the assurance of compliance with Title VII of the Civil Rights Act of 1964; Executive Order 11246 amended by Executive Order 11375; Title IX of the Education Amendment of 1972, as amended; Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990, Americans with Disabilities Act Amendments of 2008, Equal Pay Act of 1963, Civil Rights Act of 1991, Age Discrimination in Employment Act of 1967, Genetic Information Nondiscrimination Act of 2008, and Family Medical Leave Act of 1993.

The 76th Legislature has replaced the requirement for Affirmative Action plans with a requirement to have a recruitment plan based on a workforce availability analysis. However, Lamar State College Orange shall have an Affirmative Action Program as required by Executive Order 11246, as amended by Executive Order 11375.

Lamar State College Orange prohibits retaliation against a person who opposes a discriminatory practice, files a charge, files a complaint, or testifies, assists, or participates in any manner in an investigative proceeding or hearing.

## **STATEMENT ON DIVERSITY**

Lamar State College Orange believes that freedom of thought, innovation, and creativity are fundamental characteristics of a community of scholars. To promote such a learning environment, Lamar State College Orange has a responsibility to seek cultural diversity, to instill a global perspective in its students, and to nurture sensitivity, tolerance and mutual respect. Discrimination against or harassment of individuals on the basis of race, color, national origin, age, ethnicity, religion, sex or disability is inconsistent with the purpose of the College.

## **EQUAL EDUCATIONAL OPPORTUNITY**

Lamar State College Orange reaffirms its policy of administering all of its educational programs and related supporting services, and benefits in a manner which does not discriminate because of a student's or prospective student's race, color, religion, sex, national origin, ancestry, age, marital status disability, veteran status, sexual orientation, or gender identity.



## AMERICANS WITH DISABILITIES

**1. Policy:** In accordance with the Americans with Disabilities Act (ADA) as amended January 1, 2009, Lamar State College-Orange will not discriminate in its hiring and employment practices against any qualified individual with a disability because of that disability.

**2. Definitions:** An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life functions or activities, has a record of such impairment, or is regarded as having such impairment.

**2.1 Physical Impairment-**A physical impairment is any physiological disorder, condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems.

**2.2 Mental Impairment-**A mental impairment is any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

**2.3 Episodic Impairment-**An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

**2.4 Regarded as having an impairment-**An individual is “regarded as” disabled if the person is subject to an action prohibited by this policy based on an actual or perceived impairment that is transitory (lasting 6 months or less) and minor.

**2.5 Substantial Limitations-**A substantially limiting impairment renders an individual incapable of performing a major life activity, or restricts the duration, manner or condition under which an individual can perform a major life activity. Determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative efforts of mitigating measures, including: medication, medical supplies, equipment, devices, and appliances; prosthetic limbs; hearing aids or implanted hearing devices; mobility devices; oxygen therapy equipment; visual devices with the exception of refractive eyeglasses and contact lenses; the use of assistive technology; reasonable accommodations; auxiliary aids or services; and learned behavioral or adaptive neurological modifications.

**2.6 Major Life Activities-**Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological,

brain, respiratory, circulatory, endocrine, and reproductive functions.

**2.7 Undue Hardship**-An undue hardship means an action which would cause significant difficulty or expense in consideration of the following factors:

**2.7.1** The nature and cost of the accommodation; and

**2.7.2** The overall financial resources available to the college to provide the accommodation, the effect on expenses and resources, and/or the impact of the accommodation upon the operations of the institution.

**2.8 Qualified Individual**-A qualified individual with a disability means an individual with a disability who, with or without reasonable accommodations, can perform the essential functions of the employment position the individual holds or desires. Essential functions mean those responsibilities that are critical, primary, necessary, basic, visual, required or indispensable to the job.

**2.9 Reasonable Accommodation**-A reasonable accommodation is an accommodation which includes:

**2.9.1** Making physical facilities accessible to and useable by individuals with disabilities; and

**2.9.2** A service animal that is individually trained to assist a person with disabilities for tasks, including but not limited to:

- guiding an individual who has a visual impairment
- Alerting an individual who has a hearing impairment or who is deaf
- Stabilizing/calming an individual with anxiety or posttraumatic stress disorder during a panic attack or flashback
- Assisting an individual in a wheelchair
- Alerting or protecting an individual who has a seizure disorder
- Reminding an individual who has a mental illness to take a prescribed medication

**2.9.3** Requiring job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modification of equipment or devices; appropriate adjustment or modifications of examinations or training materials; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.

A reasonable accommodation is not required for a known physical or mental limitation or an otherwise qualified individual if the individual's disability is based solely on being "regarded as" having an impairment that substantially limits at least one major life

activity.

**2.10 Discrimination**-Discrimination includes:

**2.10.1** Limiting, segregating, or classifying a job applicant or employee in a way that adversely affects the opportunities or status of the individual because of his/her disability;

**2.10.2** Participating in a contractual or other relationship that subjects a qualified applicant or employee with a disability to the discrimination prohibited by this policy;

**2.10.3** Utilizing standards, criteria, or methods of administration that discriminate on the basis of disability or that perpetuate discrimination;

**2.10.4** Denying equal jobs or benefits to a qualified individual because of the known disabilities of an individual with whom the qualified individual has a relationship or association; or

**2.10.5** Not making requested reasonable accommodations for the documented physical or mental limitations of a qualified individual with a disability who is an applicant or employee, or denying opportunities for employment where reasonable accommodations may be needed and requested.

**3. ADA Administration:** Any applicant or employee seeking accommodation on the basis of disability is responsible for notifying either their direct supervisor or the Director of Human Resources that they are disabled and wish to request a reasonable accommodation. The request should be made on the Reasonable Accommodation Request Form. Lamar State College Orange may require a confirming examination or a doctor's letter before a request is considered.

If a request for accommodation is received, the employee or applicant will be asked to provide suggestions about what would work best. The Director of Human Resources and the supervisor will then review the suggestions. It may be necessary to investigate alternative solutions and make other suggestions to the individual requesting accommodation. All actions taken are to be documented on the Reasonable Accommodation Request Form. If the request is granted, the employee/applicant will review, edit, and sign a statement describing the steps taken.

The Vice President for Finance and Operations and the President will be responsible for determining "undue hardship" based on the facts provided by the Director of Human Resources. When determining whether the accommodation is too costly or creates an undue hardship, the cost of the accommodation, the employer's size, financial resources and the nature and structure of the operations must be considered. The Vice President for Finance and Operations should be consulted concerning financial resources. If the accommodation would cause an undue hardship, Lamar State College Orange would consider whether funding for the accommodation is available from an outside source, such as a vocational rehabilitation agency. The applicant or employee with the disability would also be given the opportunity to provide the accommodation or pay for a portion of the accommodation that constitutes an undue hardship.

The President will have final authority in the event that there is disagreement over whether or not an accommodation will create an undue hardship. If the decision is made not to make the accommodation based on "undue hardship," the reasons are to be documented. The individual then receives a standard letter explaining the reasons for failing to grant the request, and what will happen next.

#### **4. Medical Examinations:**

**4.1** No medical examination may be conducted or required before an offer of employment has been made. A medical examination may be required after an offer of employment has been made and prior to the commencement of employment duties, if all persons offered the position are required to have the examination. An offer of employment may be

considered on the results of such examination. An offer of employment may be conditioned on the results of such examination.

**4.2** Inquires may not be made of a job applicant as to the individual's disability, or the nature or severity of such disability. Inquires may be made into the ability of an applicant to perform job-related functions so long as inquiries are made of all individuals who are interviewed.

**4.3** Applicants extended an offer of employment and employees who request an accommodation are responsible for obtaining a medical statement that contains a diagnosis, prognosis, and the major life function that is substantially limited. The medical statement should include an evaluation as the effect that the impairment has on the applicant's or employees' ability to perform the duties of the job.

**4.4** All medical information will be treated as confidential and will be kept in a separate file from other personnel records.

**5. Grievance Process:** In the event that an employee feels that a grievance exists, the employee can file a grievance requesting that the issues be addressed by the formal grievance process (Policy 5.5).

**6. Reasonable workplace accommodations** may be made not only for individuals with disabilities, but also persons with sincerely-held religious beliefs and women affected by pregnancy.

## **VETERANS PREFERENCE**

Lamar State College Orange reaffirms its policy of giving preference in employment opportunities to qualified veterans in accordance with S.B. 646, as amended by the 74th Legislature. Veterans qualify for preference "if the veteran served in the military for not less than 90 consecutive days during a national emergency declared in accordance with federal law or was discharged from military service for an established service-connected disability. The veteran must also have been honorably discharged and must be competent. A veteran's orphan or surviving spouse who has not remarried qualifies for the veterans' preference if the veteran was killed on active duty; the veteran served in the military for no less than 90 consecutive days during a national emergency in accordance with federal law; and the spouse or orphan is competent.

An individual who qualifies for a veteran's employment preference is entitled to a preference in employment over other applicants for the same position who do not have a greater qualification.

Lamar State College Orange is required to file a quarterly report with the Comptroller stating hiring percentages and the current percentage of employees that are eligible for a veteran's preference. In addition, Lamar State College Orange must provide the Texas Workforce Commission information regarding open positions that may be subject to the hiring preference law.

## **NON-DISCRIMINATION IN SERVICES TO THE PUBLIC**

Lamar State College Orange (LSCO) provides equal access and opportunity for all persons regardless of race, sex, color, religion, national origin or ancestry, age, marital status, disability, sexual orientation, gender identity, or veteran status, in employment, educational programs, and activities and admissions. LSCO complies with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability, the Age Discrimination Act of 1975, which prohibits discrimination based on age, and the Campus Sexual Violence Elimination Act. Sexual misconduct, as defined in the College's Sexual Misconduct Policy, constitutes a form of sex discrimination prohibited by Title IX and Title VII.

For questions concerning our non-discrimination policy, you may contact our Title IX Coordinator at (409) 882-3910, Accessibility Coordinator at (409) 882-3393 or the Office for Civil Rights at (214) 661-9600.

## **COMPLIANCE WITH LAWS**

Through the policies and programs set forth by Lamar State College Orange, the institution undertakes to fully comply with all federal, state, and local laws relating to equal educational and employment opportunity.

Institutional policies specifically address the obligations of Lamar State College Orange under the following laws and regulations:

Titles VI & VII of the Civil Rights Act of 1964 as amended  
Executive Order #11246 as amended  
Revised Order No. 4  
The Equal Pay Act of 1963  
The Vietnam Era Veterans Rehabilitation Act of 1974  
The Rehabilitation Act of 1973  
Title IX of the Education Amendments of 1972  
The Americans with Disabilities Act of 1990  
Americans with Disabilities Act Amendments of 2008  
Age Discrimination in Employment Act of 2008  
Civil Rights Act as amended 1991  
The Family Medical Leave Act 1993  
Veteran's Employment Preferences, Amended by Acts 1997, 75th Legislature  
Genetic Information Nondiscrimination Act (GINA) of 2008

**Policy:**                               **1.2 Functions of the Human Resources Office**  
**Scope:**                               **Faculty and Staff**

The function of the Lamar State College Orange Human Resources Office is to design, implement, and maintain a program of personnel administration for Lamar State College Orange; a program which is adequately defined and explained for each employee of the College. Under the direction of the Vice President of Finance and Operations, the Human Resources Office is responsible for the development and administration of sound personnel policies and programs in accordance with federal, state, and State College statutes, regulations, and policies. Major functional areas include coordination of payroll, benefits, records maintenance, employment, classification/compensation, workers' compensation, and employee relations.

The Human Resources Office serves the faculty and the administration in their programs of teaching, research, extension, and supporting services.

A centralized human resources office is necessary to provide direction, uniformity, continuity, and efficiency in the use of human resources. The various departments and other units of the College must share in the responsibility for implementing the various policies and procedures. This includes such functions as selection, orientation, training, evaluation, and record keeping.

The responsibility for the administration of the staff personnel program is vested in the Director of Human Resources. The Human Resources Office is available to all members of the faculty and staff for advice and counsel on matters of personnel administration. Any employee having questions regarding personnel policies or procedures are encouraged to call the Human Resources Office prior to initiating any personnel related action.

**Policy:** 1.3 Creating and Reviewing College Policies & Web Policy Update  
**Scope:** Faculty and Staff

Lamar State College Orange is committed to developing and revising its policies and procedures to meet the demands of its mission. To this end, input from any sanctioned and approved standing committee is welcomed and considered.

The Policy for Creating and Reviewing College Policies outlines the procedures and required approvals for drafting new or amending existing Administrative Policies and Procedures and Institutional-Level Academic Policies (hereafter referred to as “policies and procedures”) in a consistent manner.

The process described in this policy does not apply to divisional, departmental, office or unit specific policies that govern the internal operations of a department, unit or division in its implementation of administrative duties and responsibilities. Nor does this policy apply to Academic Policies that are statewide and/or federally regulated.

**1. PURPOSE:** The purpose of this policy is to outline the steps to be taken in developing, revising, reviewing, and approving LSCO policies and procedures.

**1.1** This policy provides:

- The steps to be taken in developing and approving new policies;
- A structure for regular review of existing LSCO policies and procedures and how modifications are accomplished;
- A review of policies and procedures to ensure they are consistent with other college policies, state or federal law, and *The Texas State University System (TSUS) Rules and Regulations*, which govern in the event of a conflict.

## **2. NEW POLICY PROPOSAL**

**2.1** Any sanctioned and approved standing committee within the College may propose the need for a new policy, subject to the following review and approvals: the Dean’s Council, Vice President, and President.

**2.2** If the Dean’s Council concurs with the need for the policy, the initiator of the request will develop a draft policy and prepare a brief rationale for the new policy using the LSCO Policy and Procedures Template. To ensure an efficient review process, the Dean’s Council may establish timelines for each step in the process prior to submission to the next level.



**2.3** The Committee initiating a new policy may share the language and rationale with other constituent groups (Standing Committees, Student Government Association (SGA), Faculty Senate, Staff Senate), if appropriate.

### **3. NEW POLICY APPROVAL**

**3.1** A final draft of the proposed policy shall be presented to the President's Cabinet, as appropriate, via the corresponding Vice President under which the proposed policy falls;

**3.2** The President's Cabinet will review the proposal and reserves the right to edit a proposed policy prior to approval, as he/she deems appropriate;

**3.3** The President will review the proposal and reserves the right to edit a proposed policy prior to approval, as he/she deems appropriate;

**3.4** The decision of the President is final.

### **4. POLICY PUBLICATION**

**4.1** All new and approved policies will be sent to the Director of Human Resources for inclusion in the Administrative Policy and Procedures manual;

**4.2** When appropriate, the newly approved policy will be published on the LSCO website;

**4.3** The Director of Human Resources will coordinate with the responsible office to effectively and efficiently publish, distribute, and communicate the new policy and provide clarity on the policy, as needed.

### **5. REVIEW, REVISION, CONSOLIDATION, AND WITHDRAWAL OF EXISTING POLICIES**

**5.1** The Director of Human Resources will work with appropriate departments to conduct a thorough review and update of policies within the *Administrative Policies and Procedures* periodically, but not less than every two (2) years unless otherwise stipulated within the policy.

**5.2** The committee and/or supervisor responsible for implementing all other college policies will work with appropriate departments to conduct a thorough review and update of the policy periodically, but not less than every two (2) years unless otherwise stipulated within the policy;

**5.3** Any sanctioned and approved committee may request a review or revision to a policy as the needs of the college warrant. This should be completed through the same steps as the New Policy Approval process.

**5.4** In special circumstances, it may be deemed necessary and appropriate to withdraw an existing policy and/or consolidate policies. This should be completed through the same steps stipulated in the New Policy Approval process, using the Policy and Procedures Template.

## **6. CONFLICTS**

**6.1** If an LSCO policy conflicts with the *TSUS Rules and Regulations*, state, or federal law, the preemptive or more restrictive authority prevails.

### **Website Update Policy**

All content published to Lamar State College Orange's website (<https://www.lSCO.edu>) must be submitted through the Director of Marketing Communications before going live on the website. This is done using the workflow system within the Modern Campus CMS. Any change requested to a webpage is routed via workflow first to the Director of Marketing Communications. The Director reviews for content accuracy and design as well as conformity to all college, state, and federal regulations before routing them to the LSCO Webmaster. The Webmaster conducts additional web compliance review. In instances in which the requested content needs to be verified or substantiated, the requester is directed to provide written approval of the content or conformity to college, state, and federal regulations from their appropriate Dean or Vice President before the Director of Marketing Communications approves and implements the change.

Content is reviewed as it is requested through workflow management and published typically within 1-2 business days after the request is submitted. If the request requires additional pages or menu items to be built, the process may take longer depending on the amount of work requested and current workloads.

Page maintenance / content ownership is noted in the footer of all pages with the date the last update occurred and the contact information for the employee responsible for the page and its content. Page maintenance / content ownership is determined by the Director of Marketing Communications in coordination with campus departments and directors.

### **Academic Catalog Update Procedures**

Catalog titles include the academic years during which the information included in them will be effective, but the provisions of the catalog do not constitute a contract. The College reserves the right to make necessary changes, and because such changes become effective upon approval by the proper officials, updates to the catalog are necessary to reflect changes to the Academic Calendar, new fee and tuition information, educational course and program changes, policy revisions, new regulations, new educational and service programs, and changes to services.

### **LSCO employs the following procedure to update the catalog as necessary:**

- Maintenance of the LSCO Catalog is the responsibility of the Office of the Executive Vice President of Academic and Student Affairs/Provost (EVP/P). The catalog is filed as an MS Word document in a shared drive accessible by permission only and maintained by the EVP/P's office. Versions of previous catalogs are also archived on the shared drive.
- Following the Texas State University System's 4<sup>th</sup>-Quarter Board of Regents meeting each

November, and at other times as needed, the Office of the EVP/P sends a copy of the current catalog as an MS Word file to all LSCO administrative officials and issues a request for review, with recommended catalog changes to be due to the EVP/P on a specified date the following January.

- The EVP/P receives, reviews, and approves the requests for updates from all LSCO offices. The EVP/P or a designee modifies the MS Word version of the current catalog to incorporate the approved catalog revisions.
- The updated version of the catalog is saved to the shared drive with the date of revision in the file name and the version date prominently displayed at the top center of the first page of the updated catalog, reflecting the date of revision.
- The EVP/P or a designee notifies the Director of Marketing Communications to request that the updated catalog be reviewed, approved for release to the public, and posted to the LSCO website.
- The Director of Marketing Communications reviews the updated catalog and
  - makes any adjustments or corrections necessary to prepare it for publication
  - saves the approved updated version as a pdf,
  - accesses the Modern Campus CMS production site,
  - replaces the previous version on the production site with the updated version, and
  - notifies the LSCO Web Administrator that an update is ready for approval and publication.
- After confirming that the updated version of the catalog is ready for publication, the LSCO Web Administrator posts the pdf of the newly revised catalog to the LSCO website.
- Following confirmation of the publication of the revised catalog, the EVP/P or a designee provides a list of any program changes to the LSCO Web Administrator and to the offices of the Deans, Associate Deans, and Program Directors to confirm publication of the changes in the catalog, and to facilitate corresponding changes to the individual program webpages. The EVP/P or a designee also notifies the Director of Print and Design Services that a newly revised catalog is in effect, to ensure that subsequently printed copies of the catalog reflect the most current version.

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## SECTION 2 – HIRING PRACTICES

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**Policy:** 2.0 Nepotism  
**Scope:** Faculty and Staff

Nepotism is broadly defined as granting position or advantage in the workplace (i.e., job appointment, promotion, pay increase, etc.) to one’s relatives. The purpose of this policy is to comply with *Government Code, Chapter 573* and in situations not covered by *Government Code, Chapter 573* but as defined further below in order to avoid favoritism, the appearance of or likelihood of favoritism, conflicts of interest, and other forms of unfair treatment often associated with nepotism in the workplace.

Individuals are related by consanguinity if one is a descendant of the other, or if they share a common ancestor. An adopted child is considered to be the child of an adoptive parent for this purpose. Individuals are related to each other by affinity if they are married to each other, or the spouse of one of the individuals is related by consanguinity to the other individual. (See table further below.)

In accordance with *Government Code, Chapter 573*, no person related to any member of the Board of Regents within the second degree of affinity or within the third degree by consanguinity shall be eligible for appointment to any office, position, employment, or duty with any Component of The Texas State University System (TSUS), when the salary, fee, or compensation of such appointee is to be paid, either directly or indirectly, out of public funds of any kind.

While not prohibited by *Government Code, Chapter 573*, a TSUS Component must undergo special personnel review and action before employing (or reassigning) any individual related within the second degree of affinity or the third degree of consanguinity to another employee\* if:

- a. Such employment (or reassignment) causes one to have a direct supervisory relationship over the other; or
- b. Such employment (or reassignment) causes one to have authority over the salary or other employment terms of the other, whether directly or indirectly.

\* The term “employee” shall refer to those shared service employees to whom the above criteria apply, even though they may be employed by separate TSUS Components.

In instances when the above-named a. or b. instances occur, the related parties shall complete the Component’s Nepotism Disclosure form, inclusive of delineating a management plan to satisfy any relevant policy concerns, which shall be approved and signed by the department’s Vice President and then submitted to the President(s) for signature before the employment relationship begins. In such instances when it is determined that appropriate allowances cannot be made to adequately relieve the policy concerns of Nepotism, employment/reassignment shall be denied. All situations covered by a

Component’s usage and administration of a Nepotism Disclosure form shall be reported annually through the President’s Report to the Board.

The table below is to be used to determine degrees of relationship.

Consanguinity (blood)			Affinity (marriage)**		
First Degree	Second Degree	Third Degree	First Degree	Second Degree	Third Degree
Parent	Grandparent	Great Grandparent	Spouse	Grandparent	Great Grandparent
Child	Grandchild	Great Grandchild	Parent	Grandchild	Great Grandchild
	Sibling	Uncle or Aunt	Child	Sibling	Uncle or Aunt
		Nephew or Niece			Nephew or Niece

\*\* The ending of a marriage by divorce or the death of a spouse ends relationships by affinity.

Reference: Texas Government Code, Chapter 573  
 TSUS Rules and Regulations, Chapter 5, 2.2

**Policy:**                    **2.1 Dual Employment**  
**Scope:**                   **Staff**

The Texas Constitution places limits on persons holding more than one civil office of employment at the same time. A non-elected employee of the State of Texas may hold more than one position if the positions are of benefit to the state and there is no conflict. Employees seeking to hold more than one position must inform each agency of their dual employment status. The agencies must rule whether such dual employment is allowable.

Employees who are legally employed in two or more positions with the state are subject to the following provisions:

1. Completely separate leave records will be maintained for each position.
2. The person accrues state service credit for all purposes as if the employee had only one employment.
3. Upon termination of one position, the leave balances may not be transferred to the remaining employment.
4. The state contribution toward the employee's position of the social security tax liability is subject to the overall individual limit.
5. Total state contribution toward group insurance is limited to the amount specified for a full-time employee.
6. The employee is entitled to longevity pay of only one position.
7. Overtime compensation will accrue to each employment totally independent of the other except in those instances in which the person is subject to the overtime provisions of FLSA. In these cases, and where the multiple employments is with two separate agencies, the two agencies shall coordinate in order to determine which agency shall have the responsibility of ensuring that the employee is properly compensated.

Employees holding or applying for dual positions who fail to inform Lamar State College Orange of their status are subject to the immediate termination of their position.

**Policy:** 2.2 Nominations and Appointments  
**Scope:** Faculty

## **APPOINTMENTS**

All faculty appointments, including the granting of tenure, are subject to the approval of the Board. At the annual meeting of the Board (or at the earliest practicable meeting following the Governor's approval of the State's General Appropriations Act), the Board shall appoint the faculty and other teaching personnel to term or annual appointments for a specified period not to exceed one year. The President shall advise each appointee in writing of the provisions and conditions of the appointment. If a faculty member has already been appointed by the Board for either a fall or spring semester, the contract may be extended for the summer or for additional special assignments during the same fiscal year by the President, unless the extension includes a change in academic rank or an increase in the base salary.

## **NOMINATIONS**

The President shall recommend to the Board the employment or re-employment of faculty members to be awarded term or annual appointments, advising the Board in writing as to the tenure status, proposed academic rank, and highest degree of each nominee.

## **REAPPOINTMENTS**

Written notice of a decision not to reappoint will be given to a tenure track faculty member not later than March 1st of the first, or not later than December 15th of the second, academic year of probationary service. After two or more academic years, written notice shall be given not later than August 31st that the subsequent academic year will be the terminal year of appointment. The notice required by this Section is not applicable where termination of employment is for good cause or for faculty members who are appointed on a term basis.

The 77th Legislature specified procedures regarding employment contracts for faculty at institutions of higher education. An institution of higher education that determines it is in its best interest to reappoint a faculty member for the next academic year shall offer the faculty member a written contract for that academic year not later than 30 days before the first day of the academic year. If the institution of higher education is unable to offer the contract prior to the stipulated time frame, the institution shall provide the faculty member with written notification that the institution is unable to comply, offer an explanation why it could not meet the deadline, and specify in the written notification a time by which it will offer a written contract to the faculty member for the applicable academic year.

**Policy:**  
**Scope:**

**2.3 Limitation on Contracts**  
**Faculty and Staff**

None of the funds appropriated by the Appropriations Act may be used to enter into a contract for consulting or professional services or into an employment contract, with any individual who has been previously employed by the department or agency within the past twelve months. For the purpose of this section, the term "employment contract" shall include a personal services contract regardless of whether the performance of such a contract involves the traditional relationship of employer and employee.

Appropriated funds may not be used to pay a contract workforce for which the contract is executed, amended, or renewed on or after September 1, 2001, until an agency or institution:

1. Develops comprehensive policies and procedures for its contract workforce.
2. Examines the legal and personnel issues related to the use of a contract workforce.
3. Conducts a cost/benefit analysis of its current contract workforce before hiring additional contract workers or amending or renewing existing contracts.
4. Documents why and how the use of contract workers fits into agency staffing strategies.

Lamar State College Orange will consider hiring contract workforce or outsourcing a function based on the following criteria:

1. services required are seasonal
2. services required are temporary
3. services required are highly specialized
4. time certain to complete a project
5. cost effectiveness.

The first step is to work with their supervisor and the Director of Procurement Services to determine the need for contract workers. If the need exists and is determined to be cost effective, managers should adhere to guidelines as determined by the Procurement department and/or TSUS Contract Management Handbook, where applicable.



**Policy:**                    **2.4 Student Employment**  
**Scope:**                   **Students**

Any employee filling a position requiring student status is considered a student employee. Student employees may be classified as Student Assistants or Work Study.

Student employees are limited to 20 hours of work per week. Should extenuating circumstances within the department require the need for a student to exceed the 20-hour limit, the department must obtain approval from the President in writing prior to authorizing the additional hours. A copy of the authorization must be forwarded to Human Resources for the student's personnel file.

A student employee may be employed during a period of nonattendance, such as a summer or between semesters. To be eligible for this employment, a student must have been enrolled in the last regular session and planning to re-enroll in the next regular session. The student's earnings during this period of nonattendance must be used to pay his or her cost of attendance for the next period of enrollment. If the student fails to register for the subsequent term, Lamar State College Orange must be able to demonstrate that the school had reason to believe the student intended to enroll the next term. There should at least be a fee statement in the student's file indicating they were registered for classes at the time the employment occurred.

All student employees are paid minimum wage. Student employees are ineligible for benefits other than Benefit Replacement Pay (if employed on 8/31/95) and Workers' Compensation.

Under the modification of the State of Texas' Section 218 Agreement, qualified student employees will be excluded from social security and Medicare coverage for services performed after June 30, 2000. To qualify as a student employee, the student must be registered in the term and must be in an appointment for half time or less which is restricted to students. A minimum of six hours for undergraduates and three hours for graduates is required during a long semester and three hours is required during the summer. Student status will be validated once per semester, the day after the census date of the full term.

**Policy:** 2.5 Disclosure of Information  
**Scope:** Faculty and Staff

All requests for information concerning current or former employees should be referred to the Human Resources Director. Employers are not required to provide an employment reference to or about a current or former employee.

Disclosure by an employer of truthful information regarding a current or former employee protects employment relationships and benefits the public welfare. An employer, a managerial employee, or other representative of the employer, who discloses information about a current or former employee is immune from civil liability for that disclosure or any damages proximately caused by that disclosure, unless it is proven by clear and convincing evidence that the information disclosed was known by that person to be false at the time the disclosure was made or that the disclosure was made with malice or in reckless disregard for the truth or falsity of the information disclosed.

The 77th Legislature added provisions requiring the implementation of a state government privacy policy. Each state governmental body that collects information about an individual in a paper or electronic format shall prominently state that:

With few exceptions, the individual is entitled on request to be informed about the information that the state governmental body collects about the individual.

The individual is entitled to receive and review the information.

The individual is entitled to have the state governmental body correct incorrect information.

**Policy:**  
**Scope:**

**2.6 Selective Service Registration or Exemption**  
**Faculty and Staff**

An agency in any branch of state government may not hire a male between the ages of 18 and 25 years inclusive unless he presents proof of his registration or exemption from registration with the selective service system. The following persons are exempt from the requirement to register:

1. Females.
2. Lawfully admitted non-immigrant aliens because they are residing in this country temporarily.
3. Members of the Armed Forces on full-time active duty, including cadets and midshipmen at the United States service academies.

Human Resources will verify selective service registration for new employees. Any offer of employment is considered conditional until proof of registration is documented. If it is found an individual is not registered, the individual must do so immediately in order to be eligible for employment.

**Policy:** 2.7 Criminal Record Searches  
**Scope:** Faculty and Staff

Lamar State College Orange seeks to provide a safe and productive environment for employees, students, and visitors. To accomplish this goal, the college performs criminal history record checks to identify individuals who have committed serious crimes and are disqualified from employment by law or because their presence in the work place would create an unacceptable risk to our campus community.

This policy is applicable to all full-time, part-time employees (or volunteers) where it is prudent to complete a criminal history record check and exclude persons with a criminal history from employment. The college currently conducts criminal history record checks for all security sensitive positions. The college reserves the right to perform criminal history record checks for other positions in individual circumstances whenever it is deemed appropriate to protect the interests of the college.

## **PROCEDURES**

**1.** All applicants are required to authorize reference and criminal background checks as a part of the application process. Refusal to authorize the background check will eliminate the applicant from consideration for employment.

**2.** After the hiring department completes the interview process and is prepared to make a recommendation for hire, the Human Resources Office will be notified to initiate a criminal background check on that individual. The Human Resources Director will conduct the criminal background check before the employment decision is made. If circumstances require that an offer be made before the completion of an investigation, all offers of employment, oral or written, shall include the following statement, "This offer is contingent on the completion of a satisfactory criminal history investigation."

**3.** Criminal background checks are conducted on all security sensitive positions. Security sensitive positions will be identified on individual job descriptions and on job postings with the following statement, "This position is security sensitive and thereby subject to the provisions of the Texas Education Code §51.215." Lamar State College Orange will conduct criminal record searches for an:

- applicant selected to fill security sensitive position,
- employee selected to transfer or be promoted to a security sensitive position, or
- employee whose position is reclassified as security sensitive if a criminal history check was not completed at the time of hire.

**4.** The college reserves the right to conduct criminal record searches when an employee is charged with any crime that reflects on his or her suitability for continued employment. Criminal record searches can also be initiated as a result of an administrative investigation.

- 5.** The Texas Department of Public Safety database and/or a third party vendor will be used to check criminal backgrounds.
- 6.** A copy of the criminal history record check will be placed in a confidential file maintained in the Human Resources Office. This information will be disclosed only to Lamar State College Orange personnel who need to know or as otherwise required by law. The criminal history record check is not part of any employee's personnel file. The Human Resources Director will destroy criminal history information obtained in a background check no later than 60 days after obtaining it.
- 7.** If a criminal history record check is reported affirmatively, the Human Resources Director will consult with the hiring manager to determine whether or not the employee or candidate should be disqualified from employment due to legal requirements.
- 8.** Except where employment is expressly prohibited by the law, the college will review each individual's criminal history and consider factors such as, but not limited to:
  - the nature and age of the crime(s) reported,
  - the position sought and duties,
  - rehabilitation,
  - the candidate's employment history, and
  - references.
- 9.** In the case of a disagreement on whether there are grounds for disqualification, the TSUS General Counsel will review the case and make the final decision.
- 10.** In the event of a discrepancy in a criminal history record check report involving the individual's identity, a criminal background fingerprint check may be requested.
- 11.** If a candidate did not disclose a criminal history on his/her application and is found to have such a record, a job offer may be rescinded or employment terminated due to falsification.
- 12.** It will be the responsibility of the Director of Purchasing and Contracts to verify outside contractors or agencies that assign temporary or contract workers conduct the appropriate background checks to protect the interests of the college.
- 13.** For purposes of this policy, evidence of a criminal history includes any conviction or plea of guilty, a plea of no contest, a suspended imposition of sentence, any suspended execution of sentence, any period of probation or parole, or any other action (other than an arrest record) involving a finding that an individual committed or attempted to commit a crime.
- 14.** Criminal history information will be used for the purpose of evaluating applicants for employment in security sensitive positions and shall not in no way be used to discriminate on the basis of race, color, religion, sex, disability, or age.

## **PROCEDURES FOR EMPLOYEE SELF REPORTING REQUIREMENT**

All employees must report to their supervisor in writing, within five business days, any criminal charges filed against them excluding misdemeanor offenses punishable only by fine. Additionally, employees must report to their supervisor in writing any conviction or other final disposition of a criminal charge filed against them. A criminal conviction or other final disposition for misdemeanor offenses punishable only by fine similarly does not need to be reported.

A self-report under this section will require an individualized assessment per number 8 and 9 listed above.

Failure to report under this section is a violation of this policy and may lead to disciplinary action, up to and including termination of employment.

**Policy:** 2.8 Driving Policy  
**Scope:** Faculty and Staff

## **GENERAL POLICY**

Employees of Lamar State College Orange shall use extreme care in operating a motor vehicle while performing official Lamar business. The term “motor vehicle” shall mean any motor vehicle driven by a Lamar State College Orange employee in the conduct of official business regardless of whether the motor vehicle is owned by Lamar State College Orange, privately owned by a Lamar State College Orange employee, or is a rental vehicle.

Specific Policies and Procedures for use of Lamar State College Orange owned vehicles may be obtained from the Physical Plant Director who serves as fleet manager.

The use of a Lamar State College Orange owned vehicle for purposes other than performing or carrying out official business is strictly prohibited.

Employees who operate a motor vehicle in the performance of Lamar State College Orange responsibilities are required to maintain satisfactory driving records, as set forth in the Evaluation of Employee Driving Records section, and follow all state traffic safety laws.

Employees who operate motor vehicles in the performance of Lamar State College Orange job responsibilities shall be on Lamar State College Orange’s approved drivers list and shall report, within two business days, to the Human Resources Office any traffic and non-traffic citation convictions and the type of violation, traffic accidents, or suspension of their driver’s license, whether the conviction, accident, or suspension occurs in connection with driving a Lamar owned vehicle, a private vehicle or a rental vehicle.

Violation of this policy, including improper use of a motor vehicle or failing to maintain a satisfactory driving record, as determined by Lamar State College Orange, shall result in deletion of the employee from the approved driver list and may subject the employee to disciplinary action, which may include termination.

Supervisors will be given a list of employees under their supervision who have not been cleared to drive under this policy. It is the responsibility of the supervisor to authorize only those employees eligible to drive a motor vehicle on official business. Failure to duly administer this policy may subject the supervisor to disciplinary action, which may include termination.

## **EVALUATION OF EMPLOYEE DRIVING RECORDS**

Lamar State College Orange requires that all employees whose duties require driving must be insurable in order to be employed or continue their employment. The Human Resources Office sends out Consent to Motor Vehicle Check forms annually and employees must sign the consent form and complete the Application for Copy of Driver Record then return them both to Human

Resources. Applications are sent to the Texas Department of Public Safety for a check on accidents and/or moving violations within the past 3-year period.

Newly hired employees must complete the consent and application forms along with other required documents that are part of the employment process.

The Human Resources Office will maintain a list of employees who have not been approved by the Texas Department of Public Safety. Supervisors will receive a list of the employees under their direct supervision that have not been cleared to drive. Before authorizing travel, the supervisor will review the list. If the employee has not been approved to drive, travel will be denied pending addition to the approved list through the consent and application process.

Employees will not be allowed to drive on Lamar State College Orange business, and, therefore, not on the approved list, if they are deemed to be unacceptable to the college's insurance carrier or have within three (3) years prior to the date of their individual driver's license checks:

1. Been convicted of driving while intoxicated (DWI) or driving under the influence (DUI).
2. Received three or more moving violations in any two-year period within the last three years.
3. Been involved in two or more accidents in any two-year period within the last three years.
4. Had his/her driver's license suspended.

#### **ADVERSE ACTION BASED ON THE MOTOR VEHICLE REPORT**

If Lamar State College Orange denies employment or takes other adverse action against an employee because of information contained in the motor vehicle report, the applicant/employee will be provided:

1. a copy of the motor vehicle report.
2. the address and telephone number of the Department of Public Safety.
3. a statement that the applicant/employee is entitled to dispute the accuracy of the report with the DPS.
4. notification that they must inform the Human Resources Director within one (1) week from the date they are notified that they are disputing the report.

After one (1) week, if the employee does not dispute the report, the direct supervisor will be notified the employee is not approved to drive. If there is a dispute of the report, the employee will remain in a pending status (not approved to travel) until such time as a clear report is received.

#### **VEHICLE OPERATION REQUIREMENTS**

No employee who does not have a valid Operator's License and/or who is not on the approved list shall operate a motor vehicle while conducting Lamar State College Orange business.



An employee operating a motor vehicle while on duty is required to exercise the normally prudent care demanded by the road, weather, light, and all other prevailing driving conditions.

The driver and all passengers shall wear safety belts whenever operating/traveling in a motor vehicle on Lamar State College Orange business.

Every employee driving a motor vehicle on-duty is responsible for knowing and complying with Texas motor vehicle and driver licensing laws. Each employee is personally responsible for any traffic or parking violations incurred while driving a motor vehicle. Lamar State College Orange will not pay any fines incurred by an employee while driving a motor vehicle.

Lamar State College Orange owned vehicles are to be used for official Lamar State College Orange business only.

Drivers on Lamar State College Orange business shall not exceed legal speed limits and other motor vehicle safety laws and rules.

Cellular phones should not be used while driving.

No firearms are to be carried in Lamar State College Orange owned vehicles.

No alcoholic beverages or illegal drugs are to be consumed or carried in a Lamar State College Orange owned vehicle or any motor vehicle while being used on Lamar State College Orange business.

All privately owned motor vehicles used by employees to conduct Lamar State College Orange business shall have the appropriate current motor vehicle inspection sticker and all drivers/employees operating a privately-owned motor vehicle shall have a certificate of insurance in effect that reflects the minimum amount of motor vehicle liability insurance required by State law.

#### **PROCEDURES IN THE EVENT OF AN ACCIDENT WHILE ON DUTY**

1. Render all necessary aid and assistance.
2. Notify the proper law enforcement agency having jurisdiction.
3. Comply with all state laws regarding traffic accident reporting and investigation.
4. Make no statements concerning fault or responsibility for the accident. Do not sign any waiver.
5. Assist law enforcement personnel in their investigation. Do not speculate about what happened.
6. Obtain the names, addresses, and telephone numbers of witnesses, if possible.
7. If not injured, remain at the scene until the investigation is completed.
8. Notify your supervisor and the Safety Director as soon as possible after the accident.

**Policy:** 2.9 Campus Program for Minors  
**Scope:** Faculty and Staff

Designated individuals, including all individuals, whether employed, an independent contractor, or volunteer, or having an appointment at LSCO, which come in contact with minors in the course of their job duties, shall complete Sexual Abuse and Child Molestation Awareness training and examination. The training includes information and examination concerning warning signs of sexual abuse and child molestation. A proactive Sexual Abuse and Child Molestation Awareness Training and Examination program maximizes adherence to SB 1414 and other applicable laws, rules, regulations and policies, and provides for the protection of minors involved in LSCO activities. All individuals must understand the requirements for reporting of suspected abuse or neglect.

Employees who violate this policy will be subject to applicable and appropriate disciplinary action, up to and including termination.

If designated individuals who are not employees violate this policy, they may have privileges extended to them by LSCO revoked or suspended.

The Texas Department of State Health Services may also impose civil penalties and/or injunctive relief for persons violating the Act.

The 82nd session of the Texas Legislature enacted SB 1414 entitled “AN ACT” related to sexual abuse and child molestation training and examination for employees of certain programs for minors held on campuses of institutions of higher education, providing penalties and stating that this act must be implemented effective June 1, 2012.

The 83<sup>rd</sup> session of the Texas Legislature enacted SB 939 entitled “AN ACT” related to reporting of suspected abuse or neglect of a minor as required by Chapter 261, Family Code.

This policy covers all LSCO employees, including student assistants having contact with minors. Generally, under Texas law a minor is anyone under the age of 18. (However, state law does provide that anyone under the age of 18 who is or has been married, or has a court order declaring the minor may legally act as an adult, is not considered a minor.)

Employees of LSCO who will be working in a “campus program for minors” that falls under the definition of camps in SB 1414 (see definition below) are required to undergo criminal background checks as well as training and examination to enhance their sensitivity to the warning signs of sexual abuse and child molestation. This applies to volunteers and unpaid students working in camps for minors as well. Criminal background checks must be completed upon hire and every two years for anyone who has a break in service.

## DEFINITIONS

- Campus Program for Minors-The program must:
  - Be operated by an institution of higher education or be on the campus of the institution;
  - Offer recreational, athletic, religious or educational activities; and
  - Be offered to at least twenty (20) minors who:
    - Are not enrolled at the institution, and
    - Attend or temporarily reside at the camp for all or part of at least four (4) days.

A Campus Program for Minors is any program that is operated by or on the campus of LSCO that offers recreational, athletic, religious, or educational activities to a minor. This does not include students enrolled at LSCO.

- Designated Individual-Any person, whether employed, an independent contractor, or volunteer that has contact with a minor (age 17 or younger). Examples of designated individuals include, but are not limited to, faculty, staff, student workers, volunteers and contracted employees.
- Minor-An individual age seventeen (17) or younger.
- Program Director-Any person responsible for staffing the program that delivers services to minors.

## RESPONSIBILITIES

- Human Resources:
  - Oversees and directs the Sexual Abuse and Child Molestation Awareness training and examination program which includes determining the definition and/or scope of what constitutes a “campus program for minors” and “designated individuals” as permitted by law.
  - Determines who meets the definition of “designated individuals.”
  - Determines which programs meet the definition of “campus programs for minors” that falls within the scope of this policy as permitted by law.
  - Conducts criminal and sex offender background checks for those designated individuals involved in the campus program for minors.

- Vice Presidents, the Dean and Department Heads are responsible for enforcing this policy within their assigned departments.
- Program Directors of Camps for Minors:
  - Are responsible for enforcing this policy for their summer camp employees.
  - Are responsible for informing the Human Resources office the times and dates of scheduled camps.
  - Are responsible for informing the Human Resources Office of all individuals (participating) having contact with minors during a designated camp for minors.
  - Are responsible for insuring all designated individuals participating in campus programs for minors receive training in sexual abuse and child molestation awareness as well as undergo criminal and sex offender background checks.
  - Are responsible for submitting criminal and sex offender background authorization forms to Human Resources for designated individuals participating in the campus programs for minors.
  - Are responsible for submitting completed and signed Sexual Abuse and Child Molestation Awareness Certification Forms to LSCO's Office of Human Resources.
  - Are responsible for verifying all employees and volunteers display their campus program for minors badge at all times during camp.
  - Are responsible for checking the authorized roster provided by the Human Resources Department to ensure that all employees and volunteers present at the campus program for minors has received the required training and background check.

**Reporting**

A person having cause to believe that a child's physical or mental health or welfare has been Adversely affected by abuse or neglect by any person shall immediately make a report to:

- (a) any local or state law enforcement agency;
- (b) the Department of Family and Protective Services; or
- (c) the state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

Any professional (as defined by *Section 261.101, Family Code* as an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children) who has cause to believe that a child has been or may be abused or neglected (as defined by *Section 261.001 or 261.401, Family Code*) or that a child is a victim of an offense under *Section 21.11, Penal Code*, the person shall make a report not later than the 48<sup>th</sup> hour after he or she first suspects abuse, neglect, or other infraction. A professional may not delegate to or rely on another person to make the report.

A person or professional shall make a report in the manner required by this paragraph if he or she has cause to believe that an adult was a victim of abuse or neglect and determines, in good faith, that disclosure of the information is necessary to protect the health and safety of another

child or an elderly person (as defined in 48.002, *Human Resources Code*).

The requirement to report applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, an employee or member of a board that licenses or certifies a professional, and an employee of a clinic or health care facility that provides reproductive services.

## **TRAINING PROCEDURES**

The Sexual Abuse and Child Molestation Awareness training includes information and examination concerning the following:

- a) techniques for reducing a child's risk of sexual abuse or other maltreatment
- b) factors indicating a child is at risk for sexual abuse or other maltreatment
- c) the warning signs and symptoms associated with sexual abuse or other maltreatment and recognition of those signs and symptoms
- d) the requirements and procedures for reporting suspected sexual abuse or other maltreatment

All LSCO employees that have contact with minors are required to complete the Sexual Abuse and Molestation Awareness training and examination.

LSCO employees and designated individuals having contact with minors must complete the Sexual Abuse and Child Molestation Awareness training and examination upon hire and recertify every two years.

LSCO employees and all designated individuals must achieve a score of 70% or higher on the examination. Individuals scoring less than 70% will be allowed to repeat the course in order to achieve a passing score.

Upon successful completion of the course, the employee and/or designated individual will receive a certificate of completion which must be signed and forwarded to the Office of Human Resources. (The Program Directors for Camps may also want to maintain a copy of this certificate in their program files.)

A Program Director for camps and/or programs involving minors must complete and submit to the Office of Human Resources a signed document stating the dates of the camp/program and a list of camp staff no later than ten (10) business days prior to the start of the Program so all designated individuals can be scheduled for the online Sexual Abuse and Child Molestation Awareness training and examination. Human Resources will file the "Campus Program for Minors Information Form" which is available on the Texas Department of State Health Services website (<http://www.dshs.state.tx.us/cpm/forms.shtm>) within five days of the start of the campus program.

**Policy:**                           **2.10 Volunteers**  
**Scope:**                           **Faculty and Staff**

If occasion should arise where an unpaid volunteer is to be used by any College department, the following policies and procedures shall apply:

- A job description detailing the task and responsibilities of the volunteer shall be developed and submitted to the Human Resources Office.
- A waiver shall be completed and signed by the volunteer employee. A copy of this waiver is to be retained by the employee; another copy is to be retained by the department; and the original waiver is to be submitted to the Human Resources Office with the volunteer job description.

Volunteer employees are not to be offered compensation and are not eligible for benefits, including workers' compensation.

**Policy: 2.11 Prohibited Initiatives — Diversity, Equity and Inclusion**

**Scope: Faculty and Staff**

Lamar State College Orange complies with State of Texas prohibitions relating to diversity, equity, and inclusion initiatives at public institutions of higher education.

**1. INTRODUCTION**

1.1 This policy falls under the authority of all applicable federal, state, and Texas State Institute System (TSUS) laws, rules, and regulations, including, but not limited to, the following: TSUS Rules and Regulations, Chapter VII, Paragraph 5, and the Texas Education Code § 51.3525 [S.B. 17, 88th Leg., Reg. Sess. (Tx 2023)].

1.2 The prohibitions stated in this policy do not apply to the following:

1.2.1 Academic course instruction;

1.2.2 Scholarly research or a creative work by a student or faculty;

1.2.3 An activity of a registered or recognized student organization;

1.2.4 Guest speakers;

1.2.5 Performers on a short-term engagement;

1.2.6 Policies, practices, procedures, programs, or activities to enhance student academic achievement or postgraduate outcomes that are designed and implemented without regard to race, sex, color, or ethnicity;

1.2.7 Data collection;

1.2.8 Student recruitment or admissions.

**2. DEFINITIONS**

2.1 Diversity, Equity, and Inclusion Office means an office, division, or unit of an institution of higher education established for the purpose of:

2.1.1 Influencing hiring or employment practices at the Institute 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;

2.1.2 Promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;

2.1.3 Promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, except as expressly authorized by the TSUS's Office of General Counsel in accordance with a court order or state or federal law; or

2.1.4 Conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation except as expressly authorized by the TSUS Office of General Counsel in accordance with a court order or state or federal law.

2.2 Diversity, Equity, and Inclusion Training includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation.

**3. PROHIBITED ACTIVITIES**

3.1 The Institute shall not, except as required by federal law:

3.1.1 Establish or maintain a diversity, equity, and inclusion office;

3.1.2 Hire or assign an employee of the Institute or contract with a third party to perform the duties of a diversity, equity, and inclusion office;

3.1.3 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, or inclusion statement;

3.1.4 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 Institute; or  
3.1.5 Require any person to participate in diversity, equity, and inclusion training as a  
condition of enrolling at the Institute or performing any Institute function except training  
developed and approved by the TSUS Office of

General Counsel in accordance with a court order or state or federal law.

#### **4. DISCIPLINARY ACTION**

Any employee or contractor who violates any of the provisions stated in this policy is subject to disciplinary action, up to and including termination.



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## SECTION 3 – WAGE AND SALARY ADMINISTRATION

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**Policy:** 3.0 LSCO Employees  
**Scope:** Faculty and Staff

### COLLEGE EMPLOYEES

A college employee is any person other than an independent contractor or consultant who is under the authority and in the paid service of Lamar State College Orange. Lamar State College Orange is under the jurisdiction and control of the Board of Regents of The Texas State University System, other than independent contractors or consultants.

**Faculty** - An employee with a specified academic rank holding a teaching appointment for a fixed term as determined by the President of the College and approved by the Board of Regents.

**Staff Employee** - Any employee other than a faculty employee.

**Unclassified (professional) staff employee** - Includes administrative officers and other administrative and professional personnel who are serving without fixed terms and who are not included in Lamar State College-Orange's classification plan.

**Classified staff employee** - Includes those personnel who are appointed without fixed terms to those job classes in Lamar State College Orange's classification plan which require similar duties, skills, and qualification including but not limited to secretarial, clerical, technical, paraprofessional, protective service, skilled crafts, and labor/service/maintenance.

**Administrative Officers** - Vice presidents, deans, and other administrative personnel with delegated executive authority as determined by the President. The President shall file with the System Administrative Office the title of any administrative personnel other than Vice Presidents and Deans to whom executive authority has been delegated.

**Student** - Any employee filling a position requiring student status. Student employees are ineligible for benefits other than workers' compensation and are not covered by the provisions of this Administrative Policies and Procedures Manual. Student employees are limited to 20 hours per week when school is in session.

**Regular** - Any employee holding a non-student position working at least 20 hours a week for four and a half months or more. Regular employees are eligible for all benefits.

**Full-time** - Any employee with an appointment or number of appointments employing the individual for 40 hours per week or 1 FTE (Full Time Equivalent).

**Part-time** - Any employee whose appointment or appointments employ the individual for less than 40 hours per week.

**Temporary** - Any employee whose appointment is for less than 4-1/2 months.

**Non-exempt** - Any employee whose position falls within the guidelines established by the Fair Labor Standards Act. Non-exempt employees are subject to overtime provisions of the FLSA. All positions in the classified pay plan are non-exempt.

**Exempt** - Any employee whose position falls outside the guidelines established by the Fair Labor Standards Act. Exempt employees are not subject to overtime provisions of the FLSA. All Faculty and Administrative/Executive positions are exempt. Some professional positions are exempt.

**Hourly** - Any non-student employee whose pay is based on an hourly rate. Appointments are normally temporary unless specifically approved by the appropriate Dean or Vice President. In no case should an hourly employee be allowed to gain regular status.

**Trainee** - In certain isolated instances new hires may be designated as trainees and hired at rates below the entry level for the classification. In such cases, formal training schedules will be established leading to completion of training and salary increase to entry level by the end of the training period. The Approval of trainee positions, and the training schedule is made by the Human Resources Office.

**Retiree** - Any employee who has discontinued employment subject to retirement contributions under a state plan and is receiving, or is eligible to receive, a benefit under a state retirement plan.

**Policy:** 3.1 Employment  
**Scope:** Faculty and Staff

## **FACULTY**

The Texas State University System Board of Regents strongly desires to maintain learned faculties who, by precept and example, will instruct and inspire their students and reflect credit upon the university. The Board encourages scholarship, creative activity, research, and public service but reaffirms that the primary goal of each faculty member shall be to attain a greater proficiency in teaching.

## **STAFF**

All appointments to staff positions shall be made on the basis of bona fide occupational qualifications and in accordance with established federal, state, and campus policies and regulations. Employment is terminable at will so that both the College and its staff employees remain free to choose to terminate their work relationship at any time.

All new staff employees will be required to serve a six-month probationary period. During this period the probationary employee will be ineligible to take any accrued vacation leave and will be expected to make reasonable progress in the performance of job duties. Probationary employees who are terminated or otherwise disciplined are ineligible to file formal grievances.

All newly appointed personnel must come by the Human Resources Office to complete their processing. Each benefits eligible employee must attend a New Employee Orientation by Human Resources Office staff.

**Policy:** 3.2 Promotion and Demotion  
**Scope:** Faculty and Staff

## **FACULTY PROMOTION**

The academic promotion of a faculty member is discretionary on the part of the President of Lamar State College Orange and the Board of Regents. Faculty members do not have an entitlement to a prospective promotion rising to the level of a property interest, and the denial of a prospective promotion is not sufficient to constitute a liberty issue.

No commitment, implied or otherwise, shall be made by any individual regarding faculty promotions without the prior written approval of the President, and all faculty promotions shall be subject to the approval of the Board of Regents.

Faculty members who are not recommended for promotion shall not be entitled to a statement of reasons for the decision against recommendation. However, nothing herein shall prohibit a supervisor from offering suggestions for a program of professional development in teaching, scholarly or creative work, and leadership or service that may enhance the likelihood of promotion in the future.

The President shall develop minimum expectations and guidelines to be used in the evaluation of faculty in promotions, salary increases, re-appointments, promotions, and tenure. Such guidelines shall include but not be limited to:

1. Teaching in the classroom, laboratory, or seminar room;
2. Studying, investigating, discovering, and creating;
3. Performing curricular tasks auxiliary to teaching and research, e.g., serving on faculty committees, attending to administrative and disciplinary tasks, and promoting diligence and honest work in the student body;
4. Advising and counseling of students, including the posting or publishing of office hours in such a manner as may be required by the President;
5. Influencing beneficially students and citizens in various extracurricular ways.

A faculty member becomes eligible for promotion by meeting or exceeding these criteria, although such eligibility shall not entitle him or her to a promotion. A faculty member shall not be entitled to a statement of reasons for denial of promotion or to a hearing to review or appeal such denial, unless he or she submits in writing to the President factual allegations that the denial constitutes a violation of a right guaranteed by the laws or Constitution of the State of Texas or of the United States and requests an administrative hearing to review these allegations. The

allegations shall be heard under the same procedures as in the case of dismissal for cause, with the exceptions applicable to non-tenured faculty who are not re-appointed.

### **STAFF PROMOTION**

A promotion is defined as a change in duty assignment of an employee within the college from a position in one classification to a position in another classification in a higher salary group requiring higher qualifications such as greater skill or longer experience, and involving a higher level of responsibility. When an employee is promoted, an increase in salary of at least one step or to the entry step of the higher classification whichever is greater is required.

Where a qualified employee is available, a department head may request approval from the President for a promotion from within to a vacancy or new position.

### **STAFF DEMOTION**

Demotion means a change in duty assignment of an employee from a position in one classification to a position in another classification in a lower salary group. The salary of a demoted employee will be reduced at least one increment below the employee's salary prior to the demotion.

**Policy:** 3.3 Transfer  
**Scope:** Staff

A transfer is a movement from one department to another and to a classification with the same or lower title and qualifications. Employees who have served less than six months in their present position will normally not be allowed to transfer without the approval of both the gaining and losing department. Normally, no change in salary is required in a transfer. In certain cases, a transfer may require a lower salary.

**Policy:**                   **3.4 Staff Compensation**  
**Scope:**                   **Staff**

The Human Resources Office will be responsible for the development and maintenance of a schedule of compensation for all affected positions.

All classified, non-exempt classifications will be assigned a salary range based on factors such as State of Texas pay rates for similar positions, labor market surveys, and existing salary and budget considerations. New hires will normally be hired at the entry-level step of the salary range. Employees receiving a salary beyond the established maximum will be "red-circled" and ineligible for any pay increases other than legislatively mandated increases.

Unclassified, exempt classifications are not assigned a specific salary range. Actual salaries are based on labor market rates, existing salary, and budget considerations, and are flexible in being set on the basis of qualifications.

The Human Resources Office will, as a part of the annual budget cycle, develop and publish a Pay Plan containing listings of all approved classifications and the corresponding rates of pay for classified positions. The President must approve any changes made to the Pay Plan during the year or an official designated by the President to have the authority to approve the changes.

Recommendations for the changes in rates of pay for individual employees will normally be made during the Budget Cycle. These include merit or equity types of raises. These will be effective September 1 of each new fiscal year. Guidelines for such raises will be established as part of the budget cycle each year.

Raises given during the fiscal year will be approved through administrative channels and will be effective at the beginning of the appropriate month.

Employees temporarily assuming different or additional duties due to a vacancy or absence in another position will normally not receive any additional compensation. Employees officially designated as serving in an "acting" capacity may, with Presidential approval, receive additional compensation.

The 76th Legislature added a provision allowing an institution of higher education to compute an employee's equivalent hourly rate of pay for a given month by dividing the employee's annual salary by 2080, the number of working hours in the standard workweek.

## LONGEVITY PAY

The 79th Legislature, Regular Session, increased the amount and frequency of longevity pay with certain exceptions for return-to-work retirees. Regular full-time, non-academic employees may qualify for longevity pay at the rate of \$20 per month for every two years of lifetime service accrued as an employee of the State of Texas up to and including 42 years of service. A qualified employee is eligible for pay after two years of service and will receive pay increases after each additional two years of service.

An employee's status at the beginning of the month determines the longevity pay for that month. An employee who is on leave without pay (or has not started working) on the first workday of the month is not eligible for longevity that month.

- 1. Eligibility:** Regular, full-time non-academic employees are entitled to longevity on the completion of two years of state service. A regular, full-time employee is defined as one who is appointed at 100% for a period of at least four and one-half months. For the purpose of determining eligibility for longevity pay, a non-academic employee is defined as one who is not engaged in teaching academic courses for any portion of the month involved, and/or whose salary is for any portion of the month involved, not paid from faculty salary appropriations.

For return-to-work retirees, there are certain exemptions related to eligibility for longevity pay. If retired from state employment on or after June 1, 2005 and the retiree returns to state employment at any time then effective September 1, 2005, the employee is ineligible for longevity pay. If retired from state employment before June 1, 2005, and the retiree returns to state employment on or after September 1, 2005, then effective September 1, 2005, the employee is ineligible for longevity pay.

If retired from state employment before June 1, 2005, and returns to work before September 1, 2005, but later terminates employment and returns a second time then effective September 1, 2005, the employee is no longer eligible for longevity pay.

If retired from state employment before June 1, 2005, and returns to work before September 1, 2005, then effective September 1, 2005, the employee will be eligible for longevity pay, but that longevity pay is then limited to the amount of longevity pay the employee was entitled to receive immediately before September 1, 2005.

- 2. Creditable Service:** For purposes of determining years of State service of an employee for longevity pay, all prior employment with an agency of the State of Texas shall be counted. This does not include service in independent school districts or community colleges. Prior service is to be counted regardless of method of payment, length of appointment, FTE, continuity of service, or prior eligibility of longevity. One month of service is to be counted for each month or fraction of a month of state employment. In no case shall more than one month of credit be granted for a single calendar month.



- 3. Service Awards:** The Staff Service Awards shall be a means of recognizing staff for service to LSCO. The awards program will recognize employees with 5, 10, 15, 20, 25, 30, 35 and 40 years of service. Service pins are typically awarded in May for the current fiscal period.

Regular, full-time non-academic employees are eligible for service awards. All LSCO service will count regardless of method of payment, length of service, or FTE.

### **HAZARDOUS DUTY PAY**

Commissioned law enforcement personnel are eligible for hazardous duty pay of \$10 per month for each year 12-month period of lifetime service credit not to exceed \$300 per month. The calculation of hazardous duty pay is based upon the number of years worked in a position requiring hazardous duty.

If an employee is receiving longevity pay and transfers to a position requiring the performance of hazardous duty, the employee will receive the hazardous duty pay based upon the number of years in the position requiring hazardous duty. The employee will continue to receive longevity pay based upon the years worked in the non-hazardous duty position.

If an employee working in a position requiring hazardous duty transfers to a position that doesn't involve hazardous duty, the employee will no longer receive hazardous duty pay. The employee will receive longevity pay based on the total years of service for the State, including those requiring the performance of hazardous duty.

### **OVERTIME/COMPENSATORY TIME**

Non-exempt employees subject to FLSA are entitled to compensation for any hours worked in excess of 40 in one workweek in one of the following ways:

1. The agency can allow or require the employee to take compensatory time off at the rate of 1.5 hours for each hour over 40 worked during the work week, or
2. When granting compensatory time off is not practical, the employee can receive 1.5 times his normal rate of pay for each hour worked over 40 during the week. Payment for overtime hours in lieu of time off is granted at the discretion of the employing agency.

The 76th Legislature added provisions that allow part-time FLSA exempt employees to accrue compensatory time when the number of hours worked plus holiday or other paid leave taken during that week exceeds the number of hours that the employee was designated to work.

Non-exempt employees may accumulate an overtime credit up to 240 hours of FLSA overtime. The Human Resources Office is responsible for determining which classifications are exempt from overtime provisions using the guidelines promulgated by the U.S. Department of Labor. Normally, all classified positions in the Pay Plan are non-exempt.

Non-exempt employees who have earned overtime will normally be given compensatory time off. In certain instances it may be determined that overtime pay in a lump sum is more practical. Such payment will be done via an F3.2 and be given a position number. Only in the case where overtime is paid is it unnecessary to note earned overtime on the F3.6 (Vacation and Sick Leave Form). Overtime earned and Overtime taken must have prior approval using the Request for overtime/leave form (F3.6A).

Employees should use accrued compensatory time during the pay period in which it was earned. In those instances where this is impractical, or to do so would unduly interfere with the orderly operation of the department, an additional 60-day period may be granted. The appropriate Vice President or Dean must grant exceptions.

No employee, whether or not subject to FLSA, shall accrue state compensatory time for work conducted at any location other than the employee's regular place of employment or assigned duty point. In no event shall an employee's personal residence be deemed to be that employee's regular place of business or duty point for the purpose of this subsection.

Non-exempt employees who travel to and from (and attend) training, workshops, etc. required by the employer are eligible to accrue compensatory time. Supervisors may make adjustments to the employee's normal work schedule for the week in lieu of compensatory time whenever possible. Exempt employees are not eligible to accrue compensatory time.

There are two types of compensatory time off:

1. Fair Labor Standards Act overtime is accrued at a rate of 1.5 hours for every hour worked over 40 in a workweek.
2. State compensatory time off is accrued at the rate of 1 hour for every hour in excess of 40 hours earned through a combination of paid leave, paid holidays, and hours worked after subtracting any FLSA overtime hours worked.

Calculating Compensatory Time:

State Compensatory Time = Total hours "worked" in work week + leave taken - 40. (If over 40 hours subtract 40 and use for FLSA Compensatory time.)

FLSA Compensatory Time = Total Hours "worked" in work week - 40 x 1.5.

Combination of State and FLSA = Actual hours worked - 40 = FLSA(x1.5). Hours of leave used - FLSA = State (1).

Terminating employees must be paid for unused FLSA overtime hours.

Unused state compensatory time hours will not be paid to terminating employees. Nor will the estate of deceased employees be paid for earned but unused state compensatory time. Employees transferring to another agency may not transfer earned but unused compensatory time. A section has been added to the Government Code that requires agencies to accept state comp time balances when an employee transfers in because the legislature has transferred the employee's duties to the new agency. If the employee is required to apply for the position, this provision does not apply.

The State Auditor's Office has determined that agencies may require employees who have requested leave to exhaust their compensatory time balances before using annual leave. The 76th Legislature requires agencies annually notify their employees of the state's policy on compensatory time and to accommodate to the extent practicable an employee's request to use accrued compensatory time.

The 77th Legislature authorized employees of institutions of higher education who have appointments to more than one position at the same institution to receive pay for working more than 40 hours in a week if the institution determines that pay in lieu of compensatory time is in the best interests of the institution.

**Policy:** 3.5 Faculty Compensation  
**Scope:** Faculty

### **FULL-TIME FACULTY SALARIES**

Nine-month contracts may be paid over nine or twelve months, at the option of the faculty member. Once a payment option is chosen, that method will remain in effect until a written request to change is submitted. New faculty and returning faculty desiring to change the method of payment must provide a written request prior to September 15 to the Human Resources Office. (Form is available in the Human Resources Office). For new faculty members, if no method is chosen, the nine-month contract will be paid over nine months. The payment method is irrevocable during a fiscal year; all changes must be made at the beginning of the next fiscal year. Faculty members are responsible for reviewing their wage statement to ensure that the correct method is being used. (Faculty contracts for less than nine months cannot be paid over twelve months.)

Faculty members with nine-month contracts paid over nine months who do not teach during the summer are required to pay their employee costs of insurance during the summer months. Failure to pay these amounts will result in cancellation of insurance.

Faculty members with nine-month contracts paid over twelve months who resign at the end of the spring semester will be paid in lump sum for the balance of their contract.

### **FULL-TIME FACULTY**

Lamar State College Orange defines full-time faculty members as those appointed to teach 15-Semester Credit Hour (SCH) teaching load or equivalent per long term. Full-time faculty have teaching responsibilities as well as alternate duties related to student engagement and support as outlined in the job description. They receive a formal annual appointment letter issued by the President or his/her designee. A full-time faculty member's salary, at time of hire, is based on the College's current faculty salary scale, and they are eligible to receive full benefits.

The formal 9-month annual appointment letter effective dates span September 1 through May 31 to coincide with the College's fiscal year. However, 9-month faculty are expected to return to campus on the Monday of the week of Convocation for the fall semester and spring semesters. 9-month faculty are released from duty each semester after fall and spring graduation. After the final exam period, faculty are expected to adhere to their posted class times from that semester and conference hours and to be available to students and Deans until graduation and completed grade submission. Those with a 9-month faculty appointment may elect to have their salary spread over a 12-month period. Such elections may only be made/changed at the beginning of each academic year (by September 1 each year).

The formal 12-month annual appointment letter effective dates span September 1 through August 31 in order to coincide with the College's fiscal year. However, 12-month faculty are expected to return to campus on the Monday of the week of Convocation for the fall and spring

semesters and are expected to return to work the first-class day of the summer session. 12-month faculty are released from duty each semester after fall, spring, and summer graduation. After the final exam period, faculty are expected to adhere to their posted class times from that semester and conference hours and to be available to students and Deans until graduation and completed grade submission.

### **FACULTY, WHO DO NOT FULFILL ACADEMIC YEAR CONTRACT LENGTH**

9-month faculty\* earn one half of their salary in the fall semester. 9-month faculty earn one-half of their salary in the spring semester.

9-month faculty\* who do not fulfill their appointment letter obligations for the entire long semester during the fall or during the spring will receive prorated pay for the weeks completed out of a 16-week semester, not including fall or spring break.

12-month faculty earn \$6000 less than one half of their salary in the fall semester. 12-month faculty earn \$6000 less than one half of their salary in the spring semester. 12-month faculty earn \$12,000 in the summer session.

12-month faculty who do not fulfill their appointment letter obligations for the entire long semester during the fall or during the spring will receive prorated pay for the weeks completed out of a 16-week semester, not including fall or spring break.

12-month faculty who do not fulfill their contractual obligations for the entire summer session will receive prorated pay for the weeks completed out of a 10-week session.

\*9-month faculty are those who have a 9-month appointment, regardless of whether or not they elect a 9-month or 12-month salary spread.

### **PART-TIME AND OVERLOAD SALARIES**

Part-time and overload salaries are spread over 4 months for fall and 5 months for spring. In the fall, checks are distributed on the first working day of October, November, December, and January. In the spring, checks are distributed on the first working day of February, March, April, May, and June.

Part-time and overload salaries are spread over 2 months for summer sessions. Summer I is distributed on the first working day of July and August. Summer II is distributed on the first working day of August and September. Full summer salaries are paid over three months and are distributed on the first working day of July, August, and September.

Part-time and overload salaries are paid over 1 month for mini sessions. Winter mini is distributed on the first working day of February. May mini is distributed on the first working day of July.

## **SUBSTITUTE PART-TIME SALARIES**

Whenever a faculty member is unable to meet his/her regularly-scheduled classes for more than two consecutive class periods, a substitute will be paid to cover the classes. Substitutes will be reimbursed at the rate of \$25.00 per teaching hour. The Dean's office will process the F3.2 for pay.

The faculty member is obligated to notify the Program Director as early as possible so arrangements can be made for classes. It is the Program Director's responsibility to identify the substitute. The faculty member will provide a lesson plan for each class missed.

The substitute must complete the paperwork required of all LSCO faculty.

## **BENEFITS-ELIGIBLE FACULTY**

Faculty accruing sick leave must use sick leave to cover absences due to sickness. In accordance with Texas Government Code Section 661.203, faculty members must submit prescribed leave forms for all sick leave taken if an absence occurs during the normal workday for regular employees, even if no classes are missed. Faculty absences are to be taken at the same rate as staff, 8 hours per day for time missed.

Sick leave is earned based on the full-time contracted assignment; therefore, sick leave is not available to use to cover absences from overload jobs. If a substitute is hired, overload pay will be docked for time missed.

In the event the faculty member does not have enough sick leave to cover the total absence, he/she will be required to take leave without pay.

## **NON-BENEFITS-ELIGIBLE FACULTY**

Any non-benefits-eligible faculty member who misses classes may have their pay reduced for that course.

## **SERVICE AWARDS**

The Faculty Service Awards shall be a means of recognizing faculty for service to LSCO. The awards program will recognize employees with 5, 10, 15, 20, 25, 30, 35 and 40 years of service. Service pins are typically awarded in May for the current fiscal period.

Regular, full-time faculty employees are eligible for service awards. All LSCO service will count regardless of method of payment, length of service, or FTE.

**Policy:** 3.6 Merit Increases  
**Scope:** Classified Staff

A System of “merit salary increases” generally permits the movement of employees’ salaries to higher numbered steps within a salary group. State agencies with appropriations for classified salaries may grant merit salary increases to classified employees “whose job performance and productivity are consistently above what is normally expected or required.”

Merit increases, unlike promotions, are meant to reward an employee’s performance while doing the same job. If an agency deems an employee deserving, that employee may receive merit salary increases in each year of a biennium. Merit increases do require authorization and/or funding in the Appropriations Act. Specific funding for merit increases is not provided for in the Appropriations Act. Effective January 1, 2004, (S.B. 1652, 78th Legislature) institutions are granted authority to use funds appropriated for an across-the-board salary increase for merit increases if the institution has a pay-for-performance program in effect when the appropriation for an across-the-board salary increase takes effect.

To be eligible for a merit salary increase, an employee must meet the following criteria:

1. the employee must have been employed by the agency in a classified position for at least six continuous months prior to the award, excluding any full calendar months of leave without pay
2. at least twelve months must have elapsed since the employee’s last promotion, demotion, or merit salary increase; and
3. agency criteria for granting merit salary increases must include criteria and documentation to substantiate the granting of the merit salary increase.

(General Appropriations Act, art. IX)

**Policy:**                    **3.7 Management to Staff Ratios**  
**Scope:**                    **Faculty and Staff**

H.B. 3442, 78th Legislature, establishes management-to-staff ratios for agencies that employ more than 100 full-time equivalent employees. The management-to-staff ratios must be achieved on an implementation schedule as follows: 1:8 after March 31, 2004; 1:9 after August 31, 2004; 1:10 after August 31, 2006; and 1:11 by August 31, 2007.



**Policy:**                               **3.8 Education Incentive**  
**Scope:**                               **Faculty and Staff**

Lamar State College Orange encourages all employees to continue their education. As an incentive, full-time non-probationary staff and regular full-time faculty will be rewarded for earning an additional degree from an accredited institution.

The incentive will be paid only for the highest degree earned if multiple level degrees are earned at the same time. However, if an employee earns two or more degrees at the same level but in different disciplines, the incentive will be paid for each degree.

Staff and Faculty will receive a one-time incentive payment in recognition for attaining the additional degrees as listed below:

- Associate degree \$250
- Bachelor degree \$500
- Master degree \$750
- Doctorate degree \$1000

An official transcript is to be provided to the immediate supervisor within six months of attaining the degree. The supervisor will then process the paperwork for a one time pay for the appropriate amount. The transcript along with the F3.2 should then be forwarded to the Human Resources Office. After the pay is processed, the transcript will be included in the employee's personnel file.

**Policy:** 3.9 Emergency Re-call Compensation  
**Scope:** Faculty and Staff

Lamar State College Orange is committed to supporting the educational mission of the institution through the efficient recovery of services after an emergency, disaster, crisis, or threat.

#### **EMERGENCY MANAGEMENT TEAM (EMT):**

The Emergency Management Team will be assembled should the President (or designee) determine the situation has had a wide-ranging or long-lasting effect. The team may consist of the following individuals as identified in the *Emergency Management Plan*:

- President
- Executive Vice President/Provost
- Dean of Academic, Technical and Workforce Studies
- Dean of Student Services
- Dean of Nursing and Health Professions
- CFO & Executive Vice President of Business Services
- Dean of Institutional Effectiveness and Educational Support
- Director of Safety & Security and Community Liaison
- Director of Physical Plant
- Director of Enterprise Applications
- Director of Marketing & Communications
- Security Officers
- Physical Plant Personnel
- Information Security Officer

The Emergency Management Team will designate the "Key Essential Personnel" with the responsibilities of the Incident Response Team (IRT) as identified in the *Emergency Management Plan*.

Key Essential Personnel are employees that will be the first responders for the campus. They will be called upon to return to campus immediately following an emergency or they will set up temporary operations at another site.

#### **COMPENSATION**

Employees that are designated as "Key Essential Personnel" will receive additional compensation as follows:

Non-Exempt employees will be paid straight time for hours worked up to 40 hours and time and time and one half for hours over 40 within the work week.

Exempt employees will be paid straight time for actual time worked.

## **EXPENSES**

"Key Essential Personnel" will receive reimbursement for lodging, meals, and mileage incurred during this time in accordance with the campus travel policies.

**Policy:** 3.10 Time and Effort Reporting Policy  
**Scope:** Faculty and Staff

**1. Purpose:** This policy establishes institutional requirements for reporting payroll distribution activity on grant projects. Compensation for personnel services is generally the largest expense charged to sponsored projects and effort reporting is a required process by the federal government to verify that direct charges for salary to federally sponsored projects are reasonable and reflect actual work performed. The Office of Management and Budget (OMB) Circular A-21, “Cost Principles for Education Institutions”, Section J.8c(2) “After-the-fact Activity Records” describes the requirements LSCO must follow in ensuring a compliant effort reporting system.

Salary appointments are approved before or as services are actually performed. LSCO’s effort reporting system provides an “after-the-fact” confirmation that the salaries paid to individuals reasonably reflects the actual amount of effort expended on a project. Time and Effort reports are distributed by the Business Office after payroll each month to the individuals who participate in any grant activity for the month being paid. They are completed, signed, signed by the supervisor, and returned to the Business Office in a timely manner. Time and Effort for each employee is tracked annually for justification of indirect cost booked by the college.

The Carl D. Perkins Grant requires that additional documentation be created and maintained by the employee whose salary is partially or totally paid from federal grant funds to include date work was completed, specific work related to grant that is being performed, and portion of each hour worked. The employee being paid from the Perkins Grant should work directly with students enrolled in Career and Technology Education (CTE) programs at least the percentage of time the employee is being paid from the grant funds. For example, if the employee’s salary is paid 15% from the Perkins Grant, then the employee should devote at least 15% of the month’s work to the Perkins Grant related duties. This additional Perkins Grant documentation is submitted monthly to the Dean of Technical Studies to ensure that proper Perkins related tasks are being performed by personnel who have a portion or all of their salary paid by the Perkins Grant and that the amount of salary approved from the Perkins Grant is being completed with the stipulated conditions.

## **2. Definitions:**

**2.1 Effort** – Effort is the percentage of time spent towards particular Work-Related Activities, such as sponsored projects, instruction, proposal preparation, or other administrative duties. Effort is not based on a 40-hour work week, but is calculated as a percentage based on the total hours spent on work-related duties. For example, if a person averages 60 hours per week during a reporting period and spends an average of 15 hours on a Sponsored Project, that person has spent 25% effort on the sponsored project and 75% effort on other activities.

**2.2 Effort Report(s)** – Effort Reports are the mechanism used to provide a sponsoring agency with a reasonable assurance that salaries paid from a grant are appropriate and reflect a reasonable estimation of the time spent working on the project.

**2.3 Percent Worked** – The total percent (%) of Effort committed to a sponsored project.

**2.4 Earnings** – Annual compensation paid and guaranteed by LSCO for an employee’s appointment. Earnings is the required basis for determining salary in proposal budgets.

**2.5 FTE** – For any given time period, the total time in the payroll system and totality of all Work-Related Activities paid is the Total Effort or 100% effort of the employee.

### **3. Roles and Responsibilities:**

**3.1 Vice President for Finance** – Is responsible for the college’s compliance to the Time and Effort Reporting Policy.

**3.2 Grants and Contracts Accountant** – Is responsible for printing, distribution, collection, and storing of time and effort reports.

**3.3 Employee Paid by Sponsored Project** – Is responsible for understanding the Time and Effort Policy, review and certification of Effort Reports for sponsored projects.

**3.4 Directors and/or Employee Supervisors** – Are responsible for reviewing and considering the reasonableness of their employee’s Percent Work Effort.

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## SECTION 4 – ATTENDANCE AND LEAVE

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**Policy:** 4.0 Attendance  
**Scope:** Faculty and Staff

### STAFF

#### WORKWEEK AND HOURS

Lamar State College Orange operates on a compressed work week commonly known as a 9/80 schedule. Staff employees are eligible to work four 9-hour days, followed by an 8-hour work day split into two 4-hour periods spanning two work weeks. This schedule allows staff employees who work the schedule outlined below every other Friday off. The Friday in which staff members have off should be worked out with their supervisor who will rotate coverage to ensure that operations are maximized and covered during campus hours. Staff who elect not to participate in the compressed work week schedule are expected to work five 8-hour days from 8:00 a.m. to 5:00 p.m.

Schedule for staff who work a 9/80 compressed schedule:

Week One Schedule	
Monday	7:30 a.m. to 5:30 p.m. (9 hours)
Tuesday	7:30 a.m. to 5:30 p.m. (9 hours)
Wednesday	7:30 a.m. to 5:30 p.m. (9 hours)
Thursday	7:30 a.m. to 5:30 p.m. (9 hours)
Friday	8:00 a.m. to 5:00 p.m. (8 hour day split into two 4-hour periods spanning two work weeks)
Week Two Schedule	
Monday	7:30 a.m. to 5:30 p.m. (9 hours)
Tuesday	7:30 a.m. to 5:30 p.m. (9 hours)
Wednesday	7:30 a.m. to 5:30 p.m. (9 hours)
Thursday	7:30 a.m. to 5:30 p.m. (9 hours)
Friday	OFF

Should a scheduled holiday fall on a staff member's Friday off, if eligible, the employee may earn state compensatory time. State compensatory time off is accrued at the rate of 1 hour for every hour in excess of 40 hours earned through a combination of paid leave, paid holidays, and hours worked after subtracting any FLSA overtime hours worked.

The official workweek for the campus is from 7:30 a.m. Monday until 12:00 p.m. the following Friday. The President determines normal hours for campus offices and operations. Departments may require personnel to work shifts different from the normal campus hours. In no case will the normal work schedule for full-time, nonexempt personnel exceed 40 hours in the workweek.

All salaried personnel are expected to be present for their assigned jobs unless the appropriate authority approves the absence. Absence from duty must be accounted for under established leave policies or other approved means. In no case, will an employee be paid for unaccounted time.

All personnel are expected to work established work hours unless the supervisor authorizes the absence from duty. Failure to properly notify a supervisor concerning an absence and to receive necessary permission may result in disciplinary action up to and including termination.

The President requires all employees to disclose outside business affiliations in order to track compliance with these provisions. The Conflict of Interest form is available in the Human Resources Office. Under no circumstances should an employee's work schedule be disrupted by outside business related to a second job even if it has been approved. Determination as to whether an employee may hold a second job while off-duty is at the agency's discretion. The Attorney General has expanded on this ruling, finding that a state institution of higher education may prohibit outside work undertaken by its employees, even if that employment is serving as an elected government official. For more information, see Policy 2.1 Dual Employment.

Normal campus scheduling requires an hour unpaid meal break. Employees are expected to conform to their assigned meal schedule. If such breaks are taken on campus property, employees are expected to adhere to campus rules and standards.

Each department or division head may allow for full-time personnel one paid break period in each half of a work shift with the following provisions:

1. No single break period exceeds fifteen minutes from the workstation.
2. Unused break periods are not accumulated.
3. Breaks cannot be used to cover early departure from work and late arrival to work.
4. Any time taken beyond that authorized is charged to vacation or compensatory leave.
5. Breaks are dependent on work schedule and supervisory approval.
6. Breaks may be prohibited according to the judgment of the supervisor.
7. During breaks, the employee is on paid time and all normal standards of conduct are in effect.

8. Part time staff may be granted a rest period if it is in accordance with departmental or divisional policy and such breaks are subject to the same limitations set forth above.

An employee will, during normal office hours, conduct agency business only at the employee's regular place of business or assigned duty point unless the employee is on travel status or has received prior written authorization from the administrator of the employing agency. In no event will an employee's personal residence be deemed to be that employee's regular place of business or duty point for the purpose of this subsection without the written authorization of the President.

## **HOLIDAYS**

The legislature authorizes specified holidays each biennium. The college is authorized to deviate from the State holiday schedule to conform to our academic schedule. The President will issue the college holiday schedule prior to the beginning of each fiscal year.

Only regular employees of institutions of higher education are eligible for paid holidays. A regular employee is defined as someone who is employed to work at least 20 hours per week for a period of at least four and one-half months, excluding students employed in positions, which require student status as a condition for employment.

Employees of institutions of higher education may be paid for holiday compensatory time hours earned on a straight time basis when the taking of compensatory time would be disruptive to normal teaching, research, or other critical functions.

In order to be paid for a holiday that falls in mid-month (other than the first or last workday of the month), the employee must be a state employee (the legal definition of which is employed by the state and not on LWOP) on the day before and the day after the holiday. If the holiday falls on the first workday of a month, the employee must be a state employee on the day immediately after the holiday to be paid. If the holiday falls on the last workday of the month, the employee must be a state employee on the day immediately before the holiday to be paid.

A state employee is entitled to observe Rosh Hashanah, Yom Kippur, Good Friday, and Cesar Chavez Day in lieu of any skeleton crew holiday.

In the event that a state or national holiday falls between the dates that an employee separates from one state agency and begins employment in another state agency without a break in service, the agency to which the employee transfers is responsible for paying the employee for the holiday.

## **ENERGY CONSERVATION**

Energy conservation days may be part of the College holiday schedule approved by the Board of Regents. The State permits a certain number of holidays each year based on the calendar. Energy conservation days are used to increase the number of days the College is closed which



results in energy savings and are not paid holidays.

All non-faculty employees must submit leave of absence forms for energy conservation days. Employees will be required to use vacation or compensatory time for the energy conservation days. Since compensatory time cannot be advanced to employees, those without sufficient vacation time available will need to acquire the necessary compensatory time for the energy conservation days prior to those days. Employees who do not have time to cover the energy conservation days will incur leave without pay. Employees should be given the opportunity to work enough extra hours prior to the energy conservation days to accumulate enough compensatory time to offset the energy conservation days. Compensatory time earned must be approved in advance by the employee's supervisor.

## **FACULTY ABSENCES**

A faculty member employed by the College under the governance of the Board of Regents of the Texas State University System must discharge faithfully instructional duties and other responsibilities associated with faculty appointment, including the meeting of all scheduled classes.

In accordance with Texas Government Code Section 661.203, faculty members must submit prescribed leave forms for all sick leave taken if an absence occurs during the normal workday for regular employees, even if no classes are missed. Faculty absences are to be taken at the same rate as staff, 8 hours per day for time missed.

Sick leave is earned based on the full-time contracted assignment; therefore, sick leave is not available to use to cover absences from overload jobs. If a substitute is hired, overload pay will be docked for time missed.

Faculty members have the responsibility to be available for the performance of duties beginning with regular registration through commencement, the official end of the semester. Faculty not teaching during the summer terms are considered to be on vacation.

Absences from classes will be authorized only under the following conditions:

1. Professional meetings when, in the judgment of the President or his or her designee, attendance at such meeting would contribute to the improvement of teaching or scholarship at Lamar State College Orange;
2. Personal or Immediate Family Illness;
3. Family Emergencies;
4. Specific Assignments of the President of short duration (the Board of Regents discourages specific assignments which will cause a faculty member to be absent from assigned classes);
5. Special Circumstances where the President considers such absences to be for valid reasons and in the best interest of both the faculty member and Lamar State College Orange.

The faculty member is obligated to notify their Dean as early as possible so that the latter may make appropriate arrangements for classes. The instructor must fill out a Request to be Absent form, obtained from the Dean's Office, prior to the planned absence and the Dean must approve the absence by signing the form. In cases of illness, the instructor must also complete the Request for Overtime and Leave (F3.6A) form available from the Dean and obtain approval from the Dean.

## **FACULTY ATTENDANCE**

Full-time faculty are recognized as full-time, regular employees, who earn benefits commensurate with a 40-hour workweek which is based upon the campus' normal working hours for regular employees – i.e., Monday through Friday, 8 a.m. to 5 p.m. While Faculty are expected to be **on duty\*** for a minimum of 25 hours per week (*see workloads during contract period section*), excluding any time that may be required in addition to the minimum due to overloads, program director responsibilities, etc., their absences must be accounted for based upon a regular workweek.

*\*On duty means that a faculty member is at their assigned work location, available to students and colleagues, and performing authorized work for the college including attendance at required meetings and events.*

Faculty are required to account for absences that occur during the normal workday for regular employees, even if no classes are missed. This includes the requirement to submit leave forms for all sick leave taken as a total of the normal workday for regular employees. Listed below are the guidelines Faculty must follow when absent from work due to illness.

- Faculty who are not **on duty** at all on any workweek day (Monday-Friday) will be expected to report the total hours per day as sick leave based upon the campus' normal workday hours. For example, if the campus' schedule is Monday through Friday, 8 a.m. to 5 p.m., then 8 hours of sick leave must be used for one day of absence due to illness.
- Faculty who are **on duty** for a period of time on a workday but are unable to fulfill their scheduled work duties for the remainder of the day due to illness or related appointments, will use sick leave as determined by the number of hours missed in the remainder of the normal workday, even if no classes are missed. For example, if Faculty is **on duty** in the morning but needs to leave work early at noon due to illness, then sick leave should be used for four (4) hours, if the normal workday is 8 a.m. to 5 p.m.

Should Faculty be absent from their normal workday duties for a reason other than illness, they must work with their Supervisor to arrange to make-up their missed work time or be subject to leave without pay.

The fall semester begins on the date faculty are to report to duty through the day of fall commencement. Sick leave does not need to be reported during fall break or after the day of fall commencement through the first day faculty are required on duty for the spring semester; The spring semester begins on the date faculty are to report to duty through the day of spring commencement. Sick leave does not need to be reported during spring break or after the day of

spring commencement.

Faculty's job responsibilities also require attendance at various college-sponsored events, including but not limited to, graduation ceremonies, which may occur outside the College's normal workday hours for regular employees. Should Faculty be absent from such events, they may:

- Use sick leave (if absence is due to illness) for the time duration required of the event; or
- Work with their Supervisor to make arrangements to make-up for their lack of attendance at the mandatory event; or
- Be subject to leave without pay.

Notwithstanding leave of absence\* situations, Faculty that incur excessive absences from their standard work duties and/or who are repeatedly absent from mandatory college-sponsored events may be subject to disciplinary action, up to and including termination of employment.

*\*Faculty who may need to be absent from work for an extended period of time, or intermittently, due to a serious medical condition of their own or that of a family member, should contact Human Resources to understand their leave of absence options.*

## **UNAUTHORIZED ABSENCES**

Unauthorized Absences on the part of the faculty member are not permitted. Such absences will be regarded as a violation of the terms of the faculty member's appointment.

## **OFFICE HOURS**

Faculty members are expected to post outside of their offices, and publish in any other manner required by the Executive Vice President/Provost, office hours and conference periods most advantageous to students.

## **OUTSIDE EMPLOYMENT**

1. Faculty members should not be discouraged from accepting appropriate appointments of a consultative or advisory capacity with government agencies, industry, or other educational institutions as long as such activities do not conflict with the individual's work at Lamar State College Orange. The consideration to the System of such activity is the improvement of the individual through contact with the non-academic world.
2. Members of the faculty should be discouraged from accepting regular employment outside the college because such action does not directly benefit the college as indicated herein.
3. Conflict of interest must be avoided in all instances of outside employment. Conflict of interest in an academic institution means any outside activity, which intrudes upon the faculty member's responsibility to Lamar State College Orange.
4. No member of the faculty engaged in outside remunerative activities will use in connection therewith the official stationery, supplies, equipment, personnel services, or other resources of

the System or Lamar State College Orange. Nor will such member of the faculty accept pay from private persons or corporations for tests, essays, chemical analysis, computer programming, bacteriological examinations, or other work of a routine character, which involves the use of property owned by the System or Lamar State College Orange.

**5.** No member of the faculty will accept employment or any position of responsibility if the discharge of such employment or responsibility will be antagonistic to the interests of the State of Texas or the System or Lamar State College Orange.

**6.** Every member of the faculty who gives professional opinions must protect the System and Lamar State College Orange against the use of such opinions for advertising purposes. That is, when work is done in a private capacity, the faculty member must make it clear to the employer that such work is unofficial and that, absent the president's prior approval, the name of the System or Lamar State College Orange are not in any way to be connected with the faculty member's name. Exceptions may be made for the name of the author attached to books, pamphlets, and articles in periodicals, and the identification of an individual in publications of corporations or companies related to service as a member of an advisory council, committee, or board of directors.

**7.** No member of the full-time faculty of the System employed on a twelve-month or nine-month basis will be employed in any outside work or activity or receive from an outside source a regular retainer fee or salary during the period of employment by Lamar State College Orange until a description of the nature and extent of the employment has been filed with the Executive Vice President/Provost.

**8.** The President requires all employees to disclose outside business affiliations in order to track compliance with these provisions. The Disclosure of Business Affiliation form is available in the Human Resources Office. Determination as to whether an employee may hold a second job while off-duty is at the agency's discretion. The Attorney General has expanded on this ruling, finding that a state institution of higher education may prohibit outside work undertaken by its employees, even if that employment is serving as an elected government official.

**Policy:** 4.1 Campus Closing  
**Scope:** Faculty and Staff

## **CAMPUS CLOSING PROCEDURES**

If severe or inclement weather conditions warrant suspending Operations, the Marketing and Communications Office will notify employees, students, and the community via email, text, website, and media outlets.

Every effort will be made to make such announcements no later than 6 a.m. Divisions also may develop a calling list to notify employees of closure.

Unless a specific announcement of closing is made through media outlets, faculty, staff, and students should assume that normal operations will be observed. However, conditions vary throughout the area and employees are reminded to use their best judgment in determining whether or not it is safe to travel.

Each agency has the discretion on how to post time when the agency closes because of inclement weather.

- If an employee is on sick or vacation leave and the College closes due to inclement weather, the employee should receive administrative leave for the absence.
- An employee who has already completed his or her scheduled hours when the College closes would not receive any compensatory time or administrative time off because the agency was not closed while the employee was scheduled to work.
- An employee who has not completed his or her scheduled hours when the College closes should receive administrative leave time because the College was closed while the employee was scheduled to work.
- When an employee is temporarily working in the same metropolitan area (for example, presenting or attending training) and the College closes, an employee, who is eligible for such, should receive compensatory time for working.
- When the employee is temporarily working in another metropolitan area (for example, presenting or attending training) and the College closes, the employee should not receive compensatory time for working.

**Policy:** 4.2 Leave Records  
**Scope:** Faculty and Staff

## **EMPLOYEE AND DEPARTMENT RESPONSIBILITIES FOR LEAVE**

- 1.** The employee should communicate to his/her supervisor at the earliest practical time details of his/her absence or anticipated absence(s) including dates with appropriate documentation.
- 2.** For illness and/or disability a doctor's certification may be needed to certify fitness to work and/or certify the period of absences.
- 3.** Leaving one's job without proper notification to one's supervisor can constitute job abandonment. Any employee who is absent from work without authorized leave for three (3) consecutive workdays will be deemed to have abandoned his/her position and to have voluntarily resigned from employment. Bona fide emergencies will be taken into consideration.
- 4.** The employee is responsible for completing the application for leave form (F3.6A), providing supporting documentation, and following up on approvals.
- 5.** Departments are responsible for notifying Human Resources regarding employee leaves, especially when it is anticipated the employee will not have enough paid leave and must coordinate out-of-pocket payments to continue insurance benefits. The department is responsible for processing the necessary documents (Personnel Action Request- F3.2, F 3.6) to process the requested leave in a timely manner.

All leave must be reported on a monthly basis to the Human Resources Office. This is done by completing an F3.6 and submitting it to the Human Resources Office not later than the tenth workday of the following month.

Sick and vacation leave will automatically accrue according to the employee's status (FTE, length of service, etc.). The employee is required to account for all such leave taken during the month. The leave balance will appear on the following month's F3.6. All leave must have prior approval on a Request for overtime/leave form-F3.6A.

Employees must also account for all overtime earned and compensatory time taken on the F3.6A. Please see the section on overtime for guidelines on such leave. Even if no leave is taken for the month, each employee is required to complete the F3.6 and submit it to the Human Resources Office. Time off should be reported to the nearest quarter hour of occurrence.

**Policy:** 4.3 Vacation Leave  
**Scope:** Staff

The purpose of vacation leave is to provide income protection to the employee while allowing for period of recreational leave or other absences from work not covered by other leaves. Employees are encouraged to use the majority of their earned vacation leave each year. It is important that employees have time to rest and relax each year in order to maintain maximum productivity. Vacation leave also allows employees to take care of a variety of personal matters when it is not possible to do so outside normal working hours.

All regular non-faculty employees are entitled to paid vacation leave as determined by length of service. The following table shows the vacation leave allowances for eligible full-time employees. Accruals increased one hour per month and the carryover was increased by 12 hours effective July 2003. Eligible part-time employees earn leave on a proportional basis.

#### **HOURS ACCRUED ALLOWANCE**

<u>Length of State Service</u>	<u>Per Month</u>	<u>Carry Over</u>
0 but less than 2 years	08	180
2 but less than 5 years	09	244
5 but less than 10 years	10	268
10 but less than 15 years	11	292
15 but less than 20 years	13	340
20 but less than 25 years	15	388
25 but less than 30 years	17	436
30 but less than 35 years	19	484
At least 35 years or more	21	532

An employee must complete the full year of employment to receive the higher rate of vacation leave accrual. For these purposes, length of employment is calculated from the employee's anniversary date if the anniversary falls on the first calendar date of the month. Otherwise, the increase in vacation allowance will occur on the first calendar day of the following month.

Previous State employment is to be noted upon hire and will be verified before adjustments to vacation, benefit replacement pay, and longevity are made.

Credit for one month's accrual is given for each month or fraction of a month of employment with the state and is posted on the first day of employment and on the first day of each succeeding month thereafter, provided that an employee who is in a leave status on the first day of the month shall not be eligible to use leave accrued for such month until the employee returns to duty. Vacation entitlement accrues from the first day of employment and is terminated on the last day of duty.

None of the funds appropriated by the Appropriations Act may be used to pay a state employee or former state employee who resigns, is dismissed, or has otherwise separated from state employment, for vacation time accrued at the time of separation from the state unless the individual's employment with the state had been continuous for a period of six (6) months.

Institutions of Higher Education are allowed to immediately pay for accrued vacation leave upon separation from state employment without having to wait 30 days after separation. Separation from state employment includes, but is not limited to, a state employee leaving one state agency to begin working at another state agency, provided at least one workday occurs between the employee's separation from the first state agency and the employee's first day at work at the second state agency. An individual who is re-employed by a state agency to a position which accrues vacation time within a period of thirty (30) calendar days from the date of separation from the state employment shall have the individual's previous but unused vacation leave restored.

An employee terminating state employment may, with the agreement of the employing agency, be allowed to remain on the payroll after the last day worked to utilize vacation leave in lieu of being paid in a lump sum. Such an employee will not accrue any additional vacation leave while remaining on the payroll to utilize such vacation leave.

Vacation with pay may not be taken until the employee has been continuously employed with the state for six months. Continuous employment means that no leave without pay has been taken. Once an employee has completed six months or more of continuous state employment and then leaves state employment, that person is eligible to take vacation leave as it is earned upon re-employment, or be paid for it on termination following such re-employment. Employees who do not have six months continuous service upon termination will not be paid for any accrued vacation time.

Employees transferring directly to another state agency shall transfer all unexpended vacation leave.

When an employee moves from a vacation accruing position to a non-accruing position, the balance will be frozen when the employee has less than 6 continuous months of employment. If the employee has 6 months of continuous employment, he/she may be paid for the annual leave after 30 days.

Employees will not be allowed to carry over any vacation leave in excess of the amount prescribed for employees according to length of service. Excess unused vacation time will be



"rolled over" into the sick leave balance each August 31. Employees may accrue leave in excess of the maximum during the year without penalty.

While each employee is entitled to use accrued vacation leave, the employee's supervisor may refuse to allow vacation time when it would unduly hamper departmental efficiency. Employees are encouraged to request vacation leave using the F3.6A with sufficient advance notice to the supervisor so that work schedules may be rearranged as necessary. Supervisors may refuse to grant any vacation leave requests during peak workload periods.

Employees will not be advanced vacation leave. Any leave taken in excess of the accrued balance will be charged to compensatory time if available. If insufficient compensatory time exists, the employee will be placed on Leave Without Pay. Please see the guidelines on LWOP.

Holidays occurring during a vacation period will not be charged to vacation leave. See the guidelines on sick leave for the policy on illness or injury while on vacation leave.

Annual leave accruals for Return-to-work retirees are based on retirement and rehire dates. Return-to-work retirees who retired on or before 5/31/2005 and returned to work at any time will accrue annual leave based on total state service.

Return-to-work retirees who retired on or after 6/1/2005 and return to work on 9/1/2005 or after will accrue annual leave based on state service since retirement.

Employees Paid From Grants: Since vacation hours earned by an employee while working on a grant are clearly a function of such employment, the fiscal impact must be included as a part of the grant budget. Hence, grant account managers shall ensure that there is no outstanding vacation liability on the last day of the grant period for hours accrued by such employees. The grant account manager shall require, as a condition of employment, that vacation time be used prior to grant expiration, and such time will be taken at a grant account manager's discretion. However, grant account managers are encouraged to accommodate, as far as is practical and reasonable, the employee's preferences as to when such vacation time is taken.

**Policy:** 4.4 Sick Leave  
**Scope:** Faculty and Staff

The purpose of the sick leave benefit is to protect the employee's income during periods of *bona fide* illness or injury, to the employee or members of the employee's immediate family, and which require the employee to be absent from work. It is also designed to protect other employees from being exposed to contagious diseases. All employees are expected to work if their health permits and to remain at home if it does not.

Sick leave may be used when an employee is prevented from performing his or her job duties due to sickness, injury, pregnancy, or confinement. This includes doctor or dental appointments that cannot be made outside of normal working hours. Sick leave may also be used to care for an employee's immediate family member who is ill or injured. The immediate family is defined as those individuals related by kinship, adoption, or marriage who live in the same household; foster children who reside in the same household; and minor children regardless of whether they live in the same household. Sick leave may be used to care for immediate family members who do not reside in the same household only for a documented medical condition. In this instance only, "immediate family" is interpreted as spouse, parent, or child. Sick leave may not be used for any other purpose.

All regular employees are eligible to earn sick leave at a rate of eight hours for each month or fraction of a month of employment for full-time employees. Regular part-time employees (at least 50% FTE) earn sick leave on a proportional basis (e.g., half-time employees earn four hours per month).

Sick leave accumulates with the unused amount carried forward each month, and there is no limitation on the amount which may be accrued.

Sick leave is earned each month the employee is on the payroll. An employee who is on leave on the first day of a month may not use the sick leave that the employee accrues for that month until after a return to duty. Employees on leave without pay will not accrue sick leave during any full calendar month when they are not on the payroll. Faculty with nine-month appointments will not accrue sick leave during any month of the summer unless they are teaching at least 50% FTE.

In accordance with Texas Government Code Section 661.203, faculty members must submit prescribed leave forms for all sick leave taken if an absence occurs during the normal workday for regular employees, even if no classes are missed. Faculty absences are to be taken at the same rate as staff, 8 hours per day for time missed.

Sick leave is earned based on the full-time contracted assignment; therefore, sick leave is not available to use to cover absences from overload jobs. If a substitute is hired, overload pay will be docked for time missed.

Any employee absent because of illness must notify his/her supervisor at the earliest practical time. To be eligible for accumulated sick leave with pay for any continuous period of more than three (3) working days, an employee absent due to illness shall send to the supervisor (administrative head of his/her employing agency) a doctor's certificate showing the cause or nature of the illness, (or some other written statement of the facts concerning the illness which is acceptable to such administrative head.) It is within the discretion of the supervisor (administrative head) to require documentation concerning illnesses resulting in absences of three (3) working days or less. In addition, the supervisor may request a doctor's certification as to the employee's fitness to return to normal duties.

Normal utilization of sick leave benefits should not interfere with overall productivity of the department. Therefore, it is appropriate that corrective steps be taken if an employee abuses sick leave (e.g., calls in sick when absent for non-health related reasons), or if an employee has prolonged and/or frequent and regular absences which substantially hinder the employee in carrying out required duties and responsibilities. Corrective steps may include medical consultations, counseling, disciplinary warnings, and may eventually lead to termination.

Employees who exceed their accrued sick leave will be required to use any accrued vacation or compensatory time. When all accrued leave is exhausted, the employee will be placed on leave without pay (LWOP). An F3.2 must be generated placing the employee on LWOP for the appropriate time.

The President may grant extended sick leave to employees on an individual basis after reviewing the particular case. Employees must request the extended sick leave and provide a description of the circumstances that might justify such a request.

If an employee becomes ill or injured while on vacation leave, the employee may use accumulated sick leave provided the supervisor is notified as soon as possible and the employee submits satisfactory evidence confirming the illness. The supervisor will normally require doctor's certification.

Should a regular college holiday occur during a period of sick leave, the time shall be charged as a paid holiday rather than as sick leave. Again, the supervisor may require documentation of illness.

Terminating employees will not be paid for any accumulated sick leave.

The estate of an employee who dies while employed by the state is entitled to payment for half of the accrued sick leave or for 336 hours of sick leave, whichever is less. Payment is calculated at the salary rate paid to the employee at the time of death. The payment is computed as though the employee had actually used these leave hours while on the agency's payroll. Any

state holiday that falls within this period shall not be charged against the accrued leave hours.

If an employee transfers to another state agency without a break in service, the accumulated sick leave balance shall be transferred to the hiring agency.

An employee separated from employment with the state under a formal reduction-in-force shall have his/her sick leave balance restored if re-employed by the state within twelve (12) months of termination. An employee separated for other reasons shall also have his sick leave balance restored:

1. if re-employed by the agency or institution within twelve (12) months of termination, provided there has been a break in service of at least thirty (30) calendar days since termination, or
2. if re-employed by the state, with an agency or institution other than the agency or institution from which the employee separated, within twelve (12) months of termination.

In addition, an employee restored to state employment immediately following military service will have any accrued balance restored.

House Bill 1177, 75th Legislature allows an employee who is a parent of a child who is a student attending a grade from pre-kindergarten through 12th grade to use up to eight hours of sick leave each fiscal year to attend parent-teacher conferences regarding the employee's children. Employees must give reasonable advance notice of the need for this leave. House Bill 480, expands authority for state employees to use up to eight hours of sick leave each fiscal year to attend educational activities of the employee's children. Educational activities include school-sponsored activities such as parent-teacher conferences, tutoring, volunteer programs, field trips, classroom programs, school committee meetings, academic competitions, and athletic, music or theater programs.

Retirees who return to state employment will not have their sick leave balance restored.

## **SICK LEAVE DONATION**

The 84<sup>th</sup> Texas Legislature (2015) enacted a provision to permit state employees to transfer accrued sick leave to another, specific employee within the same agency. These transfers are subject to certain limitations under the statute and create a taxable event to either the donor or the recipient.

- Eligible Transfers: Accrued sick leave may be transferred to another employee if:
  - The recipient is employed in the same state agency as the donor employee,
  - The recipient has exhausted all earned sick leave and any sick leave pool eligibility, and,
  - The leave is voluntarily donated without the exchange of payment or gift.

- Limitation on Received Leave: Recipients of donated leave under this statute may:
  - Use the leave only for the limited purposes of sickness, injury, pregnancy, or caring for an immediate family member who is sick (see Texas Government Code §661.202(d) and (e); and,
  - Not transfer unused, donated leave when changing employment to another agency.
  
- Taxation of Donated Leave, generally: The Internal Revenue Service generally considers the transfer of an employment benefit, such as sick leave, to be an assignment of income by the donating employee.
  - Thus, except as indicated below, sick leave transfers are taxable as wages to the donating employee.
  - The appropriate income tax withholding on the value of the donated leave should be deducted from the employee's pay earned in the donating pay period.
  - Transfers taxed to the donor should not be taxed to the recipient, either upon transfer or when used.
  
- Taxation of Donated Leave for "Qualifying Medical Emergencies": The IRS has carved out a medical emergency exception to the donor taxation rule. For such donations, the following apply:
  - Donations to individuals who have "Qualifying Medical Emergencies" are not taxable to the donor.
  - "Qualifying Medical Emergencies" are those that prevent an employee from working to such degree that he or she will suffer a substantial loss in income.
  - For such emergencies, donations are taxable as wages to the recipient employee at the time the leave is used (at the recipient's rate of pay).
  
- Sick leave donations are non-returnable whether used or not by the receiving employee.
  
- Employees receiving donated sick leave may not receive service credit in the Employees Retirement System of Texas (ERS) or the Teachers Retirement System (TRS) for any donated sick leave that is unused on the last day of employment.
  
- Human Resources will be responsible for processing a request to donate sick leave. A completed Sick Leave Donation form will be required to be submitted to the Human Resources Office.

**Policy:** 4.5 Catastrophic Sick Leave Pool  
**Scope:** Faculty and Staff

Use of the sick leave pool is limited to cases of catastrophic illnesses or injuries. A catastrophic injury or illness is defined by the Employees Retirement System of Texas as: "A severe condition or combination of conditions affecting the mental or physical health of the employee or the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the State for the employee. Licensed practitioner means practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his or her license. Immediate family is defined as those individuals related by kinship, adoption, marriage, or foster children who are so certified by the Texas Department of Human Services who are living in the same household or if not in the same household are totally dependent upon the employee for personal care or services on a continuing basis. The missed work may be continuous or intermittent. For part time employees, the period will be proportional to their percent effort.

#### **ADMINISTRATION OF THE POOL**

1. The Human Resources Director will be responsible for administering the Pool.
2. The Pool Administrator will appoint a 3-5 member committee to review the request and make a recommendation as to the disposition of the request.
3. The Pool Administrator is responsible for determining eligibility, verifying procedures have been followed, approving or disapproving the request, and determining the number of hours to be awarded if the request is approved.
4. The Pool Administrator will notify the employee of the decision. If approved, the employee's sick leave accrual will be credited with the approved hours and those hours will be deducted from the Pool balance. Unused hours will be deducted from the employee's sick leave accrual and credited to the Pool.

#### **GENERAL PROVISIONS OF THE SICK LEAVE POOL**

1. To be eligible for leave donation, the employee must have been employed by Lamar State College Orange for six consecutive months immediately prior to the request, be eligible for leave accrual and have exhausted all leave during the immediate preceding three (3) months as a result of a catastrophic injury or illness.
2. Employees may use pool leave for their own catastrophic illness/injury or for a member of the immediate family.

3. Employees may also use pooled sick leave if they contributed sick leave to the pool and then exhausted their sick leave balance in the same fiscal year. Such employees may receive only the number of hours they contributed to the pool that fiscal year if they suffer a non-catastrophic illness or injury.
4. Employees must exhaust all accrued leave before they are eligible to use leave from the pool.
5. An employee on pooled sick leave for a full calendar month will not receive credit for accrued sick leave and vacation until the first day that he or she returns to work. An employee using sick leave pool part time or intermittently will have vacation and sick leave credited and must use the vacation and sick leave before using the sick leave pool hours.
6. Employees with catastrophic illnesses or injuries are not required to contribute to the pool before they can use pool leave.
7. Employees who use pool leave are not required to pay back pool leave.
8. Absences for maternity leave purposes are not eligible for leave unless there are severe medical complications requiring additional absence from work beyond 12 weeks absence.
9. This program cannot be used for elective surgeries or for anything other than a severe injury or illness that could not have been reasonably anticipated.
10. In no case may Sick Leave Pool hours to be used in conjunction with a Workers' Compensation Claim.
11. All eligible employees will have equal access to the pool. Decisions to allocate pool resources to eligible employees will be equitable, consistent, and without regard to employee classification or any other legally impermissible reason.

#### **CONTRIBUTING SICK LEAVE TO THE POOL**

1. Contributions to the pool are strictly voluntary.
2. Active employees may contribute an unlimited number of hours of sick leave to the pool each year in increments of eight hours; retiring employees may contribute in increments of less than eight hours.
3. Employees who make contributions to the pool may not stipulate who is to receive their contributions.
4. Employees will be encouraged to contribute to the pool at the time of their separation from state employment.
5. Employees who contribute leave to the pool cannot get it back unless they are eligible to use it.

## **REQUESTING TO USE LEAVE FROM THE POOL**

1. The Sick Leave Pool Withdrawal Request Form will be forwarded to the Director of Human Resource (Pool Administrator) through appropriate supervisory channels, and will be considered by the Pool Administrator on a first-come, first-served basis.
2. The Pool Administrator will process requests within 10 working days following receipt of all information necessary to make a decision.
3. The Pool Administrator determines the amount of Pool Leave granted for each catastrophic illness or injury. The amount of Sick Leave Pool granted will be limited to 30 working days (240 hours). However, only actual hours required should be requested.
4. The employee may reapply for additional Sick Leave Pool if the amount previously granted is insufficient to cover the employee's absence. The subsequent requests are subject to the same restrictions as indicated previously, including additional physician's statements.
5. Although employees may make additional requests for Sick Leave Pool, the total amount granted for catastrophic injuries or illnesses during an employee's tenure with the college cannot exceed one-third (1/3) of the balance of hours in the pool, or 90 days, whichever is less.
6. Any unused balance of Pool Leave granted to an employee will be returned to the Pool. The estate of a deceased employee is not entitled to payment for unused Pool Leave.
7. Employees seeking permission to withdraw time from the sick leave pool because of a catastrophic illness or injury are required to provide a written statement from the appropriate licensed practitioner sufficient to evaluate the employee's eligibility. (S.B.1624, 75th Legislature, General Appropriations Act)
8. The employee should advise in the sick leave pool request if they are receiving subrogation benefits, i.e., by legal right collecting pay, reimbursement for loss of work time, or damages from a third party as a result of the catastrophic illness or injury.
9. Before a Sick Leave Pool request will be granted, the following factors will be taken into consideration:
  - Severity of the illness or injury;
  - Responsible use of sick leave in the past; and
  - Intent to return to work.

**EMPLOYEES HAVE NO RIGHT TO SICK LEAVE POOL AND THE GRANTING OF IT IS DISCRETIONARY.**



**Policy:** 4.6 Leave Without Pay (LWOP)  
**Scope:** Faculty and Staff

Leave without pay (LWOP) can only be granted according to the following provisions:

All such leave without pay will be limited to 12 months.

Except for disciplinary, worker's compensation, and military situations, all accumulated paid leave entitlement must be exhausted before such LWOP can be granted. Sick leave must be exhausted only in those allowable cases as provided in the sick leave provisions. All such leave will be limited to twelve months.

Although approval of such leaves constitutes a guarantee of employment for a specified period of time such a guarantee is subject to fiscal constraints.

The President may waive these limitations for such reasons as inter-agency agreements or for educational purposes.

Except in the case of an employee returning to state employment from military LWOP, any full calendar month in which an employee is on LWOP will not be counted in the calculation of total state service for the purpose of vacation or longevity pay entitlement. No employee shall accrue vacation or sick leave for such a month. Any such full calendar month of LWOP shall not constitute a break in the continuity of state employment, but shall not be considered in the calculation of six months continuous service under vacation leave provisions.

A full-time employee or regular part-time employee who is subject to FLSA and on leave without pay shall have his or her compensation reduced for that particular pay period at the equivalent hourly rate of pay times the number of work hours lost by leave without pay. FLSA exempt employees may also be subject to salary reduction in the same manner, in accordance with provisions set forth in the overtime provisions of 29 C.F.R. section 541.188. FLSA exempt employees who are absent from work for less than one day for personal reasons or sickness or disability under certain conditions may be subject to a salary reduction.

See guidelines on sick and vacation leave to determine limitations on use of leave. Placing an employee on LWOP involves additional administrative expenses and creates an additional workload for co-workers and therefore, frequent or lengthy LWOP status may subject the employee to corrective actions up to and including termination.

**Policy:** 4.7 Extended Leave Without Pay  
**Scope:** Faculty and Staff

Any employee who wishes to be placed on LWOP status for any period of time for a full calendar month or longer must make a written request to the appropriate Dean or Vice President. Normally such requests will be limited to six months and in no case will they extend beyond twelve months. When such leaves are granted, the employee will be eligible to return to employment in a similar position provided that at the expiration of the leave:

- The employee is in satisfactory medical condition to resume full employment. A doctor's certificate will be required;
- The employee notifies the Human Resources Office in writing of the intent to return to work;
- The employee allows at least thirty days for reinstatement in a similar position.

Although approval of such leave constitutes a guarantee of employment for a specified period of time such a guarantee is subject of fiscal constraints.

The College does not assure that employees returning from extended LWOP will be returned to their same position but only that they will be returned to a similar position for which their qualifications are accepted by the supervisor holding an available and vacant position.

Failure of an employee to return to work at the end of an approved LWOP will be a voluntary termination of employment (employment will terminate) unless a request for extension of the LWOP has been approved by the appropriate Vice President. The request will not be approved beyond the 12-month limit.

Employment while on a disability LWOP is cause for termination unless specifically approved as related to the employee's College responsibilities.

During an extended LWOP (longer than a calendar month), except in the case of FMLA, the employee is responsible for paying the full insurance premiums on any coverage. That is, the employee must pay both the normal employee cost and the state contributions, employees on FMLA are required to pay for optional coverage. Failure to pay the premium will result in cancellation of the insurance and a physical exam may be required to have the insurance reinstated.

No sick or vacation leave will be accrued for any calendar month on LWOP.

Retirement contributions are discontinued while on LWOP. Accrued benefits are not forfeited, nor can they be withdrawn during the LWOP.

**Policy:** 4.8 Military Leave  
**Scope:** Faculty and Staff

Regular employees are eligible for several types of military leave:

#### **AUTHORIZED TRAINING OR DUTY**

Regular employees who are members of the State Military Forces or members of reserve components of the U.S. Armed Forces engaged in authorized training or duty are entitled to leaves of absence from their respective duties without loss of efficiency rating, vacation leave, or salary for not more than 15 days in a federal fiscal year. Such days may be consecutive or non-consecutive.

If additional days are needed, the employee shall be allowed to use vacation time, or if that is exhausted, be placed on LWOP.

#### **CALL TO NATIONAL GUARD ACTIVE DUTY BY THE GOVERNOR**

An employee who is a member of the National Guard called to active duty by the Governor because of an emergency is entitled to receive and shall be granted emergency leave without loss of military or annual leave. Such leave shall be granted with full pay.

#### **CALL TO NATIONAL EMERGENCY DUTY, U.S. ARMED FORCES RESERVE**

An employee called to active duty during a national emergency by a reserve branch of the U.S. Armed Forces shall be granted a leave of absence. Employees are entitled to 15 working days of compensation if they have not already exhausted their 15-day annual entitlement. After exhausting 15 days of paid leave, leave will be unpaid. The employee will accrue state service while on LWOP but does not accrue sick leave or vacation. However, the employee retains any accrued sick leave or vacation and will be credited with those balances upon return from leave.

#### **OTHER MILITARY LEAVE**

Employees returning to their position after active service in the military are considered to have been on furlough or leave of absence. All leave balances will be restored and time spent on active duty will be credited as state service. To be eligible for restoration on returning from military service the employee must have been honorably discharged no later than the 5<sup>th</sup> anniversary of the date of induction, enlistment or called to active military service; and be physically and mentally qualified to perform the duties of that position, applied for restoration within 90 days after leaving military service, and have been absent from state service not longer than five years.

The Attorney General has ruled that state employees returning to work following military service under restoration provisions are entitled to include time spent on active duty with longevity of employment (state service credit) for purposes of vacation and sick leave entitlement. Returning employees do not accrue vacation or sick leave while on active military duty and are not considered employed by the State.

Employees requesting any type of military leave must present copies of their orders to be placed in their personnel files.

**Policy**                                 **4.9 Response/Training Leave**  
**Scope:**                               **Faculty and Staff**

### **Volunteer Fire Fighter and EMS Training**

Volunteer fire fighters and emergency medical services volunteers shall be granted up to five days of paid leave each fiscal year for attending training school conducted by state agencies. This leave is not charged against the employee's accrued leave balance. Employees requesting such leave should provide their supervisor with support documentation verifying the training. Copies of the documentation will be placed in their personnel file.

Leave with full pay may also be granted to volunteer firefighters and emergency medical services volunteers for the purpose of responding to emergency fire or medical situations if the agency or institution has an established policy for granting the leave time.

### **Certified Red Cross Activities Leave**

Any State employee, who is a certified disaster service volunteer of American Red Cross or who is in training to become such a volunteer, with the authorization of his/her supervisor, may be granted a leave not to exceed ten days each fiscal year to participate in specialized disaster relief services. The employee must have supervisory authorization in addition to a request from the American Red Cross and approval of Governor's office. If the above conditions are met, the employee will not lose pay, vacation time, sick leave, earned overtime and/or compensatory time during such leave.

### **Reserve Officers Training Leave**

Reserve law enforcement officers (as defined in Section 1701.001, Tex. Occupation Code) are entitled to leave with pay to attend training under Section 1701.351, Tex. Occupation Code, for not more than five working days every fiscal biennium.

**Policy:**                    **4.10 Leave for Assistance Dog Training**  
**Scope:**                    **Faculty and Staff**

A state employee who is a person with a disability as defined by the Human Resources Code section 121.002 shall be granted a paid leave of absence not to exceed 10 days each fiscal year for the purpose of attending a training program to acquaint the employee with an assistance dog to be used by the employee.

**Policy:** 4.11 Family Medical Leave  
**Scope:** Faculty and Staff

## **FAMILY MEDICAL LEAVE ACT**

### **1. Policy**

It shall be the policy of Lamar State College Orange to provide all eligible employees twelve (12) weeks leave time to care for their needs and those of their family members. This policy shall meet the requirements of the Family Medical Leave Act (FMLA). Employees utilizing Family Medical Leave (FML) will be granted the rights preserved in that legislation and the regulation defined by the U.S. Department of Labor and the State Appropriations Act.

### **2. Eligibility**

To be eligible for leave under the Family Medical Leave, an employee (Faculty or Staff) must have

- 2.1.** a total of at least 12 months of state service. In calculating the required twelve (12) months, all state employment will be counted and it need not be continuous. And,
- 2.2.** worked at least 1250 hours during the (12) month period immediately preceding the commencement of leave. 1250 hours refers to hours actually worked and does not include paid time off.

State employees meeting the above eligibility criteria are hereby entitled to leave pursuant to the Federal Family and Medical Leave Act (FMLA) provided that the employee utilizes all available applicable paid vacation and sick leave while taking leave pursuant to this provision. In instances where spouses both work for the institution, they will be limited to a combined total of 12-weeks of FML for the birth and care of a newborn, child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition.

Those employees with less than a total of 12 months of state service or who have worked less than 1,250 hours in the 12-month period immediately preceding the commencement of leave are eligible to take a parental leave of absence, not to exceed 12 weeks, provided that the employee utilizes all available applicable paid vacation and sick leave while taking leave pursuant to this subdivision. The leave authorized by this subdivision is limited to, and begins with the date of, the birth of a natural child or the adoption or foster care placement of a child under three years of age.

The State Auditor's Office has issued a revised interpretation indicating that sick leave may be used in conjunction with FMLA leave when a child under the age of three is adopted regardless of whether the child is actually sick at the time of adoption.

### **3. Qualifying Events**

Eligible employees are entitled to a total of twelve (12) weeks of unpaid leave during any twelve (12) month period for one (1) or more of the following:

- 3.1** for incapacity due to pregnancy, prenatal medical care or child birth;
- 3.2** to care for the employee's child after birth, or placement for adoption or foster care;
- 3.3** to care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
- 3.4** for a serious health condition that makes the employee unable to perform the employee's job; or
- 3.5** a qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

Holidays occurring while an employee is on FML are counted towards the maximum total of 12 workweeks of unpaid leave in a 12-month period. However, holiday closings of a week or more are not counted toward FML entitlement.

### **4. Military Family Leave Entitlements**

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

### **5. Administration**

Lamar State College Orange will use a 12-month period measured forward from the date an employee first uses family and medical leave.

- 5.1** Eligible employees must utilize all available applicable leave when taking Family Medical Leave. After all paid leave is utilized, the State will pay for the State paid portion



of the employee's coverage under the group health plan for any remaining calendar months of leave without pay which may be taken under FMLA.

**5.1.1 Leave is Unpaid:** Family/medical leave is unpaid although the employee may be eligible for short or long term disability payments and/or workers' compensation benefits under those insurance plans. If the employee requests leave because of a birth, adoption or foster care placement of a child, any accrued paid vacation and compensation leave or applicable sick leave first will be substituted for any unpaid family/medical leave. If the employee requests leave because of his/her own serious health condition, any accrued sick leave, paid vacation, or compensation leave, will be substituted first for any unpaid family/medical leave. The substitution of paid leave time for unpaid leave time does not extend beyond the twelve (12) week leave period.

**5.1.2 Medical and Other Benefits:** Health care coverage will cease if premium payment for dependent coverage is more than thirty (30) days late. If the employee elects not to return to work at the end of the leave period, he/she will be required to reimburse the State for the cost of the premiums paid to maintain coverage during leave, unless he/she cannot return to work because of a serious health condition or other circumstances beyond his/her control.

**5.2** An employee on FML is not entitled to accrue service credit for any full calendar months of LWOP taken while on FML and shall not accrue vacation or sick leave for such months. Further, any full calendar months of LWOP shall not be included in the calculation of six (6) continuous months of employment.

**5.3 Notice of Leave:** If need for family/medical leave is foreseeable, employees must give Lamar State College Orange thirty (30) days prior written notice. If not possible, at least as soon as practicable (within 1 to 2 business days of learning of that need for leave). Failure to provide such notice may be grounds for delay of leave. Where the need for leave is not foreseeable, notification must be given within 1 to 2 working days of learning of need for leave, except in extraordinary circumstances. Request for FML on the F3.6A forms should clearly identify leave under this policy. The employee shall make a request for FML through the Office or Human Resources. Supervisors are responsible for notifying the Human Resources Director of situations which may qualify an employee for FML.

**5.4 Medical Certification:** If requesting leave because of employee's or a covered relation's serious health condition, or military caregiver's leave, the relevant health care provider must supply appropriate medical certification. Medical Certification Forms are available from the Human Resources Office. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided.

**5.5 Reporting While on Leave:** The employee must report to the Human Resources Director regarding the status of his/her condition and intention to return to work on a monthly basis the 1st day of the month.

**5.6 Intermittent and Reduced Schedule Leave:** Leave because of a serious health condition, may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours worked per workweek or workday) if medically necessary. If leave is unpaid, Lamar State College Orange will reduce the employee's salary based on the amount of time actually worked. In addition, while he/she is on an intermittent or reduced schedule leave, Lamar State College Orange may temporarily transfer the employee to an alternative position which better accommodates the recurring leave and which has equivalent pay and benefits. Employees requesting intermittent leave to care for a child that is a newborn, during adoption, or during foster care must get supervisory approval for intermittent leave.

**5.7 Returning From Leave:** If leave is taken because of employee's serious health condition, he/she will be required to provide medical certification to resume work. Return to Work Medical Certification Forms may be obtained from the Human Resources Office. Employees failing to provide the Return to Work Medical Certification Form or a doctor's release form will not be permitted to resume work until it is provided.

**5.8 Extended Leave For Serious Health Condition:** Leave taken because of an employee's own serious health condition may be extended additional weeks (see Leave Without Pay Policy). If an employee does not return to work on the originally scheduled return date nor requests in advance an extension of the agreed upon leave with appropriate documentation, he/she will be deemed to have voluntarily terminated employment with Lamar State College Orange.

## **6. Definitions**

For the purposes of this policy, the following definitions apply:

**6.1 "Spouse"** is defined in accordance with applicable State law.

**6.2 "Parent"** includes biological parents and individuals who acted as parents, but does not include parents-in-law.

**6.3 "Son" or "daughter"** includes biological, adopted, foster children, stepchildren, legal wards, and other persons for whom the employee acts in the capacity of a parent and who is under 18 years of age or over 18 years of age but incapable of caring for themselves.

**6.4 "Serious health condition"** means any illness, injury, impairment, or physical or mental condition that involves: (1) any incapacity or treatment in connection with inpatient care; (2) an incapacity requiring absence of more than three calendar days and continuing treatment by a health care provider; or (3) continuing treatment by a health care provider of a chronic or long term condition that is incurable or will likely result in incapacity of more than three (3) days if not treated.

**6.5** "Continuing treatment" means: (1) two or more treatments by a health care provider; (2) two or more treatments by a provider of health care services (e.g., physical therapist) on referral by or under orders of a health care provider; (3) at least one treatment by a health care provider which results in a regimen of continuing treatment under the supervision of the health care provider (e.g., a program of medication or therapy); or (4) under the supervision of, although not actively treated by, a health care provider for a serious long-term or chronic condition or disability which cannot be cured (e.g., Alzheimer's or severe stroke).

**6.6** "Health Care Provider" includes: licensed MD's and OD's, podiatrists, dentists, clinical psychologist, optometrist, chiropractors authorized to practice in the State, nurse practitioners and nurse-mid-wives authorized under the State law, and Christian Science practitioners.

**6.7** "Needed to care for" a family member encompasses: (1) physical and psychological care, and (2) where the employee is needed to fill in for others providing care or to arrange for third party to care for the family member.

**6.8** The phrase "unable to perform the functions of his/her job" means an employee is: (1) unable to work at all; or (2) unable to perform any of the essential functions of his/her position. The term "essential functions" is borrowed from the Americans with Disabilities Act (" ADA") to mean "the fundamental job duties of the employment position," and does not include the marginal functions of the position.

REFERENCE: General Appropriations, Regular Session, Section 8 U.S. Public Law 1033, Family Medical Leave Act, 29CFR825

**Policy:**                    **4.12 Parental Leave**  
**Scope:**                   **Faculty and Staff**

Employees with less than 12 months of state service or less than 1,250 hours of work in the 12 months immediately preceding the start of leave are entitled to a parental (unpaid) leave of absence, not to exceed 12 weeks, if the employee uses all available paid vacation and sick leave while taking the parental leave. Such parental leave may only be taken for the birth of a natural child or the adoption or foster care placement with the employee of a child under three years of age. The leave period begins with the date of birth or the adoption or foster care placement.

**Policy:**                           **4.13 Foster Parental Leave**  
**Scope:**                           **Faculty and Staff**

A state employee, who is a foster parent to a child under the conservatorship of the Department of Protective and Regulatory Services (DPRS) is entitled to a leave of absence with full pay for the purpose of attending staffing meetings held by the DPRS regarding the employee's foster child. In addition, the employee may attend, with paid leave of absence, the Admission, Review, and Dismissal (ARD) meeting held by a school district regarding his or her foster child.

**Policy:**                           **4.14 Emergency Bereavement Leave**  
**Scope:**                           **Faculty and Staff**

A state employee is entitled to emergency leave without a deduction in salary because of a death in the employee’s family. The death of the employee’s spouse or of a parent, brother, sister, grandparent, grandchild or child of the employee or of the employee’s spouse is considered to be a death in the employee’s family (Tex. Gov’t Code 661.902)

Leave for anyone other than members of the employee’s immediate family shall be charged to vacation, compensatory time or leave without pay. An employee who must be away from the job due to a death in the immediate family should notify the supervisor on or before the first day of such absence. The Request for Overtime and Leave Form (F3.6A) should be completed and the absence approved. The Request for Leave should show the name, relationship, date of death, and date of funeral service of the family member.

The amount of time granted shall normally not exceed 3 days. Request for leave in excess of 3 days may be approved by the President based on the facts and circumstances of each case. A full 3 days is not automatically granted since it is intended that such leave be limited to the reasonable amount of time necessary for travel, funeral arrangements, funeral services, and being with other family members during the immediate period of bereavement.

The President may determine that a reason other than a death in the immediate family is sufficient for granting emergency leave.

**Policy:** 4.15 Emergency Leave/Administrative Leave and Other Leave  
**Scope:** Faculty and Staff

### **Emergency/Administrative Leave**

The President may grant emergency leave for reasons determined to be for good cause. Such requests must be in writing and approved by the President.

### **Other Leave**

**Leave for Organ or Bone Marrow Donors:** An employee is entitled to a leave of absence without a deduction in salary for the time necessary to permit the employee to serve as a bone marrow or organ donor. The leave of absence provided may not exceed:

- Five working days in a fiscal year to serve as a bone marrow donor, or
- 30 working days in a fiscal year to serve as an organ donor.

**Donation of Blood:** The institution shall allow each employee sufficient time off, without a deduction in salary or accrued leave, to donate blood. An employee may not receive time off unless the employee obtains approval from his or her supervisor before taking time off. Upon returning to work after taking time off to donate, an employee shall provide his or her supervisor with proof that the employee donated blood during the time off. If the employee fails to provide proof that the employee donated blood during the time off, the College will deduct the period for which the employee was granted time off from the employee's salary or accrued leave, whichever the employee chooses. An employee may receive time off for this type of leave not more than four times in a fiscal year.

**Time Off to Vote:** The College shall allow each employee sufficient time off, without a deduction in salary or accrued leave, to vote in each national, state, or local election if there is not sufficient time to vote outside regular working hours. An employee may not receive time off unless the employee obtains approval from his or her supervisor before taking time off.

**Court Appointed Special Advocate (CASA) Volunteers:** Court Appointed Special Advocates (CASA) are volunteers selected by the state's judicial system to, among other duties, provide detailed information a court may need to ensure a child's best interest is served where residency or other matters are concerned. Employees who are CASA volunteers are eligible for paid leave not to exceed five hours each month to participate in mandatory training or to perform volunteer services for CASA. This leave is provided to an employee without a deduction in salary or loss of vacation time, sick leave, earned overtime, or state compensatory leave. An employee may be required to provide documentation of his/her CASA volunteer status to his/her supervisor before the leave is approved.

**Policy:** 4.16 Workers' Compensation  
**Scope:** Faculty and Staff

The State Office of Risk Management (SORM) administers the state's Workers' Compensation system Lamar State College Orange. The director of SORM represents the State in Workers' Compensation matters, may make procedural rules, and may prescribe forms necessary for the effective administration of the program.

Recovery of workers' compensation benefits is the exclusive remedy of an employee covered by workers' compensation insurance coverage or a legal beneficiary against the employer or an agent or employee of the employer for the death of or a work-related injury sustained by the employee. However, this does not prohibit the recovery of exemplary damages by their surviving spouse or heirs of the body of a deceased employee whose death was caused by an intentional act or omission of the employer or by the employer's gross negligence as defined by Section 41.001, Civil Practice and Remedies Code. A determination by the Division of the Workers' Compensation (DWC) at the Texas Department of Insurance that a work-related injury is non-compensable does not adversely affect the exclusive remedy provisions in statute. To receive these benefits, an employee must suffer a compensable injury on the job. An injury is defined as "damage or harm to the physical structure of the body and a disease or infection naturally resulting from the damage or harm." An occupational disease is considered an injury.

All employing agencies are required to fully cooperate with SORM and the DWC in any way that may be required to properly administer the workers' compensation program for state employees.

State agencies are responsible for certain required "employer" reports and forms.

#### **MEDICAL BENEFITS**

An injured employee is entitled to all health care reasonably required to treat an injury or illness when needed. The injured worker is entitled to his or her choice of treating physicians; however, the physician must be one of the doctors listed on the DWC's approved doctor list. If an employee is dissatisfied with the initial choice of a doctor from the DWC's list, the employee may notify the DWC and request authority to select an alternative doctor. The notification must be in writing and state the reasons for the change, except notification may be made by telephone when a medical necessity exists for immediate change.

#### **INCOME BENEFITS**

In addition to medical payments, employees are eligible to receive income benefits for time lost from work as a result of an injury. To be eligible, an injury must result in disability for at least one week. Income benefits begin to accrue on the eighth day after the disabling injury. This entitlement ends upon the death of the employee. Eligibility for income benefits (for example, temporary income, impairment increment, or supplemental income) expires 401 weeks after the date of the disabling injury.



An employee may elect to use available sick leave before receiving income benefits. If an employee chooses to use his or her sick leave, all of the accrued sick leave must be exhausted before the compensatory payments will begin. The employee may also elect not to use sick leave. Once the election has been made, the employee cannot change his or her election at a later date.

The Office of the Attorney General has ruled that employees who are receiving temporary disability payments or workers' compensation benefits may use their paid vacation leave.

There are four categories of income benefits: temporary, impairment, supplemental, and lifetime. A brief description of each follows.

**Temporary benefits** continue until a worker has reached maximum medical improvement (MMI). MMI is reached when certified by a doctor or after 104 weeks after temporary benefits began to accrue whichever occurs first. These benefits are paid at 70 percent of the difference between the worker's average pre-injury weekly wage and the worker's post-injury weekly earnings, not to exceed 100 percent of the state average weekly wage rounded to the nearest whole dollar. For workers who earn less than \$8.50 an hour, benefits for the first 26 weeks are paid at 75 percent of the difference between the worker's average pre-injury wage and the workers post-injury earnings.

**Impairment benefits** begin the day after a worker has reached his or her MMI point and end either on the date of expiration computed at a rate of three weeks for each percentage point of impairment, or on the date of the employee's death, whichever comes first. A worker who remains impaired by an injury after he or she has reached MMI will be eligible for impairment benefits. If the diagnosis is disputed and the parties cannot agree on a doctor to determine whether a worker has reached MMI, the TWCC will assign a doctor.

The certifying doctor assigns a rating to the worker's impairment using the American Medical Association's *Guides to the Evaluation of Permanent Impairment*. The rating determines the number of weeks that impairment benefits will be paid. If the impairment rating is disputed, a doctor chosen by the agreement of both parties or, if the parties cannot agree, a doctor appointed by the TWCC will assign a rating. Impairment income benefits are paid at 70 percent of the worker's average pre-injury wage, not to exceed 70 percent of the state average weekly wage rounded to the nearest whole dollar.

**Supplemental benefits** are paid when a worker's impairment benefits expire if the worker has an impairment rating of 15 percent or more; has not returned to work at all or returns to work earning less than 80 percent of his or her average pre-injury weekly wage; has not decided to commute part of his or her impairment income benefit; and has made a good faith effort to seek employment according to his or her ability to work. Eligible employees may be paid supplemental benefits not to exceed 70 percent of the state weekly wage rounded to the nearest whole dollar. Benefits for a week are equal to 80 percent of the amount calculated by subtracting a worker's weekly wage earned during the reporting period from 80 percent of the worker's average weekly wage.

**Lifetime benefits** are paid for specific serious injuries until the death of the employee. Employees may be paid at 75 percent of the worker's average pre-injury weekly wage, not to exceed 100 percent of the state average weekly wage rounded to the nearest whole dollar, for the following injuries:

- total and permanent loss of sight in both eyes;
- loss of both feet at or above the ankle; loss of both hands at or above the wrist;
- loss of one foot at or above the ankle and the loss of one hand at or above the wrist;
- an injury to the spine that results in permanent and complete paralysis of both arms, both legs, or one arm and one leg;
- or an injury to the skull resulting in incurable insanity or imbecility.

**Death and burial benefits** are paid to the beneficiaries of the deceased employee if the employee dies of a compensable injury. The beneficiaries of the employee are entitled to 75 percent of the employee's average weekly salary not to exceed 100 percent of the state average weekly wage rounded to the nearest whole dollar. Beneficiaries may include eligible spouses, children, grandchildren, or dependents.

Weekly payments to an employee's eligible spouse continue until the spouse dies or remarries. If the spouse remarries, he or she may receive 104 weeks of death benefits, commuted according to TWCC rules. Weekly payments to an employee's dependent child continue until the child reaches age 18. If the child is enrolled as a full-time student at an accredited educational institution, then weekly payments may continue until the child reaches age 25, until the date the child is no longer enrolled as a full-time student for the second semester in a row, or until the child dies, whichever is first. A child who is an employee's dependent at the time the employee dies is entitled to receive benefits until the date the child dies, the date the child no longer has a disability, or, if the child does not have a disability, after 364 weeks of death benefit payments, whichever is first. All other beneficiaries are entitled to 364 weeks of payments or payments until the date they die. Burial benefits include the actual costs incurred for reasonable burial expenses or \$2,500.

**Work Search Compliance Standards.** The commissioner by rule shall adopt compliance standards for supplemental income benefit recipients that require each recipient to demonstrate an active effort to obtain employment. To be eligible to receive supplemental income benefits, a recipient must provide evidence satisfactory to the DWC of one of the following:

- Active participation in a vocational rehabilitation program conducted by the Department of Assistive and Rehabilitative Services or a private vocational rehabilitation provider.
- Active participation in work search efforts conducted through the Texas Workforce Commission.
- Active work search efforts documented by job applications submitted by the recipient.

By rule the commissioner shall:

- Establish the level of activity that a recipient should have with the Texas Workforce Commission and the Department of Assistive and Rehabilitative Services.
- Define the number of job applications required to be submitted by a recipient to satisfy the work search requirements.
- Consider factors affecting the availability of employment, including recognition of access to employment in rural areas, economic conditions, and other appropriate employment availability factors.

## **NOTIFICATION AND CLAIM REQUIREMENT**

An employee or party representing the employee must notify the employer within 30 days after the injury occurred or, if the injury is an occupational disease, as soon as the employee knew that the injury might be related to the employment. Failure to notify the employer may relieve the employer of any liability in the matter unless the employer has actual knowledge of the injury; the DWC determines that good cause exists for failure to provide notice, or the employer or its insurance carrier does not contest the claim.

Claims for compensation must normally be filed within one year from the date of injury. Failure to file a claim for compensation with the DWC as required by statute relieves the employer and the employer's insurance carrier of liability under this subtitle unless good cause exists for failure to file a claim in a timely manner or the employer or the employer's insurance carrier does not contest the claim.

Claims for death benefits generally must be filed within one year of the employee's death. Failure to file bars the claim unless the person is a minor or incompetent or good cause exists for the failure to file a claim. Separate claim must be filed for each legal beneficiary unless the claim expressly includes other parties.

## **OUT-OF-STATE ASSIGNMENTS OR POSITIONS**

Workers' compensation coverage extends to employees who regularly work outside the state.

## **EMERGENCY LEAVE AND WORKERS' COMPENSATION**

The administrative head of an agency, department, or institution of higher education may authorize emergency leave with pay to an employee receiving workers' compensation benefits. The emergency leave payment may not exceed an amount equal to the difference between the basic monthly wage of the employee and the amount of income benefits the employee received for the month. Emergency leave payments may not extend beyond six months.

## **REPORTING REQUIREMENTS**

At the close of each calendar quarter, the State Office of Risk Management shall prepare a statement reflecting the amount of Workers' Compensation benefits paid to, or on behalf of, former and current state employees and present it to the Comptroller.

## **WORK-RELATED EXPOSURE TO HIV**

State Employees who have a possible work-related exposure to HIV must obtain a test for HIV within 10 days of the exposure to HIV to be eligible for workers' compensation benefits. The employee must also provide the employer with a written statement of the date and circumstances of the exposure and a copy of the employee's test results that indicate an absence of the disease within 30 days of the receipt of the test results.

The cost of the employee's test(s), regardless of the results, shall be paid from workers' compensation benefits.

(Texas Health and Safety Code, Chapter 85)

**Policy:** 4.17 Return-to-Work Policy and Procedures  
**Scope:** Faculty and Staff

## **RETURN-TO-WORK POLICY STATEMENT**

It is the policy of Lamar State College Orange to provide a Return-to-Work Program as the means to return employees to meaningful, productive employment following injury or illness. In order to provide the highest level of quality service to the citizens of Texas, it is necessary for every employee of Lamar State College Orange to be available for work, ready and capable of performing the duties and responsibilities for which the employee was hired.

The return to work program provides opportunities for any employee of this agency who sustains a compensable injury during the course and scope of employment, a disability as defined by the Americans with Disabilities Act, and/or a serious health condition as defined by the Family Leave Act to return to work at full duty. If the employee is not physically capable of returning to full duty, the return to work program provides opportunities, when available, for the employee to perform a temporary assignment in which the employee's regular position is modified to accommodate the employee's physical capacities, or to perform an alternate duty position.

This return to work program shall not be construed as recognition by Lamar State College Orange, its management, or its employees that any employee who participates in the program has a disability as defined by the Americans with Disabilities Act of 1990. If an employee sustains an injury or illness that results in a disability under the ADA, it is the employee's responsibility to inform his or her supervisor or a person in a responsible management position when a disability under the ADA exists and that a reasonable accommodation is necessary to perform the essential functions of his or her job.

Specific procedures shall be provided to guide all employees regarding the return to work program. All employees, divisions, and facilities of Lamar State College Orange are expected to support and fully comply with this policy and the procedures provided to implement this policy.

### **A. Definitions**

- 1. Serious Health Condition** - An illness, injury, impairment, or physical or mental condition that involves:
  - inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity; or
  - continuing treatment by a health care provider, including a period of incapacity.
  
- 2. FMLA Leave** - Federal leave entitlement of up to 12 weeks of unpaid leave when an eligible employee is unable to work because of a serious health condition. The absence from work must be a period of incapacity of more than three consecutive calendar days. The leave is normally continuous, but may be taken intermittently or on a reduced leave schedule.

3. **Lost Time** - Time spent away from work at the direction of the treating doctor as a result of a compensable injury sustained in the course and scope of employment. The term does not include time worked in a temporary assignment.
4. **Full Duty** - Performance of all duties and tasks of the position for which the employee is employed. Full duty entails performing all essential and non-essential functions of the employee's regular job.
5. **Temporary Assignment** - Performance of a temporary job assignment that is intended to return an injured employee to work at less than his or her full duties when a compensable injury or serious medical condition prevents the employee from working full duty. Two types of temporary assignments are modified duty and alternate duty.
6. **Modified Duty** - Performance of all of the essential functions, but only a portion of the non-essential functions and tasks of the regular job duties for which the employee is employed. Modified duty allows the employee to return to current employment in his or her regular job, and perform those duties and tasks that are within the capabilities of the employee, given the restrictions to duty imposed by the treating physician. Modified duty is a temporary arrangement until the injured employee can resume full duty. If the employee is a qualified individual with a disability as defined under the Americans with Disabilities Act, then modified duty may become a permanent arrangement as a reasonable accommodation, if the accommodation does not create an undue hardship on Lamar State College Orange.
7. **Alternate Duty** - Performance of the essential functions of a job or position other than the position for which the employee is employed. Alternate duty allows the employee to temporarily perform other duties and tasks that are within the restrictions to duty imposed by the treating doctor. Such alternate duty may be physically located in the same facility or in some other facility. Alternate duty is a temporary arrangement until the injured employee can resume full activities of his/her regular job. If the employee is a qualified individual with a disability as defined under the Americans with Disabilities Act, then alternate duty may become a permanent accommodation, if the accommodation does not create an undue hardship on Lamar State College Orange.

## **B. Prohibited Actions**

This Return to Work policy and procedure shall not be applied to any situation or circumstance in a manner that discriminates on the basis of race, color, sex, national origin, religion or disability.

It is a violation of the Return to Work policy, procedures and state or federal law for any employee, supervisor or manager of Lamar State College Orange to:

Discharge (or in any other manner discriminate against) an employee of Lamar State College Orange solely because the employee:

- files a workers' compensation claim in good faith;
- hires a lawyer to represent the employee in a claim;
- institutes or causes to be instituted in good faith a proceeding under the Texas Workers' Compensation Act; or
- testifies or is about to testify in a proceeding under the Texas Workers' Compensation Act.

Discharge (or in any other manner discriminate against) an employee of Lamar State College Orange solely because the employee:

- opposes any practice by Lamar State College-Orange, which is unlawful under the FMLA or ADA; or has filed any charge, or has instituted or caused to be instituted any proceeding under or related to the FMLA;
- has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under the FMLA; or
- has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under the FMLA.

Interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided by the Family Medical Leave Act (FMLA).

Discriminate on the basis of disability against an employee of Lamar State College Orange who is a qualified individual with a disability under the Americans with Disabilities Act (ADA) in regards to:

- job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
- leaves of absence, sick leave, or any other leave;
- upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;
- rates of pay or any other form of compensation, changes in compensation, and fringe benefits available;
- selection and financial support for training; or
- social and recreational activities.

Limit, segregate, or classify a job applicant or employee in a way that adversely affects his or her employment opportunities or status on the basis of disability.

Require a medical examination of an employee who is disabled as defined under the ADA unless the medical examination is job related and consistent with business necessity.

Make inquiries as to whether an employee is an individual with a disability or as to the nature or severity of such disability.

### **C. Position Descriptions of All Positions**

All supervisors and managers are responsible for identifying, documenting and maintaining the essential and non-essential functions in a position description for all positions for which they are responsible. The physical requirements of the position should be included in all position descriptions. All position descriptions shall be reviewed and approved by Human Resources.

### **D. Designated Return to Work Coordinator**

The Return to Work Coordinator for the campus is a representative from Human Resources. The Return to Work Coordinator shall be responsible for coordinating all activities associated with the Return to Work Program, unless specific duties are otherwise assigned to another person or position.

### **E. Education and Training**

The Return to Work Coordinator shall develop, maintain and provide an appropriate training module for inclusion in orientation training for new employees. The Return to Work Coordinator shall also develop, maintain and provide an appropriate refresher training module for presentation to employees on an as needed basis.

### **F. Employee Participation in the Return to Work Program**

In order for an employee of Lamar State College Orange to be eligible to participate in the Return to Work Program, the employee must have:

- sustained a compensable injury as defined in the Texas Workers' Compensation Act that results in lost time away from work;
- a serious health condition as defined by the Family and Medical Leave Act; and/or
- a disability as defined by the Americans with Disabilities Act.

An employee who meets the above criteria shall be encouraged to participate in the program. However, participation by the employee in the program is voluntary and the employee cannot be forced to participate.

### **G. Notification of Injury or Illness**

An employee who sustains an injury or illness either on or off the job is expected to notify his or her supervisor, or a person in a management position, that an injury or serious health condition exists. Such notification should occur at the earliest possible time after occurrence of injury or knowledge that a serious health condition exists. Such notification should ideally occur within



24 hours of the injury or when the serious health condition first manifests itself. In order to receive workers' compensation benefits, an employee must give notice of injury within 30 days.

#### **H. Authorization for Leave and Lost Time**

An employee who must miss work due to a compensable injury and/or a serious health condition must be certified or authorized by a health care provider to be off work. It is the employee's responsibility to obtain such certification from the health provider and to return the certification to his/her supervisor in a timely manner. A "Certification of Physician or Practitioner" form is attached to this procedure for this purpose. If an employee is disabled as defined under the ADA, the request must be job-related, consistent with business necessity and cannot inquire as to the nature or severity of the injury.

In general, the treating health care provider's certification should be provided by the employee to the supervisor according to the following time lines:

1. When the employee knows in advance that FMLA leave is necessary, the certification form should be provided to the supervisor a minimum of three work days prior to the time when leave will commence.
2. When the employee cannot know in advance that leave is necessary, the certification form should be provided to the supervisor within a maximum of three calendar days after the initial visit to the health care provider.

The employee's supervisor shall provide a copy of the employee's position description to the employee to take to the health care provider to assist the health care provider to determine whether the employee can perform the essential functions of the job.

#### **I. Substitution of Paid Leave for Unpaid Leave**

If an employee is injured off the job, the current General Appropriations Act requires the employee's accrued annual leave and accrued sick leave must be utilized before unpaid leave is taken. If a compensable work-related injury or illness is involved, the employee is not required to use all accrued annual or sick leave. The employee may elect to use, but may not be required to use, accrued sick leave before receiving workers' compensation temporary income benefits. However, if the employee elects to use sick leave, all accrued sick leave must be exhausted before the employee is entitled to workers' compensation temporary income benefits.

#### **J. Periodic Status Reports**

If an employee is certified by a health care provider to be off work, the employee is required to submit periodic status reports to his/her supervisor to report the employee's status and intention to return to work. Such status reports are required at the time of each scheduled visit

with the treating health care provider and are due immediately following the visit. A "Return to Work Status Report" form is attached to this procedure for this purpose. The status report should be provided to the supervisor within 24 hours of the scheduled visit, or if a weekend or holiday is involved, before close of business on the next scheduled workday.

If any employee has returned to work in a temporary assignment, and follow-up health care provider appointments are necessary, the employee shall schedule the appointments to minimize time away from the job. Time away from work for these health care provider appointments shall be counted against FMLA leave designated by the employer.

**K. Communication with the employee,** the return to work coordinator shall provide information to the employee that contains the following, as appropriate:

1. Lamar State College Orange's Return to Work Policies and Procedures, and appropriate forms.
2. If a job-related injury or occupational disease occurs:
  - Notification that the State of Texas provides workers' compensation benefits to employees who sustain compensable job-related injuries and/or occupational diseases;
  - How medical expenses and income payments are made;
  - How employee health benefits are continued;
  - The name, location and telephone number of the local Texas Workers' Compensation Commission's (TWCC) field office and the name of the TWCC ombudsman at that office. The notice should state that the employee has a right to information and assistance from the TWCC ombudsman with his/her claim; and
  - The rights available to the employee under the Texas Workers' Compensation Act.
3. For FMLA leave:
  - Information regarding the employee's FMLA leave entitlement;
  - How employee health benefits are continued; and
  - Required certifications from the health care provider.

The Return to Work Coordinator is responsible for maintaining regular, weekly communications with the employee. The purposes of these communications are to: encourage the employee during recuperation from the injury; communicate the value of the employee to the agency; encourage return to work at the earliest possible date; and if the employee is on lost time for a worker's compensation claim, offer assistance to the employee if needed to attend health care provider visits.

#### **L. Communications with the State Office of Risk Management**

The Claims Coordinator is responsible for timely submission to the State Office of Risk Management, all required reports and other important documents in Lamar State College

Orange's possession regarding a workers' compensation claim, including the "Certification of Physician or Practitioner" form and "Return to Work Status" form. Timely submission or reports and forms is necessary in order to promptly initiate workers' compensation benefits, or cease payment of benefits when the employee returns to work. All reports and forms shall be submitted in a timely manner in accordance with the requirements of the Texas Workers' Compensation Act.

#### **M. *Bona Fide* Offer of Employment for the Temporary Assignment**

The *bona fide* offer of employment letter shall include the following information:

- The type of position offered and the specific duties;
- A statement that the agency is aware of and will abide by any physical limitations under which the treating doctor has authorized the employee to return to work;
- The wage rate of the job;
- The location of the temporary assignment;
- The expected duration of the temporary assignment;
- The consequences of not accepting a temporary assignment, in terms of duration and amount of temporary income benefits payable under the Texas Workers' Compensation Act, and if the leave has not been designated by the agency as FMLA leave, the appropriate administrative penalties/disciplinary measures by Lamar State College Orange as specified in the Human Resources Procedures.
- The person to contact if the employee has questions regarding the temporary assignment, job modifications, or questions regarding the FMLA or ADA.

The employee may accept or reject this *bona fide* offer of employment. The employee should be informed that rejection of the *bona fide* offer of employment may result in workers' compensation temporary income benefits (if applicable) being stopped by the State Office of Risk Management as the state's insurance carrier. If the employee accepts the *bona fide* offer of employment, then the employee shall perform the duties of the temporary assignment position for the term of the assignment or until the employee is able to return to full duty, whichever is sooner. If the employee rejects the *bona fide* offer of employment, then the employee remains off work until the end of the FMLA leave entitlement period or until the employee is certified by the health care provider to return to full duty.

If the employee is unable to return to full duty by the end of the temporary assignment period, the employee's continued employment with the agency shall be considered based upon the business necessity of having the employee's position filled and whether any reasonable accommodation is required under the ADA.

**Policy:** 4.18 Jury Duty  
**Scope:** Faculty and Staff

## **JURY DUTY**

An employee is entitled to serve on a jury without any deduction from wages. Any compensation for jury service need not be accounted to the state by the employee. An employee is excused from his/her work assignment for that period of time which is required to perform this duty. Should an employee be released from duty for that day and a reasonable amount of the work day be left, the employee is expected to return to the duty station. The employee shall supply the supervisor with a copy of the call to jury duty and a copy of the release for all duty certificates. The certification should be maintained to support the filing of jury duty leave.

Officers or employees of the Senate, the House of Representatives, or any department, commission, board, office, or other agency in the legislative branch of state government are exempt from having to perform state jury service.

An employee called to appear in an official capacity in any judicial action or legislative investigation is not entitled to any witness fees for such a governmental appearance. However, if the appearance is not in an official capacity but is for the purpose of testifying from personal knowledge, an employee may accept any customary witness fees. In the case of an employee whose appearance as an expert witness is not in an official capacity, the employee may receive compensation only when such an appearance is made on his or her own leave time. The limitations relating to witness fees do not extend to any mileage or per diem allowance paid to the state employee or official for expenses incurred while serving as a witness as long as there is no double reimbursement to the employee for expenses.

The Appropriations Act provides that "deductions may not be made for absences caused by jury duty, (or) attendance as a witness at a judicial action. Thus, FLSA exempt employees can exercise their right to participate in the legal system as witnesses or jurors without suffering a reduction in pay. In addition, FLSA exempt employees can receive both an expert witness fee (in an official capacity) and compensation from work.

Institutions of Higher Education must now report to the Coordinating Board the numbers of members of the faculty or professional staff of an institution of higher education who act as consulting or testifying expert witnesses in suits in which the state is a party during the preceding state fiscal year.

**Policy:**                           **4.19 Children in the Workplace**  
**Scope:**                           **Faculty and Staff**

Lamar State College Orange values family life and has worked to develop employment policies and benefits that are supportive of families. While the College seeks to focus on providing an environment open to work and family issues, it also believes that the work place should not be used in lieu of a child care provider. Further, the College believes that it is inappropriate for minor children of employees to be on campus for several reasons:

- the potential liability to the College,
- risk of harm to the children, and
- decreased employee productivity due to distractions and disruptions.

It is the policy of Lamar State College Orange that minor children of employees not be present on campus in lieu of other child care arrangements. This policy is not intended, however, to prohibit children from the campus when the purpose of their visit is to attend classes or to participate in activities specifically scheduled for their benefit. Neither is the policy intended to prohibit the occasional visit of a child to the campus, provided that the child is supervised, that his/her presence does not interfere with the work of the parent or any other employee, and that the child's presence does not pose a hazard to the child or others.

**Policy:**                           **4.20 Right to Express Breast Milk**  
**Scope:**                           **Faculty and Staff**

Lamar State College Orange is committed to providing and promoting a work environment that is supportive of nursing mothers and encourages breastfeeding of their children following their child's birth. Management and employees are encouraged to have a positive, accepting attitude toward employees opting to breastfeed their children.

- Nursing mothers of children less than one year may use reasonable break time as needed for milk expression. The frequency and duration of breaks for this purpose may vary as determined by the needs of the mother. This is considered paid time; however, nursing mothers should first utilize their normal break periods.
- Any questions arising to the reasonableness of the frequency and duration of breaks will be determined by the department head. Appeals should be directed to the appropriate vice president or designee.
- Supervisors and managers are responsible for ensuring that the duties of the nursing mother are covered during her expression breaks.
- Supervisors are responsible for alerting pregnant and breastfeeding employees about this policy for breastfeeding support.
- An employee may express milk in her own private office, Student Center Room 205, or in another private location agreed upon in consultation with the employee's supervisor.

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## SECTION 5 – CONDITIONS OF EMPLOYMENT

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**Policy:** 5.0 Ethics  
**Scope:** Faculty and Staff

### CODE OF ETHICS

Lamar State College Orange is committed to the highest standards of ethics, integrity, and fairness in all dealings and to provide the public with the utmost level of confidence in our organization, educational services, administrative business processes, and financial data. The College is in a position of trust with respect to many external organizations and agencies. Accordingly, all College personnel have a responsibility to the government, donors, parents, and students to use its funds prudently, ethically, and for the purposes for which they are designed.

**1. Ethics** is defined as the principals of conduct governing an individual or group.

#### **2. Preamble**

Ethics and integrity are the responsibility of each individual. Therefore, every member of the faculty and staff, any other person acting on behalf of the College is responsible for ethical conduct consistent with the code. As such, College administration, faculty, deans, department chairs, and others in supervisory positions must assume responsibility for ensuring that their conduct, and the conduct of those they supervise complies with this code. Business activities undertaken on behalf of LSCO with the public, the government, suppliers, students, and one another must reflect the highest standards of honesty, integrity, and fairness. Each individual must be especially careful to avoid even the appearance of misconduct or impropriety.

#### **3. Integrity**

All employees must:

- Perform their work with honesty, objectivity, diligence, and responsibility.
- Act with a high level of prudence and due professional care avoiding any real or apparent conflicts of interest.
- Act in good faith without misrepresenting material facts or allowing their independent judgment to be subordinated.
- Accord respect to self and others and accept responsibility for all actions.
- Observe the law and make disclosures expected by the law.
- Not knowingly be a party to any illegal activity or engage in acts that are discreditable to the College.

- Comply with all College policies and procedures.
- Proactively promote ethical behavior amongst peers, in the work environment, and in the community.
- Exercise responsible use and control over all College assets and resources.
- Respect and contribute to the legitimate and ethical objectives of the College.
- Accept and respect diversity in our community and adherence to the College's affirmative action and non-discrimination policies.

#### **4. Gratuities and “Kickbacks”**

Lamar State College Orange personnel shall not use their position to secure special privileges for themselves or their close relatives. (See definition below under “*Nepotism*”). Employees shall not give, offer, or promise anything of value to anyone to enhance relations with that individual or their firm, regardless of whether that individual is in a position to influence any decisions with respect to the College or its activities. This includes, but is not limited to, entertainment, meals, refreshments, gratuities or gifts, loans, rewards, compensation, or other monetary remuneration. This also applies to all contractors, subcontractors, and/or vendors for the purpose of improperly obtaining or receiving favorable treatment. Nor shall any LSCO personnel solicit or accept anything of value from any governmental official, contractor, subcontractor, vendor or others for such a purpose. (Refer to related policies in Policy 5.1- Standards of Conduct)

#### **5. Conflict of Interest**

All employees must ensure that no conflicts of interest exist. The College administration has an obligation, in accordance with Board statutes, to ensure that staff members avoid conflicts of interest and to assure that the activities and interests of its employees do not conflict with their obligations to the institution or its well-being. A conflict of interest arises when staff members place themselves in a position where they could use their position to create benefits for their private interests or to give improper advantage to others. When a staff member has a significant interest in, or a consulting arrangement with, a private business concern, it is important that they avoid conflicts of interest. Staff members are encouraged to direct inquiries relative to conflict of interest concerns to their department head and/or division executive officers. In those situations where a possible conflict of interest may occur, management shall take action which may include relieving the employee of the assignment and assigning the matter to another qualified employee who does not have a conflict of interest.

#### **6. Conflict of Commitment**

With the acceptance of a full-time or part-time position at LSCO, every employee is expected to accord the College their primary professional loyalty and to arrange outside obligations, financial interest, and activities so as not to conflict with their overriding commitment to the College. Consultants are also expected to arrange their outside obligations and activities so as not to conflict with their contracted commitment to the College.



A conflict of commitment occurs when an employee's involvement in external activities adversely affects their capacity to meet their primary obligation to the College due to a perceptible reduction of the individual's time and energy devoted to LSCO activities. Departments may permit certain outside activities, with appropriate notice to and written approval by the appropriate department head, so long as these endeavors do not interfere with an employee's obligations to the College. (Refer also to provisions on Dual Employment in Policy 2.1 and in the section on Outside Employment in Policy 4.0 - Attendance.)

## **7. Nepotism**

Blood or marital relationships with other College staff members are not regarded as a deterrent to appointment, reassignment, or continuance in a present position. Close relatives may not be employed where one is in a position of influence over another. Close relatives include husband or wife, parent or child, son-in-law, daughter-in-law, brother or sister. A position of influence exists in instances where selection for employment, judgments concerning performance, compensation, status, fitness for promotion or discipline/discharge, require the action of one person with respect to the other. (Application of this policy is detailed in Policy 2.0 – Nepotism)

## **8. Confidentiality**

Security and confidentiality of College records are matters of concern for all staff with access to manual or computerized information and files. Each person working with College information holds a position of trust and must recognize the responsibilities of preserving the security and confidentiality of the information, any employee or person with authorized access to the system is expected:

- Not to make or permit unauthorized use of any information or files.
- Not to seek personal benefit or permit others to benefit personally by any confidential information which has come to them through their work assignment.
- Not to exhibit or divulge the contents of any record or report to any person except in the conduct of their regular work assignment.
- Not to remove any official record or report (or copy) from the office where it is kept except in performance of regular duties or in cases with prior approval.
- Not to operate or request others to operate any College data processing equipment for personal business.
- Not to aid, abet, or act in conspiracy with any other person to violate any part of this code.
- To immediately report any violation of this code to management.

## **9. Competency**

All employees have an obligation to execute their duties and responsibilities with professional care and skill to the best of their knowledge and abilities. To that end, all employees must familiarize themselves with the appropriate College and/or department policies and procedures, applicable laws and regulations, and other rules as required to perform their respective jobs.

## **10. Financial Reporting**

All College accounts, financial reports, tax returns, expense reimbursement, time sheets, and other documents, including those submitted to government agencies must be accurate, clear, timely, and complete. All entries in College books and records, including departmental accounts, and individual expense reports, must accurately reflect each transaction. It is unlawful for any employee to take an action to fraudulently influence, coerce, manipulate, or mislead an auditor engaged in the performance of an audit for the purpose of rendering the financial statements materially misleading.

## **11. Reporting Code Violations**

Employees should report suspected violations of this code, applicable laws, regulations, and government grant and contract requirements through standard management reporting channels, beginning with the immediate supervisor. Alternatively, employees may go to a higher level of management and may also report suspected violations or problems to the Director of Internal Audit. In all instances, violations of laws or regulations should be reported to the Director of Internal Audit (409-880-8933). Such reports may be made confidentially and/or anonymously although a greater level of information allows for a more thorough investigation. Raising such concerns is a service to the College and consistent with the State of Texas's Whistleblowers' Protection Act will not jeopardize employment.

All employees should cooperate fully in the investigation of any misconduct.

## **12. Consequences of violation**

Each person is responsible for ensuring that their own conduct, and the conduct of anyone reporting to them, fully complies with this code and with the College's policies. Violations will result in appropriate disciplinary action up to and including discharge from employment. Disciplinary action will be taken in accordance with the procedures applicable to faculty or staff as codified in the respective Faculty Handbook and in this Administrative Policy and Procedure. Conduct representing a violation of the code may, in some circumstances, also subject an individual to civil or criminal charges and penalties.

**Policy:** 5.1 Standards of Conduct Policy  
**Scope:** Faculty and Staff

## **STANDARDS OF CONDUCT FOR STATE EMPLOYEES**

State law requires that all individuals who are responsible to the State in the performance of their official duties must observe certain standards of conduct and disclosure requirements. An employee of Lamar State College Orange shall not:

- Accept or solicit any gift, favor or service that might reasonably tend to influence the employee in the discharge of official duties.
- Use an official position to secure special privileges or exemptions for the employee or others, except as may be otherwise authorized by law.
- Accept employment or engage in any business or professional activity which might reasonably be expected to require or induce the employee to disclose confidential information acquired by reason of such employee's official position or impair the employee's independence of judgment in the performance of public duties.
- Disclose confidential information gained by reason of one's employment, or otherwise use such information for personal gain or benefit.
- Transact any business in an official capacity with any business entity of which the employee is an officer, agent, or member or in which the employee owns a controlling interest unless the Board of Regents has reviewed the matter and determined no conflict of interest exists.
- Make personal investments in any enterprise which could reasonably be expected to create a substantial conflict between the private interests of the employee and the public interests of his or her employee.
- Receive any compensation for services as a State employee from any source other than the State of Texas, except as otherwise provided by law.
- Engage in any form of sexual harassment or racial harassment as defined in the Administrative Policies and Procedures Manual.

## **TRAVEL EXPENSES AND ALLOWANCES**

An LSCO employee or prospective employee traveling overnight on Lamar State College Orange business is entitled to reimbursement of legitimate expenses.

To qualify for travel reimbursements the purpose of a trip must be "State business" or "official business" of the College. State or official business is the accomplishment of a governmental function directly entrusted to Lamar State College Orange, including the reasonably necessary means and methods to accomplish that function.

## **CONFLICTS OF INTEREST**

### **Ethics Commission Financial Disclosure Statements**

The President shall file a financial statement with the Texas Ethics Commission not later than April 30 each year in which the President has served in such capacity for any portion of the immediately preceding twelve (12) months on forms prescribed by the commission.

### **Contracts Prohibited**

Except as provided below, neither the Texas State University System nor Lamar State College Orange may enter into a contract in which a Regent or the Regent's spouse has a direct or indirect pecuniary interest.

### **Benefits, Gifts and Honoraria**

A "benefit" is anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare an employee has a direct and substantial interest.

### **Bribery**

An employee shall not solicit, offer, or accept any benefit in exchange for his or her decision, opinion, recommendation, vote, or other exercise of official power or discretion.

### **Prohibited Benefits**

An employee shall not solicit, accept, or agree to accept any benefit from any person the employee knows is interested in or is likely to become interested in any contract, purchase, payment, claim, or transaction involving the employee's discretion. This prohibition does not apply to (1) gifts or other benefits conferred on account of kinship or a personal, professional, or business relationship independent of an employee's status, respectively, as an employee; (2) a fee prescribed by law to be received by an employee or any other benefit to which he or she is lawfully entitled or for which he or she gives legitimate consideration in a capacity other than as an employee of Lamar State College Orange; (3) a gift, award, or memento that is received from a lobbyist who is required to make reports under Chapter 305 of the Government Code; and, (4)

items having a value of less than \$50, not including cash or negotiable instruments. An employee who receives an unsolicited benefit that he or she is prohibited from accepting by law may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for education, religious, or scientific purposes.

### **Food, Lodging, Transportation, and Entertainment Received as a Guest**

An employee may accept food, lodging, transportation, or entertainment from persons or entities he or she knows or reasonably should know are interested in or likely to become interested in a contract, purchase, payment, claim, decision, or transaction involving the exercise of the Board's discretion only if the employee is a "guest" as defined by Texas law. An employee is a "guest" if the person or a representative of the entity providing the food, lodging, transportation, or entertainment is present at the time the food, lodging, transportation, or entertainment is received or enjoyed by the employee. The President is required to report any such benefits valued at over \$250 on his annual disclosure statements filed with the Texas Ethics Commission.

### **Gifts or Benefits from Friends, Relatives, and Associates**

Employees may accept gifts or benefits from personal friends, relatives, or business associates with whom they have a relationship independent of their official status, so long as the benefit is not offered in exchange for official action or decision.

### **Awards**

Employees may accept plaques and similar recognition awards.

### **Honoraria**

Employees may not solicit, accept, or agree to accept an honorarium in consideration for services they would not have been asked to provide but for their official position or duties. This prohibition includes a request for or acceptance of a payment made to a third party if made in exchange for such services. However, they may accept the direct provision of or reimbursement for expenses for transportation and lodging incurred in connection with a speaking engagement at a conference or similar event, provided the employee's participation is more than merely perfunctory. Meals provided as a part of the event or reimbursement for actual expenses for meals may also be accepted. Texas Government Code, Ann., 572.001

## **POLITICAL ACTIVITIES**

### **Entertainment**

If an employee provides tickets to a public official to allow the official and/or his guests to attend an event, an officer or employee of the System or Lamar State College Orange will serve

as host to the official, and must attend the event.

### **Perishable Food Items**

Employees may provide public officials with small, infrequent gifts of perishable food items delivered to their offices. These are not considered to be "benefits" for purposes of the provisions of the Penal Code prohibiting such.

### **Expenses for Public Officials**

Lamar State College Orange may pay expenses in order to furnish information to State officials relevant to their official position, including presentations about the programs and services of the Texas State University System and its component institutions.

### **Use of Official Authority Prohibited**

Lamar State College Orange employees may not use his or her official authority or influence, or permit the use of a program administered by the System to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose. No Lamar State College Orange employee may do any act or attempt to interfere with anyone who seeks to pay, lend, or contribute private funds or private property to a person or political organization for political purposes. Any employee who violates either of these provisions is subject to immediate termination of employment in accordance with the Texas Government Code.

### **Use of System Funds or Property**

No Lamar State College Orange employee shall expend or authorize the expenditure of any System or Lamar State College Orange funds for the purpose of influencing the outcome of any election, or the passage or defeat of any legislative measure. No System or Lamar State College Orange funds may be expended for the payment of full or partial salary of any employee who is also the paid lobbyist of any individual, firm, association, or corporation. System and Lamar State College-Orange facilities may be used as polling places for local, state, and national elections.

### **Voting and Political Participation**

As employees of the State of Texas, Lamar State College Orange employees have the rights of freedom of association and political participation guaranteed by the state and federal constitutions, except as limited by valid state laws. Lamar State College Orange employees shall be allowed sufficient time off to vote in public elections without a deduction from pay or from accrued leave time.

### **Political Campaign Events on System Property**

The Chief Executive Officer of Lamar State College Orange shall be responsible for promulgating rules for the regulation of political campaign meetings or speeches and other activities relating

to political campaigns on property under their control. Such regulations shall be implemented by the Chancellor after approval by the Board of Regents.

### **Employees as Candidates and Officeholders**

Lamar State College Orange employees may run for election and serve as members of the governing bodies of school districts, cities, towns, or other local governmental districts. No campaign activities may be conducted during official business hours unless the employee has requested and received permission to use leave time for such purpose. Any employee elected to such a position may not receive any salary for serving as a member of such governing body.

### **Political Contributions for Employees**

Lamar State College Orange employees may make personal contributions to candidates for office and political organizations, with the exception that no State employee may contribute personal services, money, or goods of value to a candidate campaigning for speaker of the Texas House of Representatives.

(General Appropriations Act, Article IX, Section 4.05, 79th Legislature)

### **DUAL OFFICE HOLDING**

#### **Non-elective State or Federal Office**

Lamar State College Orange employees may hold non-elective offices with boards, commissions, and other state and federal entities provided that the holding of such office: (1) is of benefit to the State of Texas, or is required by state or federal law, and (2) is not in conflict with the employee's position. Such appointments must be approved by the President. Prior to the President's accepting an invitation to serve in an additional non-elective office, the Board of Regents must determine that the appointment meets the two requirements stated above. The Board must also make an official record of any compensation to be received by the President from such appointment, including salary, bonus, per diem or other types of compensation. (Refer also to Policy 5.0 – Ethics, Section 1.6, Conflict of Commitment)

#### **Positions of Employment with Government Agencies**

Lamar State College Orange employees may hold other positions of employment with agencies, boards, commissions, or other entities of government so long as the holding of such positions is consistent with the prohibitions against dual office holding in the Texas Constitution. Special rules for multiple employments with the State are provided in Article IX, Sec. 9, of the General Appropriations Act. The person seeking dual employment must be informed of the special rules before that person becomes employed by more than one agency or institution. Consulting arrangements with federal, state, or local governmental agencies of a detached and independent advisory nature are not considered to be appointments with such agencies. (Refer also to Policy 5.0 – Ethics, Section 1.6, Conflict of Commitment)

**Policy:** 5.2 Fraud Policy  
**Scope:** Faculty and Staff

This policy is to specifically address fraudulent acts. Fraudulent activity of any kind, including for the benefit of the College, is expressly forbidden. This policy establishes the procedures and responsibilities for reporting and resolving instances of known or suspected fraudulent acts.

#### **DEFINITION**

Fraud is an intentional perversion of truth for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right. A false representation of a matter of fact, whether by words or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed, which deceives and is intended to deceive another so that he shall act upon it to his legal injury. Any kind of artifice employed by one person to deceive another. (Black's Law Dictionary)

#### **BROADENED DEFINITION**

For purposes of this policy, the definition has been broadened to include:

1. an intentional or deliberate act;
2. depriving the College or a person of something of value or gaining an unfair benefit; and
3. using deception, false suggestions, suppression of truth, or other unfair means which are believed and relied upon.

#### **FURTHER DEFINITION**

A fraudulent act may be an illegal, unethical, improper, or dishonest act including, but not limited to:

1. embezzlement;
2. misappropriation, misapplication, destruction, removal, or concealment of property;
3. alteration or falsification of documents;
4. false claims by students, employees, vendors, or others associated with the College;
5. theft of any asset including, but not limited to, money, tangible property, trade secrets, or intellectual property;
6. inappropriate use of computers, including hacking and software piracy;
7. bribery, rebate, or kickback;
8. conflict of interest; or misrepresentation of facts.

#### **DETERMINATION**

While a fraudulent act may have criminal and/or civil law consequences, the College is not required to use a determination by a criminal justice authority to criminally prosecute as the



basis for determining whether an act is fraudulent. It is the internal determination that the above criteria are present that defines an act as fraudulent under this policy.

## **DUTIES AND RESPONSIBILITIES**

Generally, employees, students, and other persons associated with the College (collectively, members of the campus community) abide by laws, rules regulations, and policies; however, incidents of fraud may occur. Administrators at all levels of management are accountable for setting the appropriate tone of intolerance for fraudulent acts by displaying the proper attitude toward complying with laws, rules, regulations, and policies, including ethics policies. In addition, administrators should be cognizant of the risks and exposures inherent in their area of responsibility, and should establish and maintain proper internal controls which will provide for the security and accountability of the resources entrusted to them. Any member of the campus community who has a reasonable basis for believing a fraudulent act has occurred has a responsibility to promptly notify one of the following:

1. his or her supervisor;
2. the appropriate administrator;
3. Internal Audit

Employees who, in good faith, report unlawful activity are protected by the Texas Whistleblower Act against any retaliation by the College for making such a report. The reporting member of the campus community shall refrain from confrontation of the suspect, further examination of the incident, or further discussion of the incident with anyone other than the employee's supervisor or others involved in the resulting review or investigation. Persons found to be making frivolous claims under this policy will be disciplined, up to and including termination of employment or expulsion from the College.

## **INVESTIGATION**

Supervisors and administrators at all levels of management who become aware of suspected fraudulent activity are to respond in a consistent and appropriate manner and shall report the suspected activity to the Office of Audits and Compliance. With the concurrence of the Director of Audits and Compliance, the supervisor or administrator may treat the incident as an administrative issue and have a qualified individual or individuals perform an objective review as considered necessary. The Office of Audits and Compliance has the primary obligation for investigating reported incidents to the extent considered necessary for resolution. The Office of Audits and Compliance may contact other college departments to establish the necessary team to proceed with the review or investigation. The investigative team will attempt to keep source information as confidential as possible. In those instances, where the investigation indicates criminal activity, the investigation shall be turned over to the appropriate law enforcement agency. All affected departments and/or individuals shall cooperate fully with those performing a review or investigation, including the Office of Audits and Compliance, law enforcement

officials, regulators, and any other parties involved. During all aspects of the review or investigation, the Constitutional rights of all persons will be observed. Suspects and others involved in the review shall be treated consistently without regard to past performance, position held, length of service, race, color, religion, sex, age, disability, national origin, or veteran status.

## **DISCIPLINARY ACTIONS**

Employees found to have participated in fraudulent acts as defined by the policy will be subject to disciplinary action, up to and including termination, pursuant to personnel policies and rules. Additionally, employees suspected of perpetrating fraudulent acts may be placed on paid administrative leave during the course of the investigation. In those cases, where disciplinary action is warranted, the Human Resources Office, Office of General Counsel, or other appropriate office shall be consulted prior to taking such actions. Criminal or civil actions may be taken against employees who participate in unlawful acts. The employment of any employee involved in the perpetration of a fraud will ordinarily be terminated without eligibility for rehire. Actions to be taken will be determined without regard to past performance, position held, length of service, race, color, religion, sex, age, disability, national origin, or veteran status. Students found to have participated in fraudulent acts as defined by this policy will be subject to disciplinary action pursuant to operating manuals. In those cases, where disciplinary action is warranted, the Academic Dean, Office of Student Services, Office of General Counsel, or other appropriate office shall be consulted prior to taking such actions. Additionally, criminal or civil actions may be taken against students who participate in unlawful acts. The relationship of other individuals or entities associated with the College found to have participated in fraudulent acts as defined by this policy will be subject to review, with possible consequences including termination of the relationship. In those cases, where action is warranted, the Office of General Counsel or other appropriate office shall be consulted prior to taking such actions. Additionally, criminal or civil actions may be taken against individuals or entities associated with the College who participate in unlawful acts.

## **REPORTING**

The results of investigations conducted by the Office of Audits and Compliance shall be communicated, either orally or in writing, as determined by the Director of Audits and Compliance to the Board and Chancellor, or other appropriate administrator.

## **TRAINING**

The System Administrative Office shall conduct, in even numbered years, training sessions for the personnel of each component institution responsible for ethics training in the various departments of such institutions. These training sessions will provide the trainees with the methods, policies and materials necessary to allow them to train each employee within their supervision or responsibility. Each component institution is responsible for training each employee each biennium. The President shall notify the Chancellor upon completion of the ethics training each biennium.

**Policy:** 5.3 Performance Rating  
**Scope:** Faculty and Staff

## **STAFF PERFORMANCE RATINGS**

This section covers the procedures for the administration of a system for the evaluation of the performance of staff personnel holding positions at Lamar State College Orange.

### **SCOPE AND PURPOSE**

Any type of employee performance evaluation is merely a tool of management and not an end in itself. Ratings can be a positive means in assisting staff personnel in improving job performance. A rating system further affords management an opportunity to make known to staff personnel the objectives and goals of the department and of the College and what is expected of the employee toward the attainment of the objectives and goals. Employees cannot be expected to meet performance standards that have not been clearly defined and explained as a part of the requirements of his/her position. Documentation should be on file to substantiate an individual's performance and compliance with policies, procedures, and rules.

The employee performance evaluation should be conducted on a periodic basis and should not reflect personal prejudice, bias, or favoritism on the part of those conducting the ratings or reviews. The results of such an evaluation procedure should be used to assist management in the decision-making process of the following:

1. Determining staff personnel deserving of merit pay increases.
2. Identifying staff personnel for promotion.
3. Informing staff personnel of deficiencies, training needs, and improvements expected.
4. Justification for disciplinary actions.

Nothing in this section or in Lamar State College Orange's employee performance evaluation policy or process shall be interpreted as invalidating or compromising Lamar State College Orange's right to terminate any employee at will (with or without cause, with or without a statement of reasons.)

### **APPLICATION OF POLICY**

These rules and procedures are applicable to all departments and divisions of the College not specifically exempted from these rules and regulations and to staff personnel for evaluation and rating techniques and for deficiency reviews.

The Human Resources Office is authorized to prepare and submit to all departments suggested guidelines and forms for developing performance evaluation systems.

## **REQUIRED PROCEDURES**

The Human Resources Office shall establish a system of employee performance evaluation that reflects an impartial rating of an employee's performance and his/her potential for further advancement.

Each department's employee performance evaluation system shall produce overall ratings of five (5) levels as follows:

1. Needs Significant Improvement
2. Needs Some Improvement
3. Average
4. Above Average
5. Exceptional

At least annually, each staff employee, including administrators, shall be rated by his/her immediate supervisor whenever possible, and all ratings must be reviewed and approved by a higher-level supervisor than the one who prepared the rating. The higher-level supervisor will be responsible for reviewing performance evaluations for EEO compliance. It is suggested that, in all cases, the immediate supervisor doing the rating must be familiar with the performance of the staff employee during a major portion of the rating period.

All staff personnel other than temporary appointees shall be given performance ratings prior to the completion of six (6) months of service following a new appointment or promotion and at least annually thereafter. Special ratings for the purpose of recognizing performance other than satisfactory may be made at any time.

It is necessary for the immediate supervisor to discuss the rating with the employee in all cases. Where the employee receives the rating of "Needs Significant Improvement," the supervisor shall work with the employee in an attempt to assist the employee in improving his/her performance. Such employee should be re-evaluated within sixty (60) calendar days and a new rating should be given at that time.

Employees must acknowledge their evaluation within 10 business days of the supervisor discussing the rating with the employee. If an employee fails to acknowledge or sign their evaluation within this time frame, the evaluation is accepted as final.

## **EVALUATION AND RATING TECHNIQUES**

The Human Resources Office may hold an annual orientation session for supervisors to train them in the techniques of a uniform and effective employee performance evaluation program. These training sessions should include presentations and discussions of such subjects as listed below:

1. Detailed explanation of the department's employee performance evaluation and rating system;
2. Instructions as to what the administration expects in the way of performance standards and the requirements for disseminating this information to all staff personnel;
3. The requirements for maintaining an effective and uniform evaluation program within and among all units of the department and the desirability of the same;
4. To caution supervisory personnel who will be reviewing and evaluating the performance of subordinate employees against pitfalls of committing common rating errors such as:
  - Central Tendency--rating all staff personnel as average;
  - Halo Effect--allowing one aspect of a staff employee's performance to influence the entire evaluation;
  - Overvaluation or Undervaluation--the tendency of a rater to overvalue or undervalue a given factor; and
  - Miscellaneous Biases--race, sex, nationality, religion, personality conflicts, etc.

Rating factors are the criteria by which staff personnel are evaluated. Some of the common rating factors and their descriptions are listed below; however, there are other factors that could be considered.

1. Quality of Work - degree of accuracy, completeness, and acceptable standards.
2. Productivity - the use of available working time, prioritization of work, setting and meeting goals, meeting deadlines, and limiting personal calls and visits.
3. Customer Service - respect and courtesy shown, working effectively with co-workers, students and the public, and demonstrating an understanding of work on other departments.
4. Attendance and Punctuality - requests leave in advance, notifies in case of illness, arrives for work and leaves on time, observes time limits on breaks, and remains on the job after arrival.
5. Knowledge - familiarity with duties, methods, practices, equipment, College/State policies and procedures.
6. Communication - accurately conveys information verbally and in writing, listens attentively, and understands both oral and written instructions.
7. Adaptability - learns quickly, adjusts to changes in assignments, personnel, surroundings, and procedures and accepts criticism in a constructive manner.
8. Dependability - follows through on assignments, shows commitment to meeting goals, and willing to take on and be held accountable for responsibilities.
9. Initiative/Resourcefulness - sees things to be done and takes action, contributes new ideas or methods, anticipates needs and proposes solutions, and requires minimal supervision.
10. Judgment - evaluates the situation and makes sound decisions, uses reasoning to identify, solve, and prevent problems, and works in a safe manner.

## **CORRECTIVE REVIEW**

In the event that a situation arises where a staff employee is rated "Needs Improvement" and a serious problem exists concerning the employee's performance and/or behavior, the employee will be required to meet with the immediate supervisor for a corrective review concerning the problem. Documentation must be on file to substantiate the individual's performance and compliance with policies, procedures, and rules. Such employee should be re-evaluated within sixty (60) calendar days and a new rating should be given at that time.

This type of review should not be used for unimportant offenses since minor matters should be reviewed in the supervisor's daily contact with the employee. Nor does this review apply where a dismissal is made under cause for immediate dismissal (i.e., theft, drinking, fighting, immoral acts, insubordination, etc.).

The review must be constructive, giving the employee every reasonable opportunity to correct the situation.

The employee, at this time, will be informed of the indicated problem area concerning his/her job performance and will be instructed by the supervisor concerning corrective measures to be taken.

The review will be reduced to writing and will include a description of the problem(s) and suggestions for correcting the situation. The review will then be signed by the supervisor and the employee and will be made part of the personnel record.

If additional meetings are required to resolve the same situation, the employee may be placed on probation, as determined by the department head with the approval of the appropriate Dean or Vice President. The employee is advised of the probationary period, the cause of such probation, the corrective procedures, and that this will be a part of his/her personnel record.

At the end of the probation period, the employee and supervisor will review the progress made. When sufficient improvement is noted, the probation can be removed at the discretion of the supervisor. The conclusions will be written for the personnel record on a specific memorandum. If the employee fails to respond satisfactorily to the conditions of probation, this will be cause for dismissal, except that nothing herein shall be construed in derogation of the Texas State University System's employment at will policy.

## **FACULTY PERFORMANCE RATINGS**

### **Annual Performance Evaluations**

All faculty members, full-time and part-time, are evaluated annually by their Dean, Associate Dean and/or Division Chair on performance related to various professional duties and activities including classroom instruction, participation in department and College affairs, professional development and service, and community service. The Annual Faculty Report may be used for faculty self-evaluation, and may be used by the Dean and Executive Vice President/Provost to support recommendations concerning promotion, tenure, and salary administration. The evaluation is used

to substantiate a faculty member's teaching effectiveness and compliance with policies, procedures, and rules. Faculty members meet with the evaluator to discuss the contents of the evaluation and receive a copy of the evaluation report after management have reviewed and signed them.

The Executive Vice President/Provost shall be responsible for reviewing performance evaluations for EEO compliance.

### **Post Tenure Review**

Lamar State College Orange shall develop and publish in the Faculty Handbook post tenure policies and procedures to determine whether a tenured faculty member is performing consistently at an acceptable professional level as well as a mechanism whereby a faculty member is informed of any deficiencies and provided opportunity to improve his or her performance. Such policies and procedures shall be consistent with Texas State University System tenure policies and Texas Education Code, Section 51.942 and shall accord faculty members fundamental due process and a right to appeal in accordance with existing College and Board policies.

**Policy:** 5.4 Disciplinary Actions and Terminations  
**Scope:** Faculty and Staff

## **SCOPE AND PURPOSE**

In order to establish a sound system of Personnel Administration for Lamar State College Orange, it is necessary that:

1. Administrative and supervisory personnel have the responsibility and authority to resolve employee problems as they arise;
2. Similar offenses by personnel are handled in a uniform manner in all departments and administrative subdivisions of the College; and
3. Personnel have a sense of security in their employment with the knowledge that capricious and arbitrary disciplinary action will not be taken against them.

The rules and procedures established in this section apply to all personnel covered by these rules and regulations.

## **APPLICATION OF POLICY**

This section includes the rules and procedures applicable to the personnel of the College in regard to disciplinary actions, grievance procedures, appeals, and reviews.

Each dean, department head, director, or other administrative head of the subdivisions of the College shall ensure that all personnel covered by these rules are made aware of the provisions of these rules and shall inform all personnel under his/her administrative jurisdiction that they have the right to express their grievances or submit an appeal without fear or coercion, discrimination, or reprisal by any subordinate, administrator, or supervisor.

The Vice Presidents must consult with the President prior to the dismissal of an employee. Only the President has the authority to discharge an employee.

## **DISCIPLINARY ACTION**

In order that each supervisor and employee can be able to perform his/her respective duties efficiently and effectively, it is necessary that departmental administrators establish clearly defined departmental objectives, work performance standards, standards of conduct, and other departmental policies which are applicable in given work situations.



To maintain established standards and to ensure that all personnel adhere to reasonable rules of conduct, it is necessary that each department establish rules and procedures which will ensure timely and equitable disposition of actions determined to be necessary in dealing effectively with employee deficiencies or breach of good conduct.

Disciplinary actions may range from an oral reprimand to discharge of employment. The Human Resources Office shall review all disciplinary actions to ensure that all supervisors are reasonably consistent in disciplinary actions taken against employees. Documentation (performance evaluations, counseling, etc.) for the employee's actions that resulted in the disciplinary actions must be provided.

## **TERMINATIONS OF FACULTY AND STAFF**

### **DISMISSALS**

The Board of Regents or the President may suspend without prior notice or hearing and immediately remove from the campus any employee whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the College. The President shall as soon as possible notify the Vice Chancellor and General Counsel of such action. In such cases, the President will set a hearing before the appropriate administrator or committee on the employee's case as soon thereafter as is practicable unless otherwise waived by the employee.

Employees, including both faculty and staff, shall be subject to discipline and/or dismissal for violating campus policy relating to electronic network facilities such as local area networks and the Internet. Nothing herein shall be construed in derogation of the System's employment-at-will policy.

Any employee, including any member of the administration or faculty, who, acting either singly or in concert with others, obstructs or disrupts, by force or violence, any teaching, research, administrative, disciplinary, public service, or other activity authorized to be held or conducted on the campus, shall be subject to dismissal as an employee. As used in this sub-section, the words "force or violence" include but are not limited to such acts as "stand-ins," "sit-ins," and "lie-ins" when such acts are in fact obstructive or disruptive of any of the authorized activities listed above.

Every employee is expected to obey all federal, State, and local laws, particularly Tex. Penal Code Ann. Sec. 42.01 and 42.05 (Disorderly Conduct and Disrupting Meeting or Procession) and Tex. Educ. Code Ann. Sec. 4.30 and 4.31 (Disruptive Activities and Exhibition of Firearms). Any employee who violates any provisions of these four statutes is subject to dismissal as an employee notwithstanding any action by civil authorities on account of the violation. The minimum standards of individual conduct required by the penal statutes of Texas or the United States are both expected and required of every employee of Lamar State College Orange. Any employee who violates the minimum standards of conduct required by any penal statute of Texas or the United States is subject to dismissal as an employee regardless of whether any action is taken against the employee by civil authorities on account of such violation.

If action for dismissal of an employee is taken, the appropriate administrative officer shall proceed with the action in the same manner as would be the case of a violation by an employee of any other provision of the *Administrative Policies and Procedures Manual*.

Terminated employees may not use campus facilities such as the computer labs, gymnasium, or library. Security personnel will take immediate action to remove terminated employees without authorization to use campus facilities. Students who have been terminated as an employee may continue to use facilities as required for the course(s) in which they are currently enrolled.

It is the responsibility of each department to notify the Human Resources Office as soon as possible when an employee terminates for any reason. The department should submit an F3.2 through normal channels along with any appropriate documentation such as letters of resignation or termination.

## **RESIGNATIONS**

### **FACULTY**

After a faculty member has signed a contract for the subsequent year, he or she has undertaken an enforceable legal obligation; and the faculty member may not negotiate for a new position elsewhere for the period the faculty member is obligated to teach under the terms of the signed contract.

However, should unsolicited offers come to the faculty member which the faculty member desires to accept, the college may consider a request for release from the contract. The request for release should include information indicating how the division can adjust to the situation, either by employing another full-time faculty member or by use of competent adjunct personnel.

**The faculty member submits a request to the Division Director, Associate Dean, or Dean who forwards the request, together with recommendations, through appropriate channels to the President or the President's designee who will notify the faculty member if the release has been granted.****STAFF**

A staff member is normally expected to give two weeks advance notice of resignation from employment. Notice should be in writing and should contain the reasons for resignation.

Any employee who is absent from work without authorized leave for three (3) consecutive workdays shall be deemed to have abandoned his/her position and to have voluntarily resigned from employment. Should an employee seek to return to work after such unauthorized leave, the employee must provide satisfactory proof that the failure to request authorized leave was justifiable and excusable. An employee providing such satisfactory proof may be returned to their original position at the discretion of the appropriate Vice President and Human Resources. Other disciplinary action is optional.

## TERMINATIONS OF FACULTY AND DUE PROCESS PROCEDURES

Termination by the College of the employment of a tenured faculty member and all other faculty members before the expiration of the stated period of their appointment, except by resignation or retirement, will be only for good cause shown. Good cause includes but is not limited to the following:

1. Failure to work efficiently or effectively;
2. Insubordination;
3. Serious professional or personal misconduct, examples of which are:
  - Commission of a misdemeanor involving moral turpitude, or a felony;
  - Willful destruction of campus property or violent disruption of the orderly operation of the campus;
  - Violation of the System's ethics code, including acceptance or solicitation of gifts that might tend to influence the discharge of one's professional responsibilities;
  - Stealing and publishing as one's own the ideas or words of another;
  - Misuse or misappropriation of State property, resources, funds, including funds held by a faculty member as part of official duties;
  - Sexual harassment as defined by Section 8 or Chapter VII of the Texas State University System Rules and Regulations;
  - Racial harassment as defined by Section 7 of Chapter VII of the Texas State University System Rules and Regulations
4. Professional incompetence and/or neglect of professional duties;
5. Mental or physical disablement of a continuing nature adversely affecting to a material and substantial degree the performance of duties or the meeting of responsibilities to the institution, or to students and associates;
6. Illegal use of drugs, narcotics, or controlled substances. A faculty member who, by a preponderance of the evidence, under the Texas State University System Rules and Regulations, to have illegally possessed, used, sold, or distributed any drug, narcotic, or controlled substance, whether the infraction is found to have occurred on or off campus, shall be subject to termination, suspension or other discipline as determined by the President or his designee. That an employee is charged in a criminal case, or is found "not guilty" therein, shall not be construed as prohibiting enforcement of these rules. If, in the judgment of the President or the Board, the best interests of the students or University or the System so dictate, the employee may be immediately removed from contact with students and other employees, pending resolution of disciplinary proceedings.
7. Intentionally or knowingly violating any Board or administrative order, rule, or regulation. The employee is presumed to have knowledge if such Board or administrative order, rule, or regulation is published in the Texas State University System Rules and Regulations or is a published policy of the College.

## **SUSPENSION**

The President may, for good cause, suspend an accused faculty member pending immediate investigation or speedy hearing as hereinafter provided when the continuing presence of the faculty member poses a danger to persons or property or an ongoing threat of disrupting the academic process. An employee who is suspended or discharged from a particular duty or job may be suspended or discharged from all other duties or jobs in the College for the same or other good cause. In each case the issue will be determined by an equitable procedure, affording protection to the rights of the individual and to the interests of the system.

The President shall, as soon as possible, notify the Vice Chancellor and General Counsel of any such actions.

In cases of good cause where the faculty member admits the facts, summary dismissal may follow.

## **HEARING TRIBUNAL**

In all cases where the facts are in dispute, the accused faculty member will be informed in writing of the charges which, on reasonable notice, will be heard by a special hearing tribunal whose membership, including its chair, shall be appointed by the President from members of the faculty whose academic rank is equal to, or higher than, that of the accused faculty member.

1. The hearing tribunal shall not include any accuser of the faculty member. The faculty member may challenge the alleged lack of fairness or objectivity of any tribunal member, provided such challenge is made prior to the submission of any evidence to the tribunal. The faculty member shall have no right to disqualify such member from serving on the tribunal. Each such challenged member shall determine whether he or she can serve with fairness and objectivity in the matter. In the event the challenged member chooses not to serve, the President shall appoint a substitute.
2. The faculty member shall have a right to attend the hearing; confront and cross-examine adverse witnesses; present relevant evidence on his or her own behalf; testify or choose not to testify; and, be assisted or represented by counsel. The hearing shall be closed unless the faculty member requests that it be open to the public.
3. The College, through a representative and/or through counsel, shall have the right to attend proceedings; present witnesses and evidence against the faculty member; and, cross-examine the faculty member (if the faculty member testifies) and his or her witnesses.
4. The hearing tribunal, by a majority of the total membership, shall make written findings on the material facts and a recommendation of the continuance or termination of the faculty member's tenure as well as any supplementary suggestions it may have concerning the case. The original of such findings, the recommendation, any supplementary suggestions, and the record of the hearing shall be delivered to the

President and a copy thereof sent to the faculty member. Any minority findings, recommendations, or suggestions shall be distributed in the same manner.

5. A stenographic or electronic record of the proceedings will be taken and filed with the President, and such record shall be made accessible to the faculty member.

The President shall review the record, plus any additional written briefs that the parties wish to submit, and render a decision, stating his or her reasons therefore in writing and communicating the same to the faculty member. The President may recommit the matter to the same tribunal to hear additional evidence and/or to reconsider its findings, recommendations, or suggestions, if any. The original findings, recommendations, and suggestions of the hearing tribunal, a transcript of the hearing, any briefs submitted, and the decision, recommendations, findings, and suggestions of the President shall be delivered to the Board.

Upon written request by the faculty member, received in the System Administration Office within thirty (30) calendar days of the faculty member's receipt of the President's decision, the Board shall review the record before it. Such request should specifically address any defects in procedure or substance which require reversal of the President's decision. The President may submit a written response to the request for review. By a majority of the total membership, the Board may approve, reject, or amend any decision, findings, recommendations, and suggestions before it, or recommit the matter to the President for reconsideration or the hearing of additional evidence. The Board shall notify the faculty member in writing of the reasons for its decision.

The Board may remove any member of the faculty when, in its judgment, the interest of the System requires the removal, subject to the Texas State University System Rules and Regulations and the Lamar State College Orange Faculty Handbook.

### **TERMINATION OF FACULTY EMPLOYMENT UNDER SPECIAL CIRCUMSTANCES**

If, in the judgment and discretion of the Board, reductions in legislative appropriations for faculty salaries; governmentally mandated reductions in faculty positions; significant loss of enrollment; consolidation of departments or other reorganization; dropping of courses, programs, or activities for educational or financial reasons; or financial exigency make such action advisable, the employment of a faculty member who has been granted tenure or of any other faculty member before the expiration of the stated period of his or her employment, may be terminated in accordance with the provisions of this section.

A faculty member whose employment will be recommended for termination shall be given:

1. A statement of the basis for the decision to terminate the faculty member's employment, together with a description of the manner in which the recommendation of termination was made;
2. Access to the information and data upon which the recommendation was based; and
3. An opportunity to respond consistent with the requirements of due process.

In cases involving the termination of faculty employment under the provisions of this section, the guidelines to be used to identify faculty members in a designated program whose employment will be recommended for termination shall include the following:

1. Whenever possible, faculty reduction will be accomplished through attrition.
2. Within a designated program, the termination of the employment of a faculty member with tenure may not be recommended in favor of retaining a faculty member without tenure unless:
  - The removal of a non-tenured faculty member would eliminate an essential part of a program or render a program dysfunctional; or

A faculty member recommended for termination under the provisions of Terminations of Faculty Employment Under Special Circumstances Section should be given the opportunity for appointment in a related area provided: (a) the faculty member is qualified professionally to teach in such area or is willing to undergo the appropriate professional retraining that will qualify him or her to do so; and (b) a position is available.

A faculty member whose position has been terminated will be given first consideration for rehiring, should the position be re-established within a three-year period.

The President shall develop and publish in the *Faculty Handbook* the institutional policy regarding termination of employment under Section 4.5 of the *TSUS Rules and Regulations*, subject to review and approval of the Board.

### **Non-Tenured Faculty Dismissal and Non-Reappointment for Reasons Other than Financial Exigency**

#### *Prior to End of Contract*

A non-tenured faculty member has no due process right, as such, to a hearing concerning non-reappointment. However, in case termination occurs in the midst of a contract, the faculty member has a property right which is protected by the Fourteenth Amendment. A faculty member may not be deprived of that property right without due process being afforded.

#### *At the End of a Contract for non-tenured faculty members*

Notice of non-reappointment or of intention not to reappoint a non-tenured faculty shall be given in writing in accordance with the following standards:

1. On or before the date of Spring commencement and to take effect for the following academic year.
2. The notification of non-reappointment date provides non-tenured faculty members with time to seek appointment at other institutions for the following year.

3. The non-tenured faculty member has no entitlement to a statement of the reasons upon which the decision for non-reappointment is based.

## **TERMINATIONS OF STAFF**

The President of Lamar State College Orange shall have the authority to terminate at any time the employment of any classified staff employee and any other non-faculty personnel with the exception of administrative officers subject to the review of the Board of Regents.

The Board or the President may remove an administrative officer when in the judgment of the Board or the President the interest of the System or the College requires removal. An administrative officer shall not have a right to a hearing unless the officer presents factual allegations that the decision to terminate constitutes violation of a right guaranteed by the laws or Constitution of the State of Texas or of the United States and requests an administrative hearing to review the allegations. The administrative officer shall be afforded an opportunity to present allegations before a hearing committee consisting of three impartial administrative officers of the College appointed by the President. Such allegations shall be heard under the same procedures as in the case of dismissal of faculty for cause, with the following exceptions:

1. The burden of proof is upon the affected administrative officer to establish at such hearing that the decision in question constitutes violation of a right guaranteed by the laws or Constitution of the State of Texas or of the United States.
2. The President of the College need not state the reasons for the questioned decision nor offer evidence in support thereof unless the affected administrative officer presents a prima facie case in support of such allegations. In such case, the hearing committee shall determine whether the President has no other reason for his decision.
3. The hearing committee will make written findings on the material facts and a recommendation, which findings and recommendation shall be forwarded to the President and to the affected administrative officer. The administrative officer may appeal to the President and ultimately to the Board of Regents in accordance with the terms and procedures as in the case of dismissal of faculty for cause.

If the administrative officer has tenure at the College by virtue of holding a past faculty position or otherwise, termination as a member of the tenured faculty shall be only for good cause shown, and the official shall be given a hearing if terminated from tenured faculty status.

Before an employee is terminated, department heads should contact the Human Resources Office to ensure that proper procedures are followed. Disciplinary terminations are expected to follow the guidelines set forth in this manual.

Employees may be terminated without notice within the confines of other policies established in the *Administrative Policies and Procedures Manual*.

## **LAYOFFS**

Should layoffs become necessary, department heads should consider all pertinent job-related factors in determining which personnel will be laid off. Factors to be considered might be the importance of tasks performed, quality of past work, length of service, etc.

Should all factors be equal, the staff employee with the least amount of state service shall be laid off first, and any additional layoffs shall be made in ascending order of service.

Whenever possible, department heads shall give thirty (30) days notice of layoffs. In any case, as much advance notice as possible should be given.

Whenever practical, persons on layoff status will be recalled prior to hiring any new personnel.

### **EXIT INTERVIEWS**

It is important that an exit interview be conducted with any benefits-eligible separating employee by the Human Resources Office to discuss the below topics.

### **VACATION PAY**

Any benefits-eligible staff member who has six (6) months continuous employment with the State is entitled to be paid for accrued vacation time.

An employee who resigns, is dismissed, or otherwise separates from state employment is entitled to be paid for accrued and unused vacation time, as long as the employee has had continuous employment for at least six months. Institutions of higher education are allowed to immediately pay for accrued vacation leave upon separation. Separation from state employment includes, but is not limited to, a state employee leaving one state agency to begin working at another state agency, provided at least one workday occurs between the employee's separation from the first state agency and the employee's first day at work at the second state agency.

Employees transferring to another state agency will have their accrued but unused vacation leave balance transferred.

An employee terminating state employment may, with the agreement of the employing agency, be allowed to remain on the payroll after the last day worked to utilize vacation leave in lieu of being paid in a lump sum. The employee will not accrue any additional vacation leave while remaining on the payroll to utilize such vacation leave. The employee shall continue to receive all compensation and benefits that the employee was receiving on the last day of duty including paid holidays, longevity, and/or hazardous duty pay.

Lump sum payments for accrued vacation are computed as though the employee actually worked that time for the agency. Employees receiving lump sum payments are not entitled to receive longevity and/or hazardous duty pay for the period equal to the accrued vacation time. However, employees are entitled to have hours added for holidays occurring within the time



period using the same calculations.

An employee transferring between two non-vacation-accruing positions in different state agencies where the receiving agency cannot or will not credit the employee for any existing vacation balance may be paid. When an employee terminates employment while holding a non-vacation-accruing position, any vacation payout will be calculated using the employee's final pay in the last vacation-accruing position held. When an employee is paid for accrued vacation because he/she moves to a non-accruing position, the calculation of the payment will not include any holidays that would fall within the period covered by the vacation time.

### **COMP TIME PAY**

Non-exempt employees are entitled to be paid a lump sum payment for any accrued FLSA Compensatory time.

Non-exempt employees are not entitled to be paid for any accrued State Compensatory time.

### **INSURANCE**

Insurance coverage ends on the last day of the month in which employment ends. Health and dental coverage may be continued for any participating employee and/or dependents for up to 18 months under the Consolidated Omnibus Budget Reconciliation Act (COBRA). To continue coverage, the employee must return the COBRA Election form within 60 days of the "Date of the Event."

### **CATASTROPHIC SICK LEAVE POOL**

Separating employees are encouraged to contribute accrued sick leave to the Catastrophic Sick Leave Pool. Contributions of sick leave must be in increments of eight hours with the exception of a retiring state employee who may contribute accrued sick leave in increments of less than eight hours.

### **RETIREMENT PLAN OPTIONS**

Employees in the Teacher Retirement System may elect to leave their money in place where it will continue to draw interest or request a refund. Employees requesting a refund may elect to receive the account balance less 20% for income tax or place the balance in an eligible retirement plan. The employee should take into consideration total years of service as well as vesting status. Contact TRS for counseling.

When an employee terminates who is a participant in the Optional Retirement Program, the employee may elect to surrender the ORP account if further employment with a State-supported institution of higher education is not contemplated. For a vested individual (one year plus one day of participation), the entire benefit provided by the contract are the sole non-forfeitable possession of the individual. If the individual has not met the vesting requirements,

the carrier must return the state contribution to Lamar with the balance of the annuity value returnable to the individual.

### **FINAL PAYCHECK**

The final paycheck may be picked up (or direct deposited) on the next regular payday following termination.

### **TRAVEL REFUNDS**

Departing employees are advised to check with the Business Office to determine the status of outstanding travel reimbursements. If necessary, a forwarding address should be provided the Business Office responsible for distribution of reimbursements.

### **SPECIALIZED TRAINING REIMBURSEMENT**

An employee receiving specialized training (in excess of \$500) will be required to sign an agreement to reimburse the College for all costs of the training if the employee resigns within six months of the date of specialized training. Agreement forms are available from departmental secretaries.

The employee must also acknowledge materials obtained during the specialized training are the property of the College and agree to return materials when terminating.

### **SIGN OUT PROCEDURES**

Documents to be returned to Human Resources

- I.D. Card
- Medical Insurance Card
- College-issued Credit Card
- Parking Permit
- Office Keys
- Security System Keys

To be received by the Supervisor

- Resignation Letter
- Lamar State College Orange or Texas State University System Property

Departments are required to schedule an exit interview with Human Resources prior to the departing employees last day of work.

**Policy:** 5.5 Informal Complaints and Grievances  
**Scope:** Faculty and Staff

## **INFORMAL COMPLAINTS**

Employees who have informal complaints will discuss their concerns with their immediate supervisor within five working days from the date of the concerning action. If the complaint is against the employee's immediate supervisor, the informal complaint should be directed to the next supervisor in the employee's chain of command.

The employee's supervisor will work with the supervisor of the employee whom the complaint is against to gather additional information and work toward a resolution. The supervisor will provide a response and resolution in writing within five working days of receiving the informal complaint.

If the informal complaint is not resolved to the employee's satisfaction within five working days of receiving the response, the employee may decide to present their informal complaint as a formal grievance within the next five working days. If a grievance is filed, the informal resolution will be provided to Human Resources.

The written documentation and all responses regarding the complaint will be placed in the employee's personnel file. A formal grievance cannot be filed until this process has been completed.

## **FORMAL GRIEVANCES**

Formal grievances cannot be filed until after the informal complaint process has been completed.

Every employee of each Component, individually or through a representative that does not claim the right to strike, shall be entitled to present grievances concerning such employee's wages, hours of work or conditions of work to a hearing officer designated by the President. Such grievances shall not involve formal hearings. The grievance should be delivered to Human Resources for forwarding to the President.

The written documentation and all decisions and responses regarding the grievance will be placed in an employee's personnel file. The President or his or her designee shall make the final decision regarding a grievance.

## **EXCEPTIONS**

This policy and procedure does not apply to:

1. Complaints alleging any discrimination, including violations of Title IX
2. Complaints concerning retaliation relating to discrimination and harassment

Refer to the current version of LSCO's Administrative Policies and Procedures for more information on filing these types of complaints.

**Policy:**                           **5.6 Use of State Property**  
**Scope:**                           **Faculty and Staff**

The use of state-owned motor vehicles except on official business is prohibited. State employees are expressly prohibited from using state vehicles in connection with any political campaign or any personal or recreational activity. State funds may not be used to pay employees who violate these provisions. The use of state property, including telephones and office equipment, should be restricted to official business. It is expected that any personal business conducted over the telephone will be kept to a minimum. Excessive personal phone calls or use of photocopiers, typewriters, etc. for personal reasons may lead to restrictions or disciplinary actions. In no case will personal long-distance phone calls be charged to Lamar State College Orange accounts.

Tools or equipment used in official duties shall not be used for personal reasons. Employees sending personal mail through the campus Post Office must pay for the mail. Removing state property from the campus for personal use is expressly forbidden. Any employee wishing to take Lamar State College Orange property home to work on official business must receive permission from his/her supervisor to do so. Failure to comply with these policies is cause for disciplinary action up to, and including, discharge.

Employees who are not issued a designated departmental laptop must check out this type of equipment following the processes in the Library department.

**Policy:** 5.7 Social Events with Alcohol  
**Scope:** Faculty and Staff

It is the policy of Lamar State College Orange that alcoholic beverages are not to be possessed, served, or consumed on campus except as provided in this policy. All social events where alcoholic beverages are served are subject to the following regulations:

### **FACILITY RESERVATIONS**

Use of campus facilities will be granted only to groups or organizations that have the approval of the appropriate building coordinator.

A "Request for Facilities" form must be signed by the organization president and the advisor for the organization; a reservation form must be signed by an appropriate official of the group. Reservations for use of the Student Center are made in the Student Center Reservations Office-- Room 105 (882-3392). Requests for use of Academic Center facilities are made in the Dean's office--Room 149 (882-3027). Reservations for the Brown Estate are made by calling 883-2939. Reservations for the Library are made by calling 882-3352. . Reservations for the Shahan Events Center are made by calling 882-3921. Reservations for the Nursing and Classroom Building are made by calling 882-3344.

Reservation forms must be submitted to the appropriate office at least one week prior to the scheduled event.

### **STIPULATIONS REGARDING TIME AND PLACE**

Texas State University System Rules and Regulations, VII-4, stipulate system universities shall not sell, serve or permit the sale or service of alcohol on campus, except in "special use" buildings or facilities designated by the President. With the exception of the Brown Estate, alcoholic beverages may not be served in any campus facility unless approved by the President on a per event basis. Guidelines for use of alcoholic beverages at the Brown Estate are available from the Manager of the Brown Estate.

Alcoholic beverages may not be served in "special use" buildings prior to 5 p.m. Monday through Friday without explicit authorization. Alcohol may be served in "special use" facilities Monday - Thursday, 5 p.m. until midnight; Friday, 5 p.m. until 2 a.m.; Saturday, 10 a.m. until 2 a.m.; Sunday, noon until midnight. Ordinarily facilities are unavailable during holiday periods. Beverage and bartender service will be discontinued thirty (30) minutes prior to the scheduled ending time of an event.

No alcohol may be possessed, served, or consumed in or near an area used for classroom instruction while classes are being held in such an area.

Alcoholic beverages may be served or consumed only with authorization by the building coordinator. Alcoholic beverages are restricted to the specific area designated on the reservation form.

## **FOOD SERVICE**

Food should be served at all events when alcoholic beverages are served. Arrangements for food should be made in advance. When alcoholic beverages are served, each group/organization is responsible for providing the alcoholic beverages in the advance of the event. Time and place of delivery and pick-up will be designated by the building coordinator at the time the reservation is made. Alcoholic beverages must be delivered in bulk form by a representative of the sponsoring organization. Individual members or guests may not individually bring alcoholic beverages to a social function.

An admission fee cannot be charged at an event where alcohol is served unless an alcohol sales license has been provided for and permission has been given by appropriate College officials.

## **RESPONSIBILITIES**

The president of the organization is responsible for the delivery/pick-up of the bulk quantities of alcohol to the building coordinator or his/her designate.

Signatures indicate full acceptance of responsibility for the organization's use of the facilities and compliance with state regulations regarding the consumption and distribution of alcohol.

A minimum of two (2) police officers are required at all dances/mixer-type events where alcohol is served or where the building coordinator, advisor, or Dean of Student Services deems necessary.

All adjustments to these regulations shall be communicated in writing to the advisor and/or officers of the sponsoring group or organization and have the prior approval of the Dean of Student Services.

The group or organization reserving a facility is responsible for any charges for damages and cleanup which result from an organization's function.

Any violation of these policies will be referred to the Dean of Student Services for disciplinary action. Violations may result in denial of the use of facilities and/or disciplinary action.

## **LEGAL CONSIDERATIONS**

No state funds may be used to purchase alcoholic beverages or services connected with use of alcoholic beverages.

All state regulations and statutes regarding possession, serving, and/or consumption of alcoholic beverages and the "Lamar Policy Governing On-Campus Social Events", *Lamar State College Orange Student Handbook*, will be strictly enforced. Violators of these regulations/statutes/policies are subject to disciplinary action by the College and by civil authority.



**Policy:** 5.8 Drug and Alcohol Abuse  
**Scope:** Faculty and Staff

ADMINISTRATORS SHOULD EXERCISE EXTREME CAUTION IN ALL MATTERS RELATING TO THIS POLICY, ASSURING THAT PROCEDURES ARE CAREFULLY FOLLOWED AND THAT SUBSTANTIAL EVIDENCE FROM RELIABLE SOURCES SUPPORTS A DECISION TO CONFRONT A STUDENT OR EMPLOYEE.

## **1. PURPOSE**

**1.1** Based on its commitment to assure the safety and health of its students and employees, Lamar State College Orange seeks to maintain work and learning environments free of the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol. Drug and alcohol abuse affects the responsible conduct of business, teaching, and learning, and therefore will not be tolerated.

**1.2** This policy is based on the following objectives:

- To maintain a safe and healthy environment for all students and employees;
- To maintain the good reputation of the College and its employees;
- To minimize accidental injuries to a person or property;
- To keep absenteeism and tardiness at a minimum and to improve the effective performance of job duties and productivity of all employees and the educational performance of all students;
- In appropriate circumstances, to assist students and employees in securing substance abuse rehabilitation;
- To comply with the federal Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act Amendments of 1989, and other applicable legislation, and,
- To adopt and implement a program to prevent use of illicit drugs and abuse of alcohol by students and employees.

**1.3** This policy shall be in addition to any drug abuse policy or policies relating to participation in intercollegiate athletics.

## **2. DEFINITIONS**

As used in this policy, the following definitions apply.

**2.1** "Drugs or other controlled substances" means any substance, other than alcohol, capable of altering an individual's mood, perception, pain level or judgment.

**2.1.1** A "prescribed drug" is any substance prescribed for individual consumption by a licensed medical practitioner. It includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

**2.1.2** An "illicit drug" or chemical substance is: (a) any drug or chemical substance, the use, sale or possession of which is illegal under any state or federal law, or (b) one which is legally obtainable but has not been legally obtained. The term includes prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes.

**2.1.3** The term "controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C.S.812) or which possession, sale or delivery results in criminal sanctions under the Texas Controlled Substances Act (Art. 4476-15, TCS). In general, this includes all prescription drugs, as well as those substances for which there is no generally accepted medicinal use (e.g., heroin, LSD, marijuana, etc.), and substances which possess a chemical structure similar to that of the controlled substance (e.g., "Designer Drugs"). The term does not include alcohol.

**2.2** "Alcohol" refers to any beverage that is "alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted."

**2.3** "Alcohol abuse" means the excessive use of alcohol in a manner that interferes with (1) physical or psychological functioning; (2) social adaptation; (3) educational performance; or (4) occupational functioning.

**2.4** The term "conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charge with the responsibility to determine violations of the Federal or State criminal drug statutes. (See 9.5 for time limitations on reporting such convictions.)

**2.5** "Cause for reasonable suspicion" shall be established by: (1) observation; (2) action/behaviors of the individual; (3) witness by supervisor or other reliable individual of possession or use; or (4) any other legal measure used for alcohol or drug detection.

**2.6** The term "criminal drug statute" means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.

**2.7** "Sanctions" should include satisfactory completion of an appropriate rehabilitation or assistance program. If an employee has been convicted of a criminal drug statute, sanctions must be imposed within 30 days.

**2.8** “Intoxication” is defined as the state of having an alcohol concentration of 0.10 or more, or the state of not having the normal use of mental or physical faculties resulting from the voluntary introduction into the body of an alcoholic beverage, a controlled substance or controlled substance analogue, a dangerous drug, an abusable glue or aerosol paint, or any similar substance the use of which is regulated under state law.

**2.8.1** If an injury occurs while an employee is in a state of voluntary “intoxication,” insurance carriers are not liable for compensation. However, “intoxication” must be proven.

**2.8.2** “Intoxication” that results from taking prescription drugs according to the doctor’s orders does not preclude compensation.

### **3. POLICY**

#### **3.1 Standards of Conduct**

**3.1.1** The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, the use of alcohol, or being under the influence of a controlled substance or alcohol is prohibited in the workplace.

**3.1.2** An employee (faculty or staff) who has been found guilty under the *Texas State University System Rules and Regulations*, of the illegal possession, use, sale or distribution of any drug, narcotics, or controlled substance, whether the infraction is found to have occurred on or off campus, shall be subject to terminations, suspension or other discipline as determined by the President or his/her designee. That an employee is charged in a criminal case, or is found “not guilty” therein, shall not be construed as prohibiting System administrative enforcement of these Rules and Regulations. If, in the judgment of the President or the Board, the best interests of the students or the college or the System so dictate, the employee may be immediately removed from contact with students and other employees, pending resolution of disciplinary proceedings. Nothing herein shall be construed in derogation of the Board’s employment at will policy.

**3.1.3** A student who has been found guilty under the *Texas State University System Rules and Regulations*, of the illegal possession, use, sale or distribution or any drug, narcotic, or controlled substance, whether the infraction is found to have occurred on or off campus, shall be suspended for a period of not less than the remainder of the semester in which the infraction occurred plus the following long semester. In the event the semester in which the infraction occurred has ended by the time a student is found guilty, the student shall be suspended for a period of not less than the following two long semesters. With the approval of the President or the President’s designee, suspension may be probated and sanctions may then include required counseling and/or rehabilitation along with other appropriate penalties. The President shall submit

a written report quarterly to the chairman of the local committee, which report details all cases in which a suspension has been probated. In 2021, the Board, by Rule, established that the Local Committees of each Component shall be comprised of the entire Board of Regents. A second finding of guilt for a drug-related offense shall result in permanent expulsion from the college and from all other institutions in The Texas State University System.

**3.2** Sanctions will be imposed on students and employees (consistent with local, state, and federal law), up to and including expulsion or termination of employment and referral for prosecution, for violation of the standards of conduct set forth in 3.1 above.

**3.3** The College shall conduct a biennial review of its drug and alcohol abuse prevention program. It shall determine and put in report format: (1) the effectiveness of the program, and (2) the consistency of the enforcement of sanctions imposed pursuant to the program. It shall also evaluate whether any changes are needed and shall implement any such changes.

**3.4** The College shall have available for review by the Secretary of Education, or designee, and the general public, if requested, copies of all documents distributed to students and employees under the drug and alcohol abuse prevention program and copies of the institution's biennial review.

#### **4. DRUG FREE AWARENESS PROGRAM**

**4.1** The College shall publish in the appropriate handbook(s) as well as post where each employee and student will have access to information pertaining to:

- standards of conduct that prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol, or being under the influence of a controlled substance or alcohol by students and employees on the College's property or as part of any College activity;
- a description of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs or alcohol;
- a description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- a description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to students or employees;
- a clear statement that the College, consistent with local, state, or federal law, will impose sanctions against a student or employee who violates the standards of conduct. The statement must describe the possible sanctions, which may include completion of an appropriate rehabilitation program, expulsion from school, termination of employment, or referral to the authorities for prosecution; and
- a description of the institution's drug/alcohol abuse prevention and intervention program, including alternative support, education and re-entry programs for students who are suspended as a result of violating standards required by these

minimum requirements.

**4.2** The College shall certify the availability of a drug abuse prevention program for officers, employees and students of the institution, as required under Title IV of the Higher Education Amendments of 1986 (P.L. 99-498).

## **5. SUSPICION OF USAGE**

**5.1** If a supervisor reasonably suspects that usage of a controlled substance has affected an employee's job performance, the supervisor shall immediately notify the appropriate department head, or other designated administrative official and, upon direction, the supervisor or other designated administrative official shall discuss with the employee the suspected drug-related problems. The employee should be advised of any available drug counseling, rehabilitation, or employee assistance programs, and the terms of any applicable period of probation. All such meetings between the employee and the supervisor or other designated administrative official to address the suspected drug-related problem and/or its resolution shall be documented in a memorandum to the record and filed in the employee's personnel file.

**5.2** Should such discussion and/or participation in any available drug counseling, rehabilitation, or employee assistance program fail to resolve the suspected drug-related problems, or should the employee fail to meet the terms of any applicable probation period, the employee may be subject to termination, or a chemical screening may be required as provided in 7. PROCEDURE FOR TESTING (CHEMICAL SCREENING).

## **6. RULES FOR TESTING**

### **6.2 Employees**

**6.2.1** An employee in a sensitive position may be tested for the use of illicit drugs. "Employee in a sensitive position" means an employee who has been granted access to classified information or employees in other positions determined by appropriate administrative personnel to involve national security, health or safety concerns, or functions requiring a high degree of trust and confidence.

**6.2.2** The Department of Defense Drug-Free Work Force Rule, 53 Fed. Reg 37763 (1988), mandates that government contractors establish a program for testing for the use of illicit drugs by an employee in a sensitive position under a Department of Defense (DOD) contract.

**6.2.3** Testing of an employee in a DOD-funded sensitive position shall be undertaken under the following circumstances: (1) there is reasonable suspicion that the employee's job performance has been affected by the use of illicit drugs, and (2) there is a reasonable belief that such impairment will affect national security, health or safety concerns, or functions requiring a high degree of trust

and confidence.

## **7. PROCEDURE FOR TESTING (CHEMICAL SCREENING)**

### **7.1 Employees**

**7.1.1** Prior to the administration of chemical screening, the appropriate administrative or supervisory personnel must explain the chemical screening procedures to the employee and then accompany the employee to a hospital or clinic for the taking of a specimen for screening purposes.

**7.1.2** Before the specimen is taken, the employee should be asked to sign a consent form agreeing to the taking of a specimen for testing purposes. The signed form will be required by the hospital or clinic. There will be a reasonable opportunity to rebut or explain a positive test result, including an independent retest of the sample.

**7.1.3** The expense of the test, and any retest, shall be borne by the college. The testing procedure will be kept confidential, with the results being reported to the employee and the appropriate senior-level administrator as soon as they are available.

## **8. REGULATIONS SPECIFICALLY RELATED TO EMPLOYEES**

**8.1** A copy of this policy shall be provided to each employee who is or who will be engaged in the performance of a federal grant or contract, and a record shall be kept of the distribution.

**8.2** Any employee whose off-duty use of drugs or other controlled substances results in absenteeism, tardiness, impairment or work performance, or is the cause of workplace accidents, may be disciplined up to, and including, dismissal.

**8.3** Employees in sensitive positions whose work-related performance gives cause for suspicion of use or possession of a controlled substance may, at the discretion of appropriate authorities be subjected to testing for the substance in accordance with the sections in this policy related to testing and chemical screening. A refusal to submit to a test, combined with a reasonable suspicion of usage, may be a sufficient basis for termination.

**8.4** Any disciplinary action shall be governed by College policies on discipline and dismissal and academic freedom, responsibility and tenure. Sanctions may include a period of probation for an employee or other personnel action up to and including termination. A record of the action will be placed in the employee's personnel file.

**8.5** As a condition of employment, employees must abide by the required notification statement and must report any criminal drug statute conviction to their employer no later than five days after such conviction. If employed on a government grant or

contract, the employer, in turn, must so notify the contracting federal agency within 10 days after receiving notice from an employee or otherwise receiving actual notice of such conviction. Within 30 days the employer must impose sanctions on the employee, up to and including termination, or requiring the employee to satisfactorily participate in an approved drug abuse assistance or rehabilitation program.

## **9. RIGHT TO CONDUCT REASONABLE SEARCHES**

Lamar State College Orange reserves the right to conduct reasonable searches of the work area or any vehicle on college property in order to monitor policy compliance.

## **10. AUTHORITY OF PRESIDENT**

The President of Lamar State College Orange is authorized to approve any changes to this policy to bring the College into full compliance with instructions of the Board of Regents, applicable legislation, or guidelines promulgated by local, state, or federal governmental bodies.

### **AUTHORITATIVE REFERENCES:**

Amendment IV, U.S. Constitution

Pub. L. No. 100-690, Drug-Free Workplace Act of 1988, 1988 U.S. CODE CONG. AND ADMIN. NEWS, 102 Stat. 4304-06

HR 3614, Drug-Free Schools and Communities Act Amendments of 1989, USC, signed 2/12/89 (Section 22 of the Act amends Title XII of the Higher Education Act of 1965.)

21 USC 812, Controlled Substance Act

Drug-Free Work Place Rule, 53 Federal Register 37763, U.S. Department of Defense, 1988 Department of Defense Appropriations Act (P.L. 99-498) O'Connor v. Ortega, 107 S.Ct. 1492 (1987)

National Treasury Employees Union v. Von Raab, 109 S.Ct 1384 (1989)

Skinner v. Railway Labor Executives Association, 109 S.Ct. 1402 (1989) Article I. Section 9,

Texas Constitution

Article 4476-15, TCS, Texas Controlled Substances Act

Section 1.04, VTS, Alcoholic Beverage Code

Tex. M. & S. Code Ann., Section 461.002 (1) (1990)

Minute Order 99-90, 33/22/90 (Drug Abuse Resolution); 142-90,5/25/90

**Policy:** 5.9 Tobacco Free Workplace  
**Scope:** Faculty, Staff, and Students

## **I. PURPOSE**

The purpose of this policy and procedure is to provide guidelines for the implementation of a policy on the prohibition of tobacco use on the Lamar State College Orange campus.

## **II. RATIONALE**

Lamar State College Orange seeks to provide a safe, healthy, pleasant environment for its faculty, staff, and students. Because there are no safe tobacco products, the logical action is to promote a campus that is tobacco free. To this end, the use of tobacco products shall be prohibited in the Lamar State College Orange campus buildings, grounds, and college vehicles. The policy extends to faculty, staff, students, vendors, guests, and visitors. Tobacco use and second-hand smoke have been identified by the Surgeon General to be the cause of preventable diseases. Lamar State College Orange encourages students, faculty and staff to support and use tobacco cessation programs. In order to support the health and welfare of visitors of all ages, Lamar State College Orange will be free of tobacco use and second-hand smoke.

## **III. POLICY**

- A. Effective June 1, 2012, the use of tobacco products (including cigarettes, cigars, pipes, smokeless tobacco, electronic cigs, vaps, and any other items containing or reasonably resembling tobacco or tobacco products) by students, faculty, staff, and visitors are prohibited on all Lamar State College Orange properties.
- B. The use of tobacco products (including cigarettes, cigars, pipes, smokeless tobacco, electronic cigs, vaps, and any other items containing or reasonably resembling tobacco or tobacco products) is prohibited:
  - 1. In all interior spaces of all Lamar State College Orange properties;
  - 2. On all outside property or grounds of the Lamar State College Orange campus\* including partially enclosed areas such as walkways, breezeways, and garages;
  - 3. In Lamar State College Orange vehicles, including all vehicles leased for the purpose of transporting individuals on College business.
- C. The College prohibits the campus-controlled advertising, sale, or free sampling of tobacco products on campus.
- D. Littering the campus with remains of tobacco products or any other disposable product is prohibited.
- E. Organizers and attendees at public events, such as conferences, meetings, public lectures, social events, cultural events and sporting events using Lamar State College



Orange facilities will be required to abide by the tobacco-free policy and procedure. Organizers of such events are responsible for communicating the policy to attendees and for enforcing this policy.

- F. Campus organizations are prohibited from accepting money or gifts from tobacco companies.

*\*Includes all Brown Center properties*

#### **IV. PROCEDURE**

##### **A. EDUCATION AND AWARENESS**

The implementation of this policy is augmented by an education and awareness campaign that may include but not be limited to:

1. notification to prospective students and staff/faculty hires;
2. informational meetings, postings, and e-mail notifications;
3. publication in staff/faculty human resources manuals, student guides and handbooks, and appropriate web sites;
4. educational campaigns employing classmates and colleagues;
5. ongoing smoking cessation programs;
6. establish culture of compliance through peer oversight.

##### **B. COMMUNICATION OF POLICY**

Signs bearing the message “Tobacco-Free Campus” will be posted at each of the College vehicular and pedestrian entrances (as applicable), and each building will display a decal that states “Tobacco-Free Facility”. However, tobacco-free zones apply on all grounds and facilities whether or not signs are posted. No ashtrays or smoking shelters will be provided on campus.

##### **C. TOBACCO USE AND CESSATION PROGRAMS**

The College is committed to support all students and employees who wish to stop using tobacco products. LSCO will consult with appropriate health organization and resources to identify and provide programs and opportunities for students and employees to access support systems, programs, and services that encourage them to abstain from the use of and addiction to tobacco products.

**COMPLIANCE**  
Adherence to the policy cited above is the responsibility of all Lamar State College Orange students, faculty, staff, and visitors. It is expected that all students, faculty, staff, and visitors to campus comply with this policy. Members of our campus community are empowered to respectfully inform others about the policy in an ongoing effort to enhance awareness and encourage a society of compliance.

An individual who feels that there has been a violation of this procedure may invoke the following actions:

1. The individual should attempt to resolve the problem informally by requesting that the individual comply with the policy.
2. If direct appeal fails and the behavior persists, the individual should contact the Office of Human Resources or Office of the Dean for Student Services for referral to the appropriate administrative official.
3. Offenses will be dealt with through established administrative/disciplinary policies and procedures.
  - a. Students who violate this policy will be handled through the disciplinary process set out in the Student Code of Conduct.
  - b. Employees who violate this policy will be referred to their supervisor and shall be handled through the appropriate employee disciplinary process.
  - c. Visitors, volunteers, contractors, or other service providers who violate this policy shall be asked to leave campus.

### **Tobacco Treatment Resources:**

1. The American Lung Association—[www.lungusa.org](http://www.lungusa.org)
2. The American Cancer Society—[www.cancer.org](http://www.cancer.org)
3. The Centers for Disease Control—[www.cdc.gov/tobacco](http://www.cdc.gov/tobacco)
4. Tobacco Free U—[www.tobaccofreeu.org](http://www.tobaccofreeu.org)
5. My Last Dip—[www.mylastdip.org](http://www.mylastdip.org)
6. Kill the Can—[www.killthecan.org](http://www.killthecan.org)
7. Become an Ex—[www.becomeanex.org](http://www.becomeanex.org)
8. National Cancer Institute’s Quitline—[www.cancer.gov/cancertopics/smoking](http://www.cancer.gov/cancertopics/smoking)
9. Medline Plus®--[www.nlm.nih.gov/medlineplus/quittingsmoking.html](http://www.nlm.nih.gov/medlineplus/quittingsmoking.html)
10. Campaign for Tobacco Free Kids—[www.tobaccofreekids.org](http://www.tobaccofreekids.org)
11. [www.smokefree.gov/](http://www.smokefree.gov/)
12. [www.surgeongeneral.gov/tobacco/](http://www.surgeongeneral.gov/tobacco/)
13. [www.helpguide.org/mental/quit\\_smoking\\_cessation.htm](http://www.helpguide.org/mental/quit_smoking_cessation.htm)
14. <http://whyquit.com/>
15. Julie Rogers Gift of Life Program—[www.giftoflifebmt.org/](http://www.giftoflifebmt.org/)
16. Christus Hospital:
  - FRESH START—Tobacco Cessation Program
  - Want to stop smoking or stop using tobacco products? Make a FRESH START!

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Fresh Start is a cessation program lead by trained, degreed health care professionals, and is designed to assist anyone who desires to make a fresh start from tobacco.

TO REGISTER: Call 1-866-683-3627 (toll free)  
 COST: This program is offered at no cost!

**Policy:**                               **5.10 Acquired Immune Deficiency Syndrome (AIDS)**  
**Scope:**                               **Faculty and Staff**

Acquired Immune Deficiency syndrome (AIDS) is a fatal disease which has become a nationwide public health problem.

Lamar State College Orange acknowledges the seriousness of this problem. In health-related matters such as this, the college follows the guidelines of recognized authorities including the National Center for Disease Control, the United States Public Health Service, the Texas Department of Health, and American College Health association. Further, the College shall conform its actions to the Texas Communicable Disease Prevention and Control Act and other law.

There is no current evidence that individuals infected with Human Immunodeficiency Virus (HIV), the "AIDS Virus," can infect other individuals by casual contact. Accordingly, there is no reason to exclude individuals with the Acquired Immunodeficiency Syndrome (AIDS), AIDS-Related Complex (ARC) or a positive test for antibody to HIV virus from campus academic, social, or cultural activities. Therefore, on the basis of current knowledge of the disease, individuals sharing common living space, work or study areas, libraries, classrooms, recreational facilities, and theaters do not represent a problem or public threat to the campus community.

Students and employees of the College who may become infected with the AIDS virus will not be excluded from enrollment or employment, or restricted in their access to College services or facilities, unless medically-based judgments in individual cases establish that exclusion or restriction is necessary to the welfare of the individual or of other members of the campus community.

When circumstances arise that require review, the President will seek the advice of the attending physician, knowledgeable medical personnel, and other relevant parties. An opportunity will be provided for any person involved to discuss his or her circumstances. A College Health Committee will be appointed to review the issues and provide recommendations to the President for resolution.

In the event of public inquiry concerning College policy, programs, problems, or statistics related to AIDS on campus, the President will serve as the official spokesperson for the College and will enlist the cooperation of the Director of Marketing & Communications as necessary to prepare an appropriate response. All inquiries from the press, elected public officials, or the public in general will be referred to the spokesperson. The medical records of individuals shall remain

confidential, but public information shall be disclosed upon request in accordance with the Texas Open Records Act, the Family Education Rights and Privacy Act, and the Texas Communicable Disease Prevention and Control Act. General information and national statistics considered public knowledge are not subject to restriction.

In the event an individual is identified with AIDS, ARC, or a positive test for HIV antibody, appropriate existing College resources for emotional, educational, social, and medical support will be made available to all concerned individuals.

Persons who know, or have reasonable basis for believing, that they are infected with the AIDS virus are expected to seek expert advice about their health circumstances and are obligated, ethically, legally, to conduct themselves responsibly in accordance with knowledge for the protection of other members of the College community.

The College shall carefully observe the safety guidelines established by the U.S. Public Health Services for the handling of blood and other body fluids and secretions, both in all health care facilities maintained on the campus and in other institutional contexts in which such fluids or secretions may be encountered (e.g. cleaning, teaching and experimental laboratories).

**Policy:** 5.11 Whistle Blower  
**Scope:** Faculty and Staff

## **WHISTLE BLOWING**

An agency may not suspend or terminate the employment of, or otherwise discriminate against, a public employee who reports a violation of the law to the appropriate law enforcement authority if the employee's report is made in good faith. A public employee who alleges a violation of this provision may sue for injunctive relief, actual and punitive damages, court costs, and reasonable attorney's fees. Also, an employee whose employment is wrongfully suspended or terminated is entitled to reinstatement to his or her former position, compensation of lost wages, and reinstatement of lost fringe benefits and seniority rights. If an employee decides to sue, he or she must have initiated the grievance and have exhausted the appeal procedures no later than 90 days after the alleged violation occurred or was discovered by the employee.

(Texas Government Code, Chapter 554)

**Policy:**                           **5.12 Open Records Act**  
**Scope:**                           **Faculty and Staff**

The Texas Public Information Act, effective June 14, 1973. Its broad purpose is to provide the public access and information about the affairs of government and the official acts of public officials and employees. The Act makes public agency files available to the public with some exceptions. For example, an employee or official of a governmental body may choose whether to allow public access to information in the custody of the government body that relates to the person's: (1) home address, (2) home telephone number, (3) social security number, (4) information that reveals whether the person has family members, or (5) emergency contact information. Effective September 1, 1995, the employee, official or former employee must declare this information as confidential or the information will be subject to public access.

Lamar State College Orange employees make the election whether or not to have this information remain confidential when the Personnel Event Form is completed. Should the employee wish to change his/her election, a new Personnel Event Form must be completed.

Requests for public information must be in writing and provided to the requester (or sent, within 10 calendar days to the Attorney General for a ruling as to whether or not the request must be honored). Student educational records, certain audit documents, high-level policy memoranda, and employee records (disclosure of which would constitute a clearly unwarranted invasion of privacy) are generally exempt from disclosure.

(Texas Government Code, Chapter 552)

**Policy:** 5.13 Sexual Misconduct  
**Scope:** Faculty, Staff and Students

The Texas State University System (TSUS) and Lamar State College Orange (LSCO) are firmly committed to creating and maintaining educational communities in which each individual is respected, appreciated, and valued. LSCO's focus on tolerance, openness, and respect is key in providing every member of the LSCO community with basic human dignity free from all forms of Sexual Misconduct, including Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. Any report of behavior that threatens our institutional values and breaches the TSUS Sexual Misconduct Policy shall be promptly investigated and remediated in accordance with principles of law, fairness, and equity to all Parties involved.

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in educational programs and activities. Sexual harassment of students or employees, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. Lamar State College Orange is committed to creating an environment free of harassment and discrimination.

Please see our [Sexual Misconduct Policy](#) for complete detail.

**Policy:** 5.14 Racial Harassment  
**Scope:** Faculty and Staff

## **RACIAL HARASSMENT POLICY**

Lamar State College Orange shall provide equal educational opportunities for all students and equal employment opportunities for all applicants and employees and otherwise foster an environment free of racial intimidation, humiliation, and harassment. Racial harassment, as defined herein, is expressly prohibited. *Rules and Regulations*, the Texas State University System, Section VII-4.3.

"Racial Harassment" is defined as extreme or outrageous acts or communications that are intended to harass, intimidate, or humiliate students, faculty, staff or visitors on account of race, color, or national origin and that reasonably cause them to suffer severe emotional distress. It is a violation of this policy for any student, faculty, or staff member to engage in racial harassment of any person on campus or in connection with a campus-sponsored activity.

It is a violation for any student, faculty or staff member to use authority granted by state law, by System rule, or by college policy to deprive any person of his or her civil rights on campus or in connection with a college sponsored activity.

If a violation of this policy is committed on campus or in connection with a college-sponsored activity because of the race, color or national origin of any person harmed by such violation, the violator's discriminatory purpose shall be treated as an aggravating factor for the purpose of determining the appropriate penalty.

Student, faculty and staff member offenders are subject to disciplinary action as appropriate under the circumstances up to and including dismissal for violation of this policy.

Any employee, student or visitor who thinks he/she is the victim of racial harassment should lodge a complaint against the offender. A complaint should be filed with the appropriate College official 1) the appropriate Dean if it is against a faculty member 2) the appropriate Director if it is against a staff member or 3) the Dean of Student Services if it is against a student. If the complaint is against one of the above officials, the complaint may be filed with any other of the above College officials. Any employee contacted about a complaint of racial harassment should immediately contact the Director of Human Resources. All complaints are considered informal until they are filed in writing. The steps for seeking an informal resolution are as follows:



1. The offended individual should report the incident(s) to the appropriate college official or the Director of Human Resources.
2. The college official will work with the complainant to determine what evidence exists for the charge of racial harassment.
3. The evidence presented will be reviewed to determine if there is cause to believe a violation of racial harassment occurred.
4. If in the judgment of the college official a violation did not occur, the complainant will be so advised and given a verbal explanation of why the incident(s) described does not constitute racial harassment.
5. If the complainant does not agree with this decision, the complainant will be given the opportunity to file a formal written complaint.
6. If the college official has cause to believe racial harassment did occur, the complainant will be given the opportunity to file a formal complaint or pursuing an informal resolution.
7. If the complainant chooses to pursue the informal resolution, the college official will notify the person charged that an informal complaint has been filed against him/her and the complainant wishes to seek an informal resolution to the problem. The charged party will be given an opportunity to confirm or rebut the charge. The college official will then meet with both parties together or independently and try to reach a mutually agreeable resolution.
8. If a resolution is not achieved, the charging party will be given the opportunity to file a written formal complaint.
9. The College may elect to pursue the charge even if the complainant does not elect to proceed.

To be considered a formal complaint; the complaint must be submitted to the appropriate college official in writing within ninety (90) days of the most recent incident and must include the resolution being sought. Appeals must be filed within five (5) working days of receiving an answer and each step should be completed within ten (10) working days.

#### **STEP ONE**

- The college official will review the written complaint with the charging party.
- If the college official does not feel there is cause to believe that racial harassment occurred, he/she will so advise the complainant in writing stating the reason(s) for the decision.
- If the college official thinks there is cause to believe that racial harassment did occur, he/she will notify the charged party that he/she has been formally charged with racial harassment and give him/her a copy of the written charge. The accused party will be given the opportunity to confirm or rebut the charge in writing.

- The college official will then meet with both parties either together or separately and try to reach a mutually agreeable resolution.

## **STEP TWO**

- If a solution is not reached in Step One, the college official and the Director of Human Resources will meet with both parties, either together or separately, to review both sides of the issue.
- The college official and the Director of Human Resources will then mutually agree on a resolution which will be communicated in writing to both parties.
- Both parties will be instructed by the Director of Human Resources to comply with the terms of the resolution.

## **STEP THREE**

- The decision may be appealed by either party to the President by submitting a written statement to the Director of Human Resources. The appeal must include the basis for the appeal and the remedy sought.
- The President will take whatever action he feels appropriate to resolve the complaint. The President's decision is final and binding.

Lamar State College Orange may take appropriate disciplinary action for any racial harassment occurring in the employment or academic environment even in the absence of an individual complaint. Disciplinary action may consist of action up to and including termination of employment or, in the case of a student, dismissal from the College. If disciplinary action is imposed, the accused shall have his/her full right to invoke applicable due process procedures.

If a complaint, whether informal or formal, is filed against a resource person or the Director of Human Resources, the functions assigned to the person by these procedures will transfer to the President or his designee.

The complainant and the respondent both have the right to bring an advisor to the meeting. The advisor may not act as a participant, but may render consultation to the advisee. If either party chooses to exercise this option, he/she shall submit the name of the advisor in writing to the Human Resources Director at least forty-eight (48) hours prior to the meeting.

Under no circumstances will Lamar State College Orange knowingly sanction or permit retaliation against an individual in any way as a result of seeking relief under this policy.

**Policy:** 5.15 Concealed Handgun Policy  
**Scope:** Faculty and Staff

## 1. INTRODUCTION

In 2015, the Texas Legislature approved and the governor signed legislation permitting individuals who possess a concealed handgun license to carry a concealed handgun on a college campus. The legislation became effective on August 1, 2016. Lamar State College Orange developed this policy pursuant to the requirements of *Texas Government Code*, Title 4, Subtitle B, Chapter 411, Subchapter H, Section 411.2031.

## 2. DEFINITIONS

- a. "Campus" means all land and buildings owned or leased by Lamar State College Orange.
- b. "Premises" is any building or portion of a building.
- c. "Handgun" is any firearm that is designed, made, or adapted to be fired with one hand.
- d. "Concealed handgun" is any handgun, the presence of which is not openly noticeable to the ordinary observation of a reasonable person.
- e. "Concealed handgun license" is a license issued by the Texas Department of Public Safety pursuant to *Texas Government Code*, Title 4, Subtitle B, Chapter 411, Subchapter H.
- f. "Prohibited Concealed Carry Location" is any location and/or event where the president of Lamar State College Orange has determined that the carrying of a concealed handgun poses an undue risk to campus safety or any location and/or event that is exempt by virtue of other statutory requirements.

## 3. RIGHT TO CARRY

- a. An individual possessing a valid concealed handgun license is entitled to carry a concealed handgun on the campus and premises of Lamar State College Orange.
- b. License holders who carry a handgun on campus must carry it on or about their persons, concealed at all times, or secured in a locked, privately-owned or leased motor vehicle.
- c. A license holder may not carry a handgun that is partially or wholly visible on the campus of Lamar State College Orange.
- d. Students who expose or otherwise reveal the presence of a concealed handgun are subject to disciplinary action up to and including suspension or expulsion.
- e. Members of the faculty and staff who expose or otherwise reveal the presence of a concealed handgun are subject to disciplinary action up to and including termination of employment.

- f. Any individual who fails to meet the responsibilities required of a concealed handgun license holder may be reported to state authorities and may be subject to penalties that result in the revocation of their license.
- g. Concealed Handgun License holders are not required to disclose their status to anyone other than a law enforcement officer. Lamar State College Orange employees may not, under any circumstances, require faculty, staff, students, or visitors to disclose their concealed handgun status.

#### **4. PROHIBITED CONCEALED CARRY LOCATIONS**

- a. Any premise where a high school interscholastic event is taking place.
- b. Any premise where a governmental meeting is taking place.
- c. Any premise where a formal hearing such as student disciplinary hearing, student grade appeal hearing, or employee disciplinary hearing is being held.
- d. Any and all Prohibited Concealed Carry Locations must be clearly identified and the campus community must be given advance notice of when and where the restrictions will be imposed. Written notices must include the following language:

*Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.*

- e. Any signage designating a Prohibited Concealed Carry Location must meet these minimum requirements: include the above italicized language in both English and Spanish; use contrasting colors with block lettering at least one inch in height; and be displayed in a conspicuous manner clearly visible to the public.

#### **5. REVIEW**

- a. The President will appoint a Concealed Carry Committee that will in each even numbered year review the policy and its effectiveness. The committee may recommend changes to the Prohibited Conceal Carry Locations and address any other concerns of the campus community.
- b. Any changes to this policy shall be submitted to the TSUS Board of Regents for approval in accord with the timeline provided in Section 411.2031 of the *Texas Government Code*.
- c. The President shall submit a report to the Texas Legislature by September 1<sup>st</sup> of each even numbered year describing Lamar State College Orange's policies, rules, regulations, and/or provision relating to the carrying of concealed handguns on campus. The Texas State University System Chancellor and the Board of Regents shall each be provided copies of the report.

**Policy:**                           **5.16 Specialized Training Reimbursement Policy**  
**Scope:**                           **Faculty and Staff**

Any employee receiving funds to pay for specialized training (costing in excess of \$500) will be required to sign an agreement to reimburse Lamar State College Orange for all the costs of training if the person resigns within twelve months of the date of the specialized training.

The employee must also agree that all materials obtained during the specialized training is the property of the College. The employee will be held accountable for the materials at the time of termination.

Training Reimbursement Agreement forms must be submitted along with the Request to Travel at College Expense. Forms will be available from departmental secretaries.

The 77th Legislature stated its intent that state agencies and institutions of higher education should use Internet-based training to the extent available and appropriate.

**Policy:**                   **5.17 Personal Appearance**  
**Scope:**                 **Faculty and Staff**

Lamar State College Orange expects all employees to practice good personal hygiene, use good judgment in their choice of personal grooming techniques, and to dress in a manner that is both professional and suited to their specific job responsibilities. Departments/divisions may define specific dress requirements that are appropriate for an employee’s job duties and/or working environment.

In addition, a personal interest should be taken in seeing that work areas are kept in a neat and orderly fashion. Employees should be mindful of the fact that Lamar State College Orange is a public institution and that appearance is a reflection on the college.

All employees of Lamar State College Orange are also employees of the State of Texas. Employees are expected to conduct themselves in a manner that reflects credit both on the College and the State.

**Policy:** 5.18 Open Flame Policy  
**Scope:** Faculty and Staff

The potential for loss of lives as well as property should a fire occur on campus is of utmost concern. Lit candles, burning incense, and all other displays or applications of open flames or embers are strictly forbidden.

**Policy:** 5.19 Key Control Policy  
**Scope:** Faculty and Staff

### **ADMINISTRATION OF COLLEGE KEYS**

The President of Lamar State College Orange is authorized by the Board of Regents of the Texas State University System to establish and administer regulations and procedures to provide for the security of campus buildings, equipment, and personnel. This includes the installation and maintenance of a key system and policies governing the use of that system. In accordance with this policy, the President has delegated the administration of the Key Control System to the Director of Physical Plant in consultation with the Safety & Security Coordinator.

### **DEFINITIONS**

**College keys:** Those keys which open buildings, interior doors and other locks in Lamar State College Orange (LSCO) facilities, including all furniture and equipment.

**Central key control file:** Records maintained by Physical Plant identifying keys by number and assignment. These files also include key/lock authorization requests and key issue record forms with signatures of personnel possessing campus keys. Confidentiality of this information will be maintained under the authority of the President.

**Key control methods:** Methods used by Security and Physical Plant to restrict access to facilities and equipment to those personnel who are properly authorized to use the facilities and/or equipment.

**Keying system:** Hardware (locks and keys) and pin/tumbler combinations used to control access.

### **BUILDING ACCESS**

Exterior access to facilities is generally available to faculty, staff, and students from 7 a.m. to 9 p.m., Monday through Thursday, and from 7 a.m. to 5 p.m. on Fridays. Weekend hours vary according to class schedules. Designated employees may request building access keys for use after hours. Employees receiving building access keys must agree to follow entrance/exit procedures and sign a waiver of liability acknowledging the absence of campus security during after hour periods.

### **DUPLICATION OF KEYS**

Duplication of keys by anyone other than the person designated by the Director of Physical Plant is prohibited.



## **KEY CONTROL RESPONSIBILITIES**

The Safety & Security Coordinator, working in conjunction with the Director of Physical Plant, will create and administer a keying system and key control file.

The Director of Physical Plant will designate a key mechanic who will maintain all campus locks and manufacture keys as needed. No other person is authorized to install, alter, or remove locks without the approval of the President or the Safety & Security Coordinator.

## **SUPERVISORY RESPONSIBILITY**

Supervisors must review and approve all key requests originating in their department.

Supervisors must report to the Director of Physical Plant any key holder who is terminating employment or transferring to a different position.

Supervisors must report any loss of keys to the Safety & Security Coordinator.

## **RESPONSIBILITIES OF KEY HOLDERS**

Key holders must complete and sign a key issue record upon receipt of any key. Key holders must receive training that includes proper opening/closing procedures and arming/disarming the alarm system (if applicable).

Key holders must immediately report any loss of theft of a key to the Director of Campus Security.

Key holders are expected to be responsible for all keys issue to them and to carry the issued keys on their person. In an emergency, security or maintenance personnel may be asked to unlock doors, but it should be understood that unlocking doors is not the primary responsibility of either security or maintenance personnel.

Keys are issued for the use of the recipient only and should not be "loaned" to other parties. The key holder is responsible for the loss, theft, or misuse of a "loaned" key.

## **SPECIAL SECURITY KEYING AND KEYING CHANGES**

Special security locks and keys for areas of special consideration may be permitted only upon approval from the President.

**No individual may use a personal lock for space control, nor may locks be changed or re-keyed without prior approval from the President or the Safety & Security Coordinator.**

## ELIGIBILITY FOR KEYS

Keys will be issued to all full-time employees who need regular access to specific work areas, equipment, and storage facilities. Key requests originate with supervisors and require approval from the Safety & Security Coordinator, the Director of Physical Plant and/or the President. Master keys may be issued to employees only when authorized in writing by the President. Part-time employees are eligible to receive keys as needed.

Students and student employees are not eligible to receive keys unless the keys provide access to specific student activity or student organization offices. Keys can only be issued with the written approval of the Dean for Student Services.

Employees needing short term access to a facility can request a temporary key assignment. Each request must indicate the need for the temporary key and the date it will be returned. Temporary keys must be returned to the Director of Physical Plant on or before the indicated return date.

Only the following designated employees will be issued a great grand master key and a personalized alarm code for accessing the buildings;

- President
- Executive Vice President / Provost
- CFO & Executive Vice President of Business Services
- Dean of Institutional Effectiveness and Educational Support
- Security Personnel
- Physical Plant Personnel
- Dean of Academic, Technical and Workforce Studies
- Dean of Student Services
- Dean of Nursing and Health Professions

Only the following designated employees will be issued a grand master key and a personalized alarm code for accessing the building(s) they currently have an office in or have responsibility for faculty or staff housed within the building(s);

- Associate Deans

Only the following designated employees will be issued an exterior building key and a personalized alarm code for accessing the building their current office is in;

- Director level employees
- Coordinator level employees

Faculty who desire an exterior building key should contact their appropriate Dean.

Eligibility to possess any LSCO key(s) may be terminated at any time.

### **LOST OR OTHERWISE UN-RETURNED KEYS**

The President is authorized to require payment of a reasonable cost to the College for each key lost or not returned to the Director of Physical Plant. The Department where the individual is (was) employed is responsible for the costs if the College is unable to secure payment by the individual.

- Lost or unreturned keys (issued to single user): \$10 per each key lost and \$20 for every cylinder that is re-keyed.
- Lost or unreturned keys (same key issued to multiple users): \$10 per each key that must be replaced plus \$20 for each cylinder that must be re-keyed.
- Lost or unreturned master key (controls access to a portion of a building): \$50 each plus \$20 for each cylinder that must be re-keyed.
- Lost or unreturned grand master key (controls access to entire building): cost of re-keying entire building.
- Lost or unreturned great grand master (accesses all campus facilities): cost of re-keying entire campus.

<b>Policy:</b>	<b>5.20 Social Media Policy</b>
<b>Scope:</b>	<b>Faculty and Staff</b>

**Overview:**

Lamar State College Orange tries to utilize every resource available in connecting with our students and believes that social media presents exciting opportunities to do just that. Social media has become a part of every-day life, allowing users to share thoughts and content. The platforms bridge distances, entertain and inform, and make communication instantaneous. The College believes social media, when properly utilized, can help fulfill the mission and goals of LSCO.

While the college supports the use of social media by faculty, staff, students, alumni and other LSCO stakeholders, it also recognizes that the use of these resources can have a significant and lasting impact on both the college and on individuals. The following guidelines should be observed when interacting on sites that represent the college, its interests, departments, faculty, student organizations, staff, alumni and other stakeholders as part of the Official LSCO Social Media Community.

**Social Media Policies:**

Lamar State College Orange has developed an impressive following through social media, allowing students, faculty, staff and the community to facilitate two-way communication with different audiences. A framework of policies and procedures is necessary to maintain a level of professionalism and transparency in these media when used on a professional basis.

- Be aware and respectful. Keep comments in good taste. If linking to other sites from a LSCO webpage, make sure those links are safe and appropriate. Avoid negative comments and arguments.
- Transparency is vital. When posting content about education, campus life or other topics related to LSCO, make it clear that you are representing the college, and as such, a professional decorum must be followed.
- Keep LSCO blogs and personal blogs separate. Do NOT use LSCO logos and symbols on personal sites. Posting official LSCO graphics from personal pages is not allowed. Only posts from official LSCO pages can be shared ONTO personal pages.
- Protect information and relationships. Know that writing on social media is not only public, but archived. Avoid identifying and discussing people unless you make them aware that they are being included. Properly credit copyrighted content and never discuss proprietary information regarding LSCO.
- Keep a calm perspective. Realize that you cannot control social media and not everyone is going to agree on every subject. Sometimes, the best response is no response at all.
- Use caution in revealing personal information. There’s no requirement to provide all of your personal details when creating social media accounts. Use the same caution with links and attachments that you use in emails.

- Pay attention to security warnings.
- The College, through the Office of Marketing and Communications reserves the right to access and manage any official LSCO accounts. The college further reserves the right to edit and delete content as appropriate. The right to seize and shut down accounts if necessary is also reserved.
- LSCO is not liable for links on social media sites that do not point to LSCO's website ([www.lSCO.edu](http://www.lSCO.edu)).

LSCO's social media presence is growing. The ability to engage online with current and future students, faculty and staff, parents and alumni, and donors is an important part of our marketing and branding strategy. Following these procedures will help ensure we stay on course as a college, and at the same time, safeguard your personal privacy.

### **Restrictions**

Members of LSCO's social media community are representatives of the college when interacting on college sites and, as such, must adhere to all college policies and follow the guidelines set forth hereafter.

Employees may not download or use TikTok on any LSCO-issued devices.

LSCO trusts that users will practice good judgment. The College will respond to content if/when able and/or applicable. LSCO is not responsible for any unanswered posts or inaccurate information. However, the College does claim the right to remove comments and content from social media accounts if they:

- Are inaccurate, defame, or otherwise impact the College's reputation and integrity.
- Contain confidential information, legal information, and/or materials under copyright. Do not alter or re-purpose any of our posted materials without approval.
- Violate the copyrights, trademarks, and/or intellectual property rights of LSCO or third parties.
- Compromise the privacy of the college, college personnel, students, and other interested parties by disclosing confidential and personal information.
- Impersonate Others.
- Include offensive language, are libelous, slanderous or unlawful. Posts are likely to be removed if they are deemed by the administrators of the site to be potentially libelous or if it maligns a particular person or group. Such conduct will not be tolerated, and appropriate follow-up actions will be pursued in accordance with LSCO codes of conduct.
- Include spam, repetitive/irrelevant posting, or other activities judged to fall into these categories. This may include topics outside the scope of immediate interest to our community and posts promoting products and/or services unrelated to the college.
- Include improper use of an LSCO logo.
- Promote chain letters and/or pyramid schemes.

- LSCO claims the right to remove any material without obligation to defend that action.
- LSCO reserves all the above rights, along with the right to modify this list to accommodate new platforms and technologies without reservation or obligation to defend this action.

**Social Media User Should Not:**

- Violate the terms of use/service of the social platforms you use. All social media platforms have terms and conditions posted online such as the one found at <http://www.facebook.com/terms.php> or <http://twitter.com/tos>.
- Change any passwords associated with the accounts. If there is a problem or compromise of the account's security, contact the Office of Marketing and Communications. Do not share login and password information with unauthorized individuals.

**Policy:** 5.21 Child Abuse Reporting and Training  
**Scope:** Staff and Faculty

Lamar State College Orange is committed to maintaining a supportive and safe educational setting, one that enhances the well-being of all members of its community and strives to create a secure environment for children. In order to achieve this goal, all individuals, whether employed, an independent contractor, or volunteer, or having an appointment at LSCO, which come in contact with minors in the course of their job duties, shall comply with the Child Abuse Reporting and Training policy.

Employees who violate this policy will be subject to applicable and appropriate disciplinary action, up to and including termination.

If designated individuals who are not employees violate this policy, they may have privileges extended to them by LSCO revoked or suspended.

This policy governs: (a) the reporting of child abuse and neglect; and (b) training to detect the same (as per *Chapter 261, Family Code and Education Code, Section 51.9761*).

**Reporting**

A person having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report to:

- (a) any local or state law enforcement agency;
- (b) the Department of Family and Protective Services; or
- (c) the state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

Any professional (as defined by *Section 261.101, Family Code* as an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children) who has cause to believe that a child has been or may be abused or neglected (as defined by *Section 261.001 or 261.401, Family Code*) or that a child is a victim of an offense under *Section 21.11, Penal Code*, the person shall make a report not later than the 48<sup>th</sup> hour after he or she first suspects abuse, neglect, or other infraction. A professional may not delegate to or rely on another person to make the report.

A person or professional shall make a report in the manner required by this paragraph if he or she has cause to believe that an adult was a victim of abuse or neglect and determines, in good faith, that disclosure of the information is necessary to protect the health and safety of another child or an elderly person (as defined in 48.002, *Human Resources Code*).

The requirement to report applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, an employee or member of a board that licenses or certifies a professional, and an employee of a clinic or health care facility that provides reproductive services.

### **Training**

The Sexual Abuse and Child Molestation Awareness training includes information and examination concerning the following:

- a) techniques for reducing a child's risk of sexual abuse or other maltreatment
- b) factors indicating a child is at risk for sexual abuse or other maltreatment
- c) the warning signs and symptoms associated with sexual abuse or other maltreatment and recognition of those signs and symptoms
- d) the requirements and procedures for reporting suspected sexual abuse or other maltreatment

All individuals, whether employed, an independent contractor, or volunteer, or having an appointment at LSCO, which come in contact with minors in the course of their job duties, shall comply with the Child Abuse Reporting and Training policy by completing Sexual Abuse and Child Molestation Awareness training and examination. A proactive Sexual Abuse and Child Molestation Awareness Training and Examination program maximizes adherence to SB 1414 and other applicable laws, rules, regulations and policies, and provides for the protection of minors involved in LSCO activities.



**Policy:** 5.22 Freedom of Speech & Expressive Activity, Speech and Assembly  
**Scope:** Faculty and Staff

## **PURPOSE**

The purpose of this policy is (1) to protect the free speech rights (Expressive Activities) of individuals on the Lamar State College Orange (LSCO) campuses; (2) to preserve LSCO's primary academic mission; and (3) to protect the health and safety of the LSCO community. In accordance with state and federal law, as well as Chapter VII, Subparagraph 3.1 of the Texas State University System (TSUS) Rules and Regulations, LSCO established the following reasonable time, place, and manner restrictions. Any restriction listed below applies equally to individuals and groups, regardless of viewpoint.

In the event of a conflict between this policy and the TSUS Rules and Regulations, the Rules and Regulations shall control.

### **1. Definitions**

- a. Advocacy or Advocates - Addressing a group for imminent action and steering, bolstering, or bracing it to such action as opposed to the abstract espousal of the propriety of a course of action.
- b. Amplified sound - Sound volume that is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition and are not subject to the special rules on amplified sound but are subject to general rules on disruption and noise violation.
- c. Antisemitism - 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-Jewish individuals or their property or toward Jewish community institutions and religious facilities.
- d. Commercial Speech - Speech or writing on behalf of a business with the intent of earning revenue or a profit.
- e. Common Outdoor Areas - Public forums that include the streets, sidewalks, or other common outdoor property owned or leased by LSCO.
- f. Designated Areas - areas where amplified sound, exhibits, and temporary structures may be used or displayed within the time, place, and manner specified by the College.
- g. Disruptive activities include:
  - i. Obstructing or restraining the passage of persons to the campus or an area of the campus or to an exit, entrance, or hallway of any building without the authorization of LSCO administration;
  - ii. Seizing control of an area of the LSCO campuses, grounds, or any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity; or
  - iii. Disrupting and/or preventing or attempting to prevent by force or violence or the threat of force or violence any lawful assembly authorized by LSCO administration. A lawful assembly is disrupted when a person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or a reasonable fear

of force or violence.

- h. Expressive Activities - Any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.
- i. External Speaker - Any individual who is not a current student, faculty, or staff member of LSCO.
- j. Grounds - All common outdoor areas on LSCO campuses.

## **2. Disruptive Activities**

The College strictly enforces the TSUS Rules and Regulations' prohibition of disruptive activities (see Chapter VI, Subparagraph 5.4 and Chapter VII, Subparagraph 3.7) on the LSCO campuses. Any person who violates the prohibition will be subject to any remedies provided by law and the TSUS Rules and Regulations, including, but not limited to, removal from campus, the student or employee disciplinary process, or criminal prosecution.

## **3. College Grounds – Designated Traditional Public Forums**

Chapter VII, Subparagraph 3.1 of the TSUS Rules and Regulations designates all College grounds as traditional public forums. Any person may engage in Expressive Activities on College grounds, subject to federal and state laws and reasonable time, place, and manner restrictions. Individuals may utilize the areas specified in Section 5 of this policy for Expressive Activities.

## **4. Speech, Expression, and Assembly**

The following time, place, and manner restrictions shall apply to all Expressive Activities on College grounds:

- a. Expressive Activities must not at any time interfere with or disrupt the academic mission of the College.
- b. No table, temporary structure, or equipment associated with an Expressive Activity may block or interfere with the means of entrance or egress to any College building, facility, or classroom.
- c. All tables and chairs must remain within the reserved space for the duration of the activity.
- d. Use of amplified sound must comply with the restrictions contained in the Amplified Sound section of this Policy.
- e. Some areas of the College may be reserved by external groups. Fees may apply.
- f. Improper use of any College equipment or policy may result in loss of reservation and use privileges.
- g. Expressive Activities must follow the procedures in the [Emergency Operation Plan](#).

## **5. Reservations**

- a. Assembly and distribution of written material is permitted in the patio area located immediately outside the East exit of the J.B. Welch Student Center during normal college operating hours provided the activity complies with this policy, is lawful, and

does not disrupt the functioning of the College.

- b. Other College facilities are available for reservation: Reservations are made through the Event Coordinator by a representative of the sponsoring student, faculty, or staff organization. Reservations may be denied if the activity is scheduled at the same or similar time as another College function or meeting.

## **6. Amplified Sound**

To preserve the academic and core business of the College, the use of amplified sound is restricted to certain times and designated areas. Use of amplified sound is permitted subject to the following:

- a. Location: Use of amplified sound is permitted only in the patio area located immediately outside the East exit of the J.B. Welch Student Center with an approved reservation.
- b. Reservation: An amplified sound request must be made in conjunction with a reservation request.
- c. Hours: The use of amplified sound is permitted from 8am-5pm every day in the patio area located immediately outside the East exit of the J.B. Welch Student Center with an approved reservation. The use of amplified sound is limited to the reservation period in approved, reserved areas.
- d. Frequency: Organizations are allowed one (1) amplified sound event per week. Only one (1) amplified sound event at a time is permitted in each designated area.
- e. Volume: All sound levels will be set by LSCO based on class and campus activities schedules and shall not disrupt the academic mission of the College.

## **7. External Speakers**

- a. Only recognized student, faculty, or staff organizations and College academic or administrative units may request authorization to invite an external speaker to speak at the College. External Speakers who have not been sponsored or invited by a registered student, faculty, or staff organization or by the LSCO administration may not speak to groups in campus facilities and buildings unless the speaker is speaking to an off-campus organization that has been approved under the procedures provided in Chapter VII, Subparagraph 3.24 of the TSUS Rules and Regulations. No invitation shall be issued to an External Speaker without the prior written approval of the LSCO president or designee.
- b. Any speaker request shall be made in writing to the LSCO president or designee by an officer of a registered student, faculty, or staff organization, or by an LSCO administrative officer desiring to sponsor the proposed speaker no later than six (6) business days prior to the date of the proposed speaking engagement.
- c. The sponsor of the External Speaker has the responsibility of making clear that the group or organization, not the College, is extending the invitation to speak and any views the External Speaker may express are the External Speaker's own and not those of the Texas State University System or LSCO.

## 8. Banners, Exhibits, and Chalking, and Structures

- a. Recognized Student Organizations, faculty, and staff may hang banners and display exhibits on campus after approval through the Dean of Student Services. Banners, flyers, or posters may not be affixed in any way to College trees for any purpose. No written materials may be permanently placed.
- b. Outside groups or individuals are not permitted to hang banners or to display exhibits on any LSCO property.
- c. No group or person, whether affiliated with LSCO or an External Speaker or group, shall publicly display, distribute, or disseminate on the Campus any petition, handbill, or piece of literature, work, or material that is obscene or libelous, or that advocates the deliberate violation of any federal, state, or local law. Literature may not be distributed where the manner or form of said distribution constitutes disorderly conduct, disrupts classroom discussion, impedes the maintenance of public order, or constitutes a danger to the person distributing or disseminating the material or to any group or individual, or otherwise violates this policy.
- d. Chalking (use of chalk to write on LSCO property) is strictly prohibited unless it is an assignment in a LSCO course or Student Services activity.
- e. No permanent or semi-permanent structures are permitted on LSCO property. Temporary structures are only permitted in the patio area located immediately outside the East exit of the J.B. Welch Student Center from 8am-5pm or during the reservation period if an area has been reserved.
- f. Anyone who erects a temporary structure, display, or exhibit assumes full responsibility for the structure, display, or exhibit, including all injuries or hazards that may arise from it. The College shall not be liable for any damage that may occur to the structure, display, or exhibit, and any person or organization sponsoring the structure, display, or exhibit shall indemnify the College for any claims arising from their presence on campus.

## 9. Disciplinary Process

- a. Students who violate this policy will be subject to appropriate discipline under LSCO's Student Catalog, up to and including expulsion.
- b. Staff who violate this policy will be subject to appropriate discipline under LSCO's Policy and Procedure Manual, up to and including termination.
- c. Faculty who violate this policy will be subject to appropriate discipline under Chapter V, Paragraph 4 of the TSUS Rules and Regulations, up to and including termination.

**Definition.** Freedom of inquiry and discussion is basic and essential to intellectual development, provided such freedoms are exercised in a manner that does not illegally derogate the rights of others or interfere with the academic programs and administrative processes of a Component. The grounds of all Components are traditional public forums, subject to such reasonable time, place, and manner restrictions as the Component President may impose (as indicated below).

**Off-Campus Speakers in Component Facilities.** The freedoms of speech and assembly

guaranteed by the First and Fourteenth Amendments to the United States Constitution shall be enjoyed by the students, faculty, and staff of the Components of The Texas State University System with respect to the opportunity to hear off-campus or outside speakers.

- If a registered campus organization is sponsoring a campus speaker, it has the responsibility of making clear the fact that the organization, not the Component, is extending the invitation to speak and that any views the speaker may express are the speaker's own and not necessarily those of the System or of the Component.
- Students, faculty, staff, and registered organizations campaigning for public office on behalf of candidates for public office must abide by the provisions of this Paragraph.
- Speakers to be paid from state funds to speak on a Component campus shall speak in a facility that is open to the public. This Subparagraph does not apply to classes, seminars, symposia, and conferences intended for the use and benefit of students, faculty, staff, and invited guests. No person may obstruct or lessen in any way the opportunity for the audience to see and hear the speaker. The number of students, faculty, staff, and guests may be limited to prevent a hazard to the safety of the audience.
- Off-campus speakers who have not been sponsored or invited by a registered student, faculty, or staff organization or by the Component administration shall be prohibited from speaking to groups in campus facilities and buildings unless the speaker is speaking to an off-campus organization that has been authorized to meet on the campus.
- With the prior written approval of the Component President, the Component may, at its sole discretion, lease or rent space in the student center or other appropriate buildings or grounds for political rallies and meetings provided that space is made available to legitimate political candidates in a nondiscriminatory fashion and the rent for such space is based on a fair market value.

**Time, Place and Manner Restrictions.** While freedom of speech and assembly is encouraged, the law recognizes that there is no absolute right to assembly or to make or hear a speech at any time or place regardless of the circumstances, content of speech, purpose of assembly, or probable consequences of such meeting or speech. The issuance of invitations to outside speakers shall be limited as follows:

- A request to invite an outside speaker will be considered by the Component only when made by a registered student, faculty, or staff organization. No invitation shall be issued to an outside speaker without prior written concurrence of the Component President or a designee for scheduling of speaker dates and assignment of campus facilities.
- Any speaker request shall be made in writing to the President or a designee by an officer of a registered student, faculty, or staff organization, or by an administrative officer of the Component, desiring to sponsor the proposed speaker not later than six (6) business days

prior to the date of the proposed speaking engagement. This request shall contain the name of the sponsoring organization; the proposed date, time, and location of the meeting; the expected size of the audience; and the topic of speech. Any request not acted upon by the Component President or a designee within five (5) business days after submission shall be deemed granted.

- A request made by a registered organization may be denied only if the Component President, or the authorized designee, determines, after proper inquiry, that the proposed speech will constitute a clear and present danger to the Component's orderly operation as defined above.
- Where the request for an outside speaker is denied, the sponsoring organization may appeal to the President or an authorized designee in writing within three (3) business days of the denial. A hearing within will be held within four (4) business days following the filing of its appeal before an impartial board or administrator appointed by the President for a de novo consideration of the request. Such board or administrator shall make a recommendation to the Component President, whose decision shall be final. If the President fails to decide the matter within seven (7) business days following the filing of the appeal, it shall be deemed granted, and the speaker's invitation may be issued by the organization.
- Where the request for an outside speaker is granted and the speaker accepts the invitation, the sponsoring organization shall inform the President or a designee, immediately in writing of such acceptance. The President or a designee, may, at his or her discretion, require that the meeting be chaired by a member of the administration or faculty and that a statement be made at the meeting that the views presented are not necessarily those of the Component or of the sponsoring organization. By acceptance of the invitation to speak, the speaker shall assume full responsibility for any violation of law committed by the speaker while on campus.

**Assembly on Component Grounds.** Any group or person, whether or not a student or employee, and whether or not invited by a registered student, faculty, or staff organization, may assemble and engage in free speech activities on the grounds of the campus. However, the Component President or a designee shall adopt reasonable, viewpoint neutral, nondiscriminatory Rules and Regulations as to time, place, and manner of such activities and may prohibit such activities if it is determined, after proper inquiry, that the proposed speech constitutes a clear and present danger as defined below.

**Clear and Present Danger.** Proposed speech which constitutes a clear and present danger to the Component's orderly operation by the speaker's advocacy (i.e., preparing the group addressed and steering it to such action as opposed to the abstract espousal of the propriety of resort to force) may be prohibited. In determining the existence of a clear and present danger, the Component President, may consider all relevant factors, including whether, within the past five

years such speaker has incited violence resulting in the destruction of property at any public institution or has willfully caused the forcible disruption of regularly scheduled classes or other educational functions at any such institution. There must be not only advocacy to action but also a reasonable apprehension of imminent danger to the essential functions and purposes of the Component.

**Demonstrations, Publications, Posters.** Reasonable and nondiscriminatory Rules and Regulations as to time, place, and manner may be promulgated by the President or a designee of the Component to authorize students, faculty, staff, and their registered Component organizations to petition, distribute publications, post signs, set up booths and/or peacefully demonstrate on the Component campus. Such regulation shall prohibit any activity that would interfere with academic or Component programs.

- No group or person, whether or not a student or employee, shall publicly display, distribute, or disseminate on the Component campus any petition, handbill, or piece of literature, work, or material that is obscene or libelous, or that advocates the deliberate violation of any federal, state, or local law. Literature may not be distributed where the manner or form of said distribution constitutes disorderly conduct, disrupts classroom discussion, impedes the maintenance of public order, or constitutes a danger to the person distributing or disseminating the material or to any group or individual.
- Advocacy means addressing the group for imminent action and steering, bolstering, or bracing it to such action as opposed to the abstract espousal of the moral propriety of a course of action.
- Any group or person, whether or not a student or employee, demonstrating on campus shall adhere to the provisions of Education Code, Section 51.935, as cited in the TSUS Rules and Regulations Chapter VI, Subparagraph 5.4.

**Antisemitism.** “Antisemitism” means 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-Jewish individuals or their property or toward Jewish community institutions and religious facilities.

**Disruptive Activities.** Disruptive activities are prohibited on a Component campus. See Education Code, Section 51.935 and this policy. The President shall promptly utilize all lawful measures to halt and eliminate any and all such disruptive activities and shall immediately notify the chancellor and the Chairman of the Board of Regents.

**Disciplinary Action.** Employees may be subject to disciplinary action, up to and including termination, for violating this policy.

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## SECTION 6 – EMPLOYEE BENEFITS

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**Policy:** 6.0 Insurance  
**Scope:** Faculty and Staff

The State has developed a variety of benefits available to eligible employees. Participation in the various benefits is usually voluntary and predicated on meeting certain eligibility requirements. Some benefits have mandatory participation.

Employees hired on or after September 1, 2003, are subject to a waiting period that will delay their health insurance for 90 days. Eligibility begins on the first of the month following the 90th day. The minimum age for retiree insurance has increased from 60 years of age to 65 if an employee has not met the Rule of 80 (age + years of service).

Effective September 1, 2014, a new employee's health coverage begins the first of the month following their 60<sup>th</sup> day of employment, not to exceed 90 days.

Each benefit contained in this section is explained in general terms. For specific information employees should contact the Human Resources Office.

### **INSURANCE**

#### Basic Coverage

The State pays for the full-time (100% FTE) employee's health coverage (HealthSelect) and for \$5,000 of basic term life and an equal amount of AD&D.

Effective September 1, 2013, the definition of a full-time employee for the health insurance contribution changed. A full time employee (for insurance purposes) is an individual designated by the employer as working 30 hours or more per week (75-100% FTE). Thus, employees working 30 hours or more per week in a benefits eligible position will receive the full state contribution for health insurance.

The State pays for one-half the health care and basic life premiums for part-time (50-74% FTE) employee's health coverage.



All individuals who are covered by state insurance plans have access to prescription drug benefits. Each individual must satisfy a \$50 deductible during each plan year before benefits and co-payments begin. The amount of each co-payment depends upon the category or tier of prescription drugs covered in each plan.

Elections must be made within the month in which the employee is hired, but may be changed up until the date of eligibility.

### **OPTIONAL INSURANCE COVERAGE**

Optional Coverage is available to employees immediately. Employees may elect optional coverage and waive health coverage.

**Elections must be made within the first 30 days of employment.**

Options available include:

- Dependent health coverage.
- Term life insurance; based on one, two, three or four times the employee's annual salary.
- Dependent life insurance.
- Long-term and/or Short-term Disability Insurance.
- Group Accident Insurance.
- Tex-Flex Health Care and Dependent Care Reimbursement Accounts.
- Dental Maintenance or Dental Choice Insurance.
- Long Term Care Insurance.

The amount of state contribution, by current state law, is basic medical and life coverage for full-time employees only and one-half the amount of the premium for benefits-eligible part-time employees. The State of Texas provides a contribution towards the premiums if the employee elects medical coverage for dependents. The amount of the contribution is set each legislative session. The employee must pay for coverage beyond the basic plan.

### **PREMIUM CONVERSION**

All employees are placed in Premium Conversion of insurance premiums as a means of reducing federal withholding. Premiums are paid with pre-tax dollars, thereby creating a tax savings for the participants. The IRS will not allow changes in coverage during the plan year unless there is a "Qualifying Life Event".

### **TOBACCO CERTIFICATION**

Effective September 1, 2013, all Group Benefit Plan (GBP) members (including dependents) must certify tobacco use or non-use. Members will be charged \$30 for each person age 18 and over who is enrolled in the GBP health plan (up to a maximum of \$90 per month), unless they certify as non-tobacco users.

## **TEXFLEX**

Employees may also elect to participate in the TexFlex Plan as a means of reducing federal withholding and Social Security taxes. The TexFlex Plan consists of the Health Care Reimbursement Account and the Dependent Care Reimbursement Account.

The employee determines how much money to set aside in the appropriate account(s) for the plan year. That amount is withheld from the employee's paycheck on a monthly basis and the employee does not pay taxes on that amount. As the employee incurs reimbursable expenses during the eligible period of coverage, he/she sends in a claim form along with the required documentation and he/she then receives reimbursement for the expenses. A new Flex Convenience Debit card will allow immediate access to the reimbursement account(s).

Employees should use extreme care when making an election to participate in TexFlex for the following reasons:

- Election is irrevocable
- Any money remaining in the account at the end of the grace period will be forfeited
- Please refer to your Summary of Benefits Programs for additional information.

**Policy:** 6.1 Retirement  
**Scope:** Faculty and Staff

All regular (50% FTE or more for 4.5 months) employees must participate in a retirement program. Most staff employees will be enrolled in the Teacher Retirement System (TRS). Full-time Faculty and certain executive/professional staff will have the opportunity of enrolling in TRS or one of the programs approved as part of the Optional Retirement Program.

Employees hired on or after September 1, 2005, are no longer subject to a waiting period that will delay their retirement contributions. Retirement eligibility begins on the 1st day of employment.

Deductions made for these plans and the amount contributed by the State of Texas are determined by the state legislature. The state also regulates conditions for withdrawal of contributions.

Employees anticipating retirement should contact the Human Resources Office for assistance. Employees who terminate prior to retirement should also contact the Human Resources Office to determine disposition of any funds accumulated in the employee's account.

#### **DEFERRED COMPENSATION**

Employees may defer a part of their pay for investment in a qualified “investment product” and will not be taxed on this amount until the employee receives a distribution from the plan. ERS administers the “TexaSaver” deferred compensation plan.

#### **TAX SHELTERED ANNUITY**

Employees also may also elect to defer a part of their pay into a 403b tax deferred plan for purposes of retirement. The money will not be taxed until it is withdrawn. Employees may select a company from a list of approved vendors.

#### **DEFINITION OF A RETIREE**

A “retiree” must meet the age and service eligibility requirements established by either the Teacher Retirement System or Optional Retirement Program of the State of Texas.

#### **RETIREE RECOGNITION**

No state appropriated funds may be used to provide recognition for retiring employees.

## **RETIREE BENEFITS**

- eligibility for group health and life insurance as provided by state statute;
- Lamar State College Orange ID card noting retiree status;
- library privileges;
- use of Student Center;
- e-mail service and Internet access.

## **RETIRED FACULTY**

Retired faculty members possess unique experiences and talents that can benefit the campus community. If the opportunity is available, some faculty may choose to teach on a part-time basis or continue other academic pursuits. The following additional considerations apply to retired faculty.

- full faculty library privileges;
- retired faculty are entitled to the same parking privileges afforded full-time faculty.

## **EMERITUS FACULTY**

The President may bestow the title of professor emeritus, associate professor emeritus, or other such titles as authorized in the Texas State University System *Rules and Regulations*. The designation of distinguished emeritus faculty requires a nomination by the Executive Vice President/Provost and approval by the TSUS Board of Regents as outlined in the *Rules and Regulations*.

A faculty member with emeritus or distinguished emeritus status is entitled to the following considerations.

- listing in the faculty directory and college catalog;
- assignment of office space and use of laboratory facilities, when available, contingent upon approval of the Deans and Executive Vice President/Provost;
- eligibility for service on college committees when appointed by the President.

**Policy:** 6.2 Insurance and Retirement  
**Scope:** Retirees

The following retirees are eligible for coverage in the Group Benefit Plan (GBP):

**REGULAR SERVICE RETIREE** - a former employee is eligible for coverage in the GBP provided he/she meets the following requirements:

#### **Age and Service Requirements**

1. has reached the minimum age (65) for retirement, and has at least ten years of retirement service credit in a benefits eligible position with an agency or institution that participates in the Group Benefit Plan, or
2. whose age and number of years of service credit when combined equals at least 80, provided the required ten years of service credit was in a benefits eligible position with an agency or institution that participates in the Group Benefit Plan.

#### **Retirement Program Requirements**

1. Meets applicable qualifications of one of the following:
  - Employees Retirement System
  - Teacher Retirement System
  - Effective September 1, 2014, the normal retirement age increases to 62 with rule of 80 and at least five years of service credit for all members who are not vested as of August 31, 2014 and new members on or after September 1, 2014. A member is considered vested when he/she has five years of service credit. All members vested as of August 31, 2014, are not subject to the new requirement and will experience no change in normal-age retirement.
  - Optional Retirement System
2. A person who has membership in two or more of the above retirement systems is subject to the laws governing each of those systems for determination of the person's eligibility for service retirement benefits, except that, for the purpose of determining whether the person meets the length-of-service requirements for service retirement of a system, the person's combined service credit must be considered as if it were all credited in each system.

## **DISABILITY RETIREE**

Persons who receive a non-occupational disability retirement must have 10 years of service.

## **EMPLOYEES WHO TERMINATE EMPLOYMENT PRIOR TO RETIREMENT AGE**

A vested employee who terminates employment prior to retirement age, but does not withdraw deposits from either TRS or ORP, has the vested right in service retirement upon attaining retirement age (65) or the Rule of 80 (age + years of service). If the former employee has 10 years or more of service credit in an agency participating in GBP, the employee is eligible for the GBP retiree insurance benefit. The former employee will have a 90-day waiting period for eligibility when claiming the health insurance benefit upon meeting the eligibility requirement. Employees will be required to provide a copy of the birth certificate or proof of age and ORP participants must also submit a statement certifying they are receiving or eligible to receive an annuity under the carrier they elected.

Withdrawal of deposits from either retirement system prior to retirement terminates the retirement credit and the credit of years toward retirement health care eligibility.

Effective September 1, 2014, the insurance state contribution rate for retirees changes based on years of service. GBP members with less than five years of GBP participation on August 31, 2014 will be affected by this change. As a full time employee, if you have at least:

- 10 years of service, you receive a 50% employee and 25% dependent contribution.
- 15 years of service, you receive a 75% employee and 37.5% dependent contribution.
- 20 years of more of service, you receive a 100% employee and 50% dependent contribution.

If you have less than 10 years of service, you are not eligible for insurance at retirement.

## **RETIREE COVERAGE**

Retirees are eligible for health, dental, \$2,500 term life, dependent life if in effect immediately prior to retirement, and the following options for Optional Term Life Insurance:

### **Option A**

- Persons who on the date of retirement had Election I may request, within 30 days from the date of retirement, to continue Election I after retirement, or
- Persons who on the date of retirement had Election II, III, or IV may request,

within 30 days from the date of retirement, to continue Election I or II after retirement. This option is subject to age related reduction when the retiree turns age 70 after the date of retirement; or

### **Option B**

- As an alternative to Option A, a person with no optional life may apply through evidence of insurability for \$10,000. This option is not subject to age related reductions.
- **Important Note:** Persons who turn 70 after the date of retirement and who selected Option B will not have a benefit reduction. However, Option A could eventually result in less coverage and/or a higher rate because persons who turn 70 after the date of retirement are subject to the same benefit reduction factors as active employees.

**Policy:** 6.3 Benefit Replacement Pay (BRP)  
**Scope:** Faculty and Staff

Employees hired prior to September 1, 1995, began receiving Benefit Replacement Pay in lieu of State paid social security with wages paid in January 1996. The Benefit Replacement Pay is computed according to the following formula.

### REGULAR EMPLOYEES

$BRP = ACR \text{ (Annualized Compensation Rate)} \times F \text{ (Factor)}$

The Annualized Compensation Rate is based on the pay period that includes October 31, 1995 and consists of base compensation, longevity, and hazardous duty pay. The Factor is based on the retirement system of the employee.

RETIREMENT SYSTEM	FACTOR
Teacher Retirement System	0.0625
Optional Retirement System	0.062667381
Not Participating in a Retirement System	0.0585

Employees on Teacher Retirement receive a maximum BRP of \$1,031.25 annually; employees on Optional Retirement receive a maximum BRP of \$1,034.01 annually; and employees not participating in a retirement system receive a maximum BRP of \$965.25 annually.

### HOURLY EMPLOYEES

$BRP = \text{Hourly Rate} \times \text{Actual Hours Worked}$

The Hourly Rate is calculated based on the number of hours worked during the October 31, 1995 pay period. Using the employee's regular rate of pay:

$\text{Hourly Rate} = \text{pay rate} \times \text{hours in October period} \times 12 \times 0.0525 / \% \text{ of actual hours worked in October to 2080}$

Once BRP is established for an employee, the amount does not change even though the employee's salary may change. BRP will always be based on the October 1995 salary.

If an hourly employee moves to a staff position, multiply the hourly rate times 2,080 (for a full-time position) to get the maximum annual amount.

If a staff member moves to an hourly position, take the annual amount and divide by 2,080 to get the Hourly Rate.



## **TRANSFERS**

When an eligible state employee of an institution of higher education transfers to a state agency that is not an institution of higher education, the institution shall report to the agency the amount of BRP the employee has received from the beginning of the calendar year to the effective date of the transfer.

An eligible state employee transferring from a state agency to an institution of higher education, the receiving institution must insure that the employee's compensation exceeds the amount of compensation that would be paid to an ineligible employee in the same position by at least the amount of the Benefit Replacement Pay increase the employee would have been entitled to base on their October 31, 1995, compensation.

## **REEMPLOYMENT**

An eligible employee who leaves state employment for 30 or more consecutive days August 31, 2005, becomes ineligible to receive Benefit Replacement Pay.

(Texas Gov't Code Ann., Section 659.126)

## **RETURN-TO-WORK RETIREES' ELIGIBILITY FOR BRP**

An eligible state employee who retired from state employment on June 1, 2005, or after that date and who receives an annuity based wholly or partly on services as a state officer or state employee in a public retirement system, is ineligible to receive benefit replacement pay upon reemployment with the State. In order to remain eligible for benefit replacement pay, an eligible employee who retired before June 1, 2005, must have returned to work with the State before September 30, 2005.

Senate Bill 1863 (79th Legislature) Section 13.07

**Policy:** 6.4 Savings Plans  
**Scope:** Faculty and Staff

Employees may select from several options that allow payroll deductions to be put into some type of savings plan. Options available include:

State of Texas Deferred Compensation Plan  
Tax Sheltered Annuities

For additional information, contact the Human Resources Office.

**Policy:** 6.5 Employee Education and Training Plan  
**Scope:** Faculty and Staff

The Employee Education and Training Plan ("the Plan") provides employees of Lamar State College Orange with assistance in obtaining additional college-level education and training to increase their value to Lamar State College Orange. The Plan will be administered in a manner that ensures compliance with IRS code. A portion of the fees waived under this benefit may represent taxable income to the recipient. Please consult IRS Publication 970 or your tax advisor for more information. . As such, the Plan represents an internal administrative procedure for the LSCO.

## DEFINITIONS

**Benefits-Eligible Employee:** Any Lamar State College Orange employee defined as a regular full-time employee by the Teachers Retirement System of Texas is a Benefits-Eligible Employee. This includes all persons employed for a definite period of at least four and one-half months or one long semester at a workload not less than one-half of the standard workload, excluding those employees who are required as a condition of employment to be enrolled as students.

**Course:** Any course offered by a state supported school in Texas for which academic or technical credit is awarded upon successful completion of the course. The term "course" shall include any associated laboratory or other practical instruction only if such instruction is an integral part of the course, and is not separately numbered. The term course shall include "Developmental" and "Pre-Collegiate" courses and laboratories that are offered on a regular basis by a Lamar component and published in its official undergraduate academic catalog.

**First Class Day:** For a class offered under any regularly published semester or term schedule, the official "first class day" established for that semester or term regardless of the actual date of the first meeting of the specific class. For any class for which an official "first class day" is not established or cannot be determined under the preceding definition, the date of the first scheduled meeting of the class.

**Standard Workload:** The standard workload for an employee (100% FTE) shall be the workload defined in State law or regulation as the standard workload. If no such definition is available, the percent FTE reported for that employee to the Texas Higher Education Coordinating Board in accordance with Lamar State College Orange rules and procedures shall be used for purposes of the plan.

## ELIGIBILITY

A Benefits-Eligible Employee is eligible to make application for payment under the plan for any course, the first-class day of which falls on or after the day that the employee has been a Benefits-Eligible Employee for a continuous period of six (6) calendar months.

An employee whose application is significantly incorrect in fact, who violates the provisions or procedures of the plan, or who fails to complete his or her obligations under the Plan, may be declared ineligible for any subsequent participation in the Plan. An employee must not have any outstanding balances.

## **PAYMENTS**

Payments will be made, subject to the other provisions of the Plan, for any course that will maintain or improve the skills required for the employee's current job. The institutions have determined that, since the primary business of each is to provide courses leading to a degree, any undergraduate degree will improve the skills required of any employee. Payment will thus be made for any undergraduate or graduate course that is required on any degree plan that the employee may be pursuing.

Payments will be made, subject to the other provisions of the Plan, for up to six credit hours per semester for any employee.

Payments are applicable only to the course for which approval was granted. A new application must be fully approved as specified under "Applications for Payment" before payment for a different course is applied to the employee's account.

If an employee has previously been the beneficiary of payment under this plan for a course, payment will not be made a second time for the same or an equivalent course, except when the course was officially dropped (or the student officially withdrew) owing to documented medical causes or at the request of the employee's supervisor on account of workload considerations.

Payments will be made, subject to the other provisions of the Plan, for no more than four courses per academic year (nominally September 1 through August 31) for any employee. Payments will be made during summer terms for eligible employees even though they are not employed during the summer months if such employees are Benefits-Eligible during the semester immediately preceding the summer, unless they have resigned or their employment has been permanently or indefinitely terminated.

The maximum payment for any one course shall comprise tuition and all fees associated with the course. In the event that an employee is enrolling in more than one course at Lamar during the same semester, the employee shall pay the incremental charges for tuition and other fees resulting from the additional course(s).

Payments will not be made for any deposits or other charges which are refundable at the end of the course or subsequently.

Payments for courses taken at a Lamar component will be paid directly to the component.

Travel expenses will not be reimbursed under this Plan.

Refunds for dropped or withdrawn Lamar component courses will be refunded back to the Lamar

account from which they were paid.

Benefits-Eligible Employees shall receive the educational assistance benefit in an amount proportional to their total FTE, not to exceed 100%.

In order to conform with IRS regulations and guidance, payment will be made for Physical Activity Courses (PEGA or PHED prefixed courses) only to the extent that such courses are required for graduation.

### **AVAILABILITY OF FUNDS FOR THE PLAN**

Payments under the Plan are subject to funds being available in the Lamar State College Orange budget. Lamar State College Orange is not required to make any funds available in any given fiscal year. In the event that funds available in any given year are not sufficient to fund all applications for payments, payments shall be funded in order of receipt by the finance office of the employment component until available funds are exhausted.

### **APPLICATIONS FOR PAYMENTS**

An employee applying for payments under the Plan must complete the Employee Education and Training application form and submit it to his/her Account Manager, Dean/Director, and Vice President/Executive Vice President for approval of the course to be taken. The Account Manager or Dean may decline to approve payment for a course if the employee is not in good academic standing or is not making satisfactory academic progress as defined in the rules governing federal student financial aid. The application shall then be submitted to the Human Resources Office. Payment will be authorized only after completion by all administrative offices

Application deadlines are as follows:

- Fall Semester: August 1<sup>st</sup>
- Spring Semester: December 1<sup>st</sup>
- Summer Semester: May 1<sup>st</sup>

Failure to provide completed applications by the deadlines above may result in non-payment.

### **MISCELLANEOUS**

Nothing in the Plan shall in any way modify or waive any Lamar component entrance or other academic requirements or course prerequisites. Approval of payment under the Plan does not constitute approval to be absent from assigned duties during normal working hours. The President of Lamar State College Orange has approved a modification to the Plan that allows up to three hours of release time with approval of the appropriate supervisor to utilize the Employee Education and Training Plan. Additional time during working hours must be accounted for under leave and compensatory time procedures. A copy of the revised work schedule and fee statement must accompany the Employee Education and Training application form.

Nothing in this policy shall be construed as requiring any component, administrator or supervisor to approve release time during normal working hours. Components may treat each application for release time based on the particular expertise, duties and responsibilities of the individual employee involved, even though this may result in some employees being permitted release time and others not.

An employee shall, within two weeks of the end of any semester in which a course was taken under the Plan, submit a copy of the Semester Grade Report, or a copy of a transcript which includes the grade for the course, to the Human Resources Office for inclusion in the employee's general employment record file in that office. Payments for the next request will not be considered without a copy of the grade.

According to HB 3337, 84<sup>th</sup> Legislative Session, effective September 1, 2015, an employee requesting payment by the College for a course will be required to successfully complete the course. Successful completion is defined as receiving a passing grade that does not require you to retake the course. If the course is not successfully completed, the employee will be required to reimburse the College for the course. A Reimbursement Payment Plan has been established by LSCO. Employees who choose the payment plan will not be eligible for additional course payment until the successful reimbursement of the previous course.

Nothing in the Plan shall be construed as prohibiting a Lamar component from making payment outside this plan for any course or training for any employee when taking such course or training is initiated by a supervisor or administrator.

**Policy:** 6.6 Corporate Travel Charge Card  
**Scope:** Faculty and Staff

Citibank has been named the charge card vendor for the state under the State Travel Management Program. Individual travelers who are issued a charge card accept an obligation to **pay all charges incurred on a timely basis and to use a charge card only for official state business use.** You will be responsible for full payment of monthly bills received from Citibank. We will continue to reimburse you for all business-related charges in accordance with the State of Texas Travel Allowance Guide published by the Comptroller of Public Accounts. We ask that you use it for all your official state business expenses.

Individual card holders **must** meet the following criteria: **Employees must take, or be expected to take, three (3) or more trips per fiscal year, or expend at least \$500 per fiscal year in business related expenses.**

Some of the benefits which you will receive when using the State of Texas issued card are listed below:

- No annual fees
- No minimum salary requirements
- Credit limits and payment information are not reported to credit reporting bureaus unless the account is charged off.
- \$500,000 Business Travel Accident Insurance
- \$1,250 for lost luggage insurance
- primary collision/loss damage insurance for car rentals

The delinquency assessments for individual accounts, in accordance with the State of Texas contract are as follows:

- All accounts are payable upon receipt of the statement.
- An account is considered by Citibank to be delinquent 31 days after the billing date.
- When an account reaches 61 days past due, it is suspended until it is paid. Accounts reach 90 days past due will be cancelled and will not be reopened.
- If all or any portion of a payment is not received by Citibank by the 58th day after the first Statement date, Citibank will assess a late fee equal to 2.5% of all past due balances on such day after the first Statement Date and every thirty days thereafter until payment is received by Citibank.
- Delinquency assessments are not reimbursed by the State.

If you meet the criteria established by Citibank and wish to apply for a Citibank card, complete the authorization form and return it to the Purchasing Office to initiate card application process.

**Policy:**                               **6.7 Employee Assistance Program**  
**Scope:**                               **Faculty and Staff**

An employee who believes that a personal problem may be affecting job performance is encouraged to use the Employee Assistance Program (EAP). Lamar State College Orange, through the Employee Assistance Program, offers short-term counseling and referral services to an employee or an employee's immediate family member (as defined in the Sick Leave section). Short-term counseling services (when appropriate) are provided at no cost to the employee. Additional costs to the employee may result from referral. Some costs may be covered by the employee's health insurance.

1. An employee wishing to use the EAP may call directly to schedule an appointment with one of the EAP counselors. Telephone numbers are available on posters throughout the campus, and in the Human Resources Office.
2. The EAP is completely confidential. The only exceptions to the guarantee of confidentiality are cases involving life- threatening situations or legal mandatory reporting requirements (for example, child abuse). Participation in the program is not included in an employee's personnel file, and retaliation as the result of participation in the program is prohibited.
3. The employee may attend an EAP session during work hours without losing pay if the employee requests approval for the absence from his/her supervisor. Sick leave, vacation leave, or compensatory time leave may be used if available. If the employee doesn't have accrued leave available, the time will be considered leave without pay.



**Policy: 6.8 Professional Development**  
**Scope: Faculty and Staff**

Lamar State College Orange is committed to providing the opportunities for professional growth for all employees, a goal outlined in the Agency Strategic Plan. Funds shall be made available to provide training and education for current or prospective duty assignments.

The potential purposes of the training and development programs are to prepare administrators and other employees to deal with new technologies and legal developments, to foster the development of additional work capabilities, to increase the competence of state employees, and to meet our commitment to continuous improvement.

The Human Resources Director will maintain records on attendance for in-house training.

Each Supervisor will be responsible for ensuring that all employees within their supervision are complying with the professional development requirements and should maintain the appropriate documentation to include topics, dates, sponsors, etc. Documentation of professional development must be provided to Human Resources annually for entry into the database.

Depending on the type of professional development that employees participate in, individual departments may be responsible for payment of the professional development. The following opportunities are available to employees:

- **IN-SERVICE TRAINING AND EDUCATION**

Includes job-oriented training on topics such as customer service, team building, safety, and continuous quality improvement provided within the campus.

There is no charge to the individual for this training. All employees are required to document on their annual performance appraisal that they have attended a minimum of one session per year. Some topics may be mandatory for particular classifications of employees.

- **OFF CAMPUS STAFF DEVELOPMENT**

May consist of workshops, seminars, institutes, training sessions, and other programs or activities offered either within or outside the state.

Employees are required to complete a Request to Travel at University Expense form to receive approval for funds. Funds shall be provided to each department to allow each employee to attend at least one workshop or conference per year.

If appropriate, supervisors may require that faculty or staff demonstrate ways in which

they will incorporate the knowledge gained from the training program. Employees may also be required to make presentations to their department or the campus on any expertise gained that would be beneficial to others.

Employees enrolled in specialized training costing in excess of \$500 are required to complete a Training Reimbursement Agreement form. For additional information, see Specialized Training Reimbursement Policy, Section 5.17, in the Administrative Policies and Procedures Manual.

In the 2001 General Appropriations Act the 77th Legislature stated that, in order to reduce costs, maximize efficiency, and minimize travel costs and other budget expense, state agencies and institutions of higher education should use Internet-based training to the extent available and appropriate.

- **EMPLOYEE EDUCATION AND TRAINING PROGRAM**

Provides employees who have been in a benefits-eligible position for at least six months an opportunity to take up to two courses per semester (four per academic year) at college expense. Employees are required to complete the Employee Education and Training Plan Application and comply with the conditions of the Employee Education Training Plan. For additional information see the Employee Education and Training Plan, Policy 6.5 the Administrative Policies and Procedures Manual.

- **CONTINUING EDUCATION COURSES**

Employees may take Lamar State College Orange continuing education courses at a cost of one-half the advertised rate. This benefit only becomes available after the minimum class size has been reached by enrollment of those paying the full cost of the class.

- **ETHICS TRAINING**

The Texas State University System Administrative Office shall conduct, in even numbered years, training sessions for the personnel of each component institution responsible for ethics training in the various department of such institution, Chapter VIII, Section 8.2, the Texas State University System Rules and Regulations.

- **EMPLOYMENT DISCRIMINATION TRAINING**

All institutions of higher education are required to provide training programs to each new employee on the institution's policies and procedures prohibiting employment discrimination, including sexual harassment, no later than 30 days after date of hire.

Supplemental training must be provided to each employee on a biennial basis. A signed statement from each employee documenting attendance at the training shall be placed in the employee's personnel file.

**Policy:**                           **6.9 Professional Licenses**  
**Scope:**                           **Faculty and Staff**

State agencies are not prohibited from paying professional license fees that are imposed on certain professionals if the agency determines that such expenditures are directly related to its governmental function.

Lamar State College Orange may pay up to \$50 annually for the renewal of a professional license required as a part of the responsibilities of a full-time employee. Request for payment is to be made to the Supervisor.

Requests in excess of \$50 may be submitted by full-time employees to their immediate supervisor. The request must include a rationale and “benefit to LSCO” statement. If funds are available, a supervisor may authorize expenditure of funds in excess of \$50 if such benefits are directly related to the mission and needs of LSCO.

**Policy:**                               **6.10 Wireless Communication Equipment**  
**Scope:**                               **Faculty and Staff**

This policy establishes guidelines for the use, availability, and acquisition of wireless (cellular) communication services by Lamar State College Orange (LSCO) employees for business purposes which are in compliance with Internal Revenue Service (IRS) guidelines. Wireless cellular communications services include cellular instruments, PDA Data Plans, voice plans, SMS text messaging, and related features.

Lamar State College Orange recognizes that job responsibilities of select positions may be enhanced through the utilization of cellular services. Accordingly, LSCO may choose to monetarily assist identified positions in the acquisition of cellular services through the provision of an allowance for cell phone use for business purposes.

**PROCEDURE**

- Any request for a cellular stipend must be submitted on the wireless service stipend request. The request must be submitted by the appropriate Vice president and must have the final approval of the President.
- The stipend will be processed through LSCO's payroll system and included as additional compensation on the employee's remuneration statement.
- LSCO may establish different levels of cellular service stipend that reflect the specific needs of different positions and the current price of wireless services. The appropriate allowance for each employee will be determined by their duties and their anticipated monthly business usage of the cellular services. Stipend allowances are \$30, \$50, and \$75.
- The individual employee is responsible for establishing and maintaining cellular service and obtaining the appropriate cellular communication device.
- An employee must apprise their supervisor and Human Resources of their cellular phone number.
- An employee receiving a stipend may be asked for proof that they are subscribed to an appropriate service and that the cost of the service is not less than stipend.
- In the event that an employee receiving a cellular stipend cancels their cellular service, the employee must immediately report the cancellation to their supervisor.

In the event that an employee changes positions, the cellular stipend must be re-approved.

**Policy:** 6.11 Employee Tuition Assistance Plan for Spouses and Dependents  
**Scope:** Faculty and Staff

## 1. Policy

**1.1** Effective August 1, 2019 and beginning with the Fall 2019 semester, spouses and Internal Revenue Service (IRS) dependent children (hence, “dependents”) of full-time Lamar State College Orange employees may qualify for and participate in the Employee Tuition Assistance Plan for Spouses and Dependents (TAPSD).

## 2. Tuition Benefits

**2.1** Spouse. For eligible spouses of full-time employees, tuition assistance of 100% of resident tuition is provided for undergraduate courses for which academic credit is awarded upon successful completion of the course. Applicable college fees are not included.

**2.2** Dependent children. For eligible dependent children, tuition assistance of 100% of resident tuition is provided for undergraduate courses for which academic credit is awarded upon successful completion of the course. Applicable college fees are not included.

**2.3** The term “course” shall include courses listed in Lamar’s official class schedule, including “developmental” and “pre-collegiate” courses and laboratories. All TAPSD courses must apply and be credited toward a Lamar State College Orange degree.

## 3. Eligibility

**3.1** The policy applies to Lamar State College Orange employees that were employed on or after August 1, 2019.

**3.2** Spouses and dependents of employees become eligible for the TAPSD if the employee has an appointment of 4 months or one long semester, is appointed full-time (not less than 1.00 FTE), is paid from Lamar State College Orange funds, and the first class day of which falls on or after the day that the employee has been a Benefits-Eligible Employee for a continuous period of six (6) calendar months.

**3.3** Employee spouses and dependents must apply and be admitted to Lamar State College Orange and maintain good academic and disciplinary standing as defined by the college. The assistance is provided on a semester/term basis. Application and admission test fees will not be waived or reimbursed.

**3.4** Eligible dependents are defined by the IRS in 26 USC § 152 and must be claimed as dependents by employees for IRS income tax purposes.

**3.5** Retirees and student employees are not eligible for participation in the TAPSD, unless they are spouses or dependents otherwise included.

#### **4. Application Procedures**

**4.1** Upon class registration, employees must submit the completed TAPSD Employee Certification Form before the payment due date of the term to the Human Resources office.

**4.2** Employees must deliver the TAPSD Employee Certification form, the first page (with financial information removed) of their most recent Form 1040 U.S. Individual Income Tax Return, the dependent's course schedule and the dependent's fee statement

**4.3** The Human Resources office will certify eligibility for benefits associated with the TAPSD.

#### **5. Academic Scholarships**

**5.1** TAPSD was designed and is intended to provide resident tuition for dependents of current full-time benefit eligible Lamar State College Orange employees. For those TAPSD eligible students who received scholarship aid from Lamar State College Orange (i.e., excluding external scholarships), TAPSD (tuition) funds are applied to a student's account before any scholarship funds.

**5.2** If the value of TAPSD and the scholarship exceed the costs of tuition and fees, the balance may be used for other college related expenses. The only exception is for scholarships which explicitly include and pay the costs of tuition. For these, TAPSD will not be credited to the scholarship recipient's account.

#### **6. Illustrations**

**6.1** If tuition for 12 credit hours is \$1800 and fees total \$900, a TAPSD eligible student who receives a \$2000 scholarship will have an \$1100 balance that may be used for other college related expenses.

**6.2** If tuition for 12 credit hours is \$1800 and fees total \$900, a TAPSD eligible student

who receives a \$500 scholarship will owe \$400.

**6.3** If tuition for 12 credit hours is \$1800 and fees total \$900, a TAPSD eligible student who receives a \$2000 scholarship that explicitly includes tuition will owe \$700.

**6.4** If tuition for 12 credit hours is \$1800 and fees total \$900, a TAPSD eligible student who receives a \$2000 tuition only scholarship will owe \$900.

## **7. Federal Title IV Funds**

**7.1** TAPSD was designed and is intended to provide resident tuition for dependents of Lamar State College Orange full-time employees. For TAPSD students who are eligible for and receive federal Title IV funds (grants and loans), TAPSD funds are applied to a student's (resident) tuition expenses before any grants or loans.

**7.2** If the value of TAPSD and the grant/loan exceed the costs of tuition and fees, the balance may be used for other college related expenses per federal restrictions (Financial Aid). The only exception is for Lamar scholarships which explicitly include and pay the costs of all educational expenses. For these, TAPSD will not be credited to the scholarship recipient's account.

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## SECTION 7 – INFORMATION TECHNOLOGY

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**Policy:** 7.1 Information Resources – Appropriate Use  
**Scope:** All Individuals Accessing LSCO Information Resources

### Description

Information Resources are vital assets used in pursuit of Lamar State College Orange’s mission. This Lamar State College Orange Policy establishes guidelines for the appropriate use of information resources by educating individuals regarding information resources and the responsibility accepted by virtue of use.

### Definitions

Information Resource(s) – Include(s) all College owned, licensed, or managed hardware, software, databases and use of the college network whether accessed from a physical or wireless connection, regardless of the ownership of the electronic device in use.

### Criteria

1. Information resources are provided for the purpose of accomplishing tasks related to the college’s mission. The college may restrict or limit the use of or access to its information resources in keeping with the Lamar State College Orange mission.
2. Individuals with authorized access to information technology resources must ensure that their access permissions are not accessible to or usable by any other individuals.
3. Any external individual, application, or device accessing or utilizing Lamar State College Orange Information Resources is subject to the Appropriate Use Policy.
4. Subject to State of Texas law and college policy, incidental personal use of information resources by college employees is tolerated, subject to review and restriction by the employee’s supervisor. Such personal use must not violate any applicable policies and statutes, must not interfere with the employee’s job performance, must not result in any additional expense to the college, and must not be used for personal gain. Information technology resources should not be used in an extensive or regularly recurring manner for activities that are unrelated to institutional purposes.
5. Any unauthorized or illegal access, use, alteration, duplication, destruction, or disclosure of any information resource is prohibited.



6. Lamar State College Orange will take reasonable precautions to protect the privacy and confidentiality of electronic documents. However, individuals using Lamar State College Orange information resources have no right to privacy in their use of these resources and information resources are subject to review and disclosure in accordance with:
  - a. the Texas Public Information Act, the federal Freedom of Information Act, and other related laws, Regents' Rules, and college policies;
  - b. other policies or legal requirements, such as subpoenas and court orders;
  - c. efforts to protect and sustain operational performance and integrity;
  - d. security reviews, audits, and investigations by authorized individuals in the performance of their assigned duties; and
  - e. such other purposes required to allow institutional officials to fulfill their responsibilities when acting in their official capacity.

Request for non-consensual access as described in 6 (a-e) must be submitted to the Information Resources Manager (IRM) using the approved non-consensual access form. Although ongoing monitoring is not standard procedure, anyone using Lamar State College - Orange information resources expressly consents to monitoring for the above purposes.

7. The Lamar State College Orange issued email address is the official communication standard for electronic mail delivery. Students, faculty, and staff are responsible for monitoring their Official College issued email. Faculty, staff, and students may forward e-mail from their official college address to an alternate e-mail address at their own risk. The college is not responsible for e-mail forwarded to any other address.
8. Lamar State College Orange is not responsible for the content of documents, exchanges or messages that reflect only the personal ideas, comments and opinions of an individual.
9. Lamar State College Orange is not responsible for contracted services between Lamar State College Orange students and Third Party vendors. However, any individual utilizing of a third party service agrees to abide by the terms and conditions of the service provider.

### **Enforcement**

Failure to adhere to the provisions of this policy statement may result in:

1. Loss of Lamar State College Orange Information Resources access privileges,

2. Disciplinary action up to and including termination for employees, contractors or consultants, dismissal for interns and volunteers, or suspension or expulsion in the case of a student, or
3. civil or criminal prosecution.

Statutes pertaining to the use of college information resources include, but are not limited to, the following:

- a. The Federal Family Educational Rights and Privacy Act (FERPA) – restricts access to personally-identifiable information from students' education records.
- b. Texas Administrative Code, Title 1, Part 10, Chapter 202 – Regulations from the Department of Information Resources establishing information security requirements for Texas state agencies and higher education institutions.
- c. Texas Penal Code, Chapter 33: Computer Crimes – Texas law pertaining to computer crimes. This statute specifically prohibits unauthorized use of university computers, unauthorized access to stored data, or dissemination of passwords or other confidential information to facilitate unauthorized access to the university's computer system or data.
- d. Texas Penal Code, §37.10: Tampering with Governmental Record – Prohibits any alteration, destruction, or false entry of data that impairs the validity, legibility or availability of any record maintained by the university.
- e. United States Code, Title 18, Chapter 47, §1030: Fraud and Related Activity in Connection with Computers – Federal law specifically pertaining to computer crimes. Among other stipulations, prohibits unauthorized and fraudulent access to information resources, accessing a computer to obtain restricted information without authorization; altering, damaging, or destroying information on a government computer without authorization; trafficking in passwords or similar information used to gain unauthorized access to a government computer; and transmitting viruses and other malicious software.
- f. Copyright Act of 1976 – Federal law that forms the primary basis of copyright law in the United States, as amended by subsequent legislation. The Act spells out the basic rights of copyright holders, codifies the doctrine of "[fair use](#)," and for most new copyrights, adopts a unitary ownership period based on the date of the author's death rather than the prior scheme of fixed initial and renewal terms.
- g. Digital Millennium Copyright Act (DMCA) – Signed into law on October 20, 1998, as Public Law 105-304. Created to address the digitally networked environment, the DMCA implements the World Intellectual Property Organization (WIPO) Internet Treaties; establishes safe harbors for online

- service providers; permits temporary copies of programs during the performance of computer maintenance; and makes miscellaneous amendments to the Copyright Act, including amendments that facilitate Internet broadcasting.
- h. Electronic Communications Privacy Act (U.S.C., Title 18) – Prohibits the interception or disclosure of electronic communication and defines those situations in which disclosure is legal.
  - i. Computer Software Rental Amendments Act of 1990 – Deals with the unauthorized rental, lease, or lending of copyrighted software.
  - j. Texas Government Code §556.004 – Prohibits using state resources or programs to influence elections or to achieve any other political purpose.
  - k. Health Insurance Portability and Accountability Act (HIPAA) – Public Law 104-191, August 21, 1996. The final standards were published in February, 2003 and emphasize security management principles and broad management controls as primary vehicles for protecting patient health information. HIPAA was enhanced in 2009 by the HITECH Act, which extended HIPAA’s provisions to the business associates of covered entities and imposed new notification requirements on covered entities, their business associates, and the vendors of personal health records for breaches of protected health information.
  - l. Federal Information Security Management Act of 2002 (FISMA), 44 U.S.C. § 3541, Public Law 107-296 – Required every federal agency to develop, document, and implement an agency-wide information security program. The law was amended by FISMA 2010, which changed the focus from paperwork compliance to continuous monitoring and threat mitigation.

**Policy:** 7.2 Information Resources – Administrative/Special Access  
**Scope:** Faculty and Staff

### **Description**

Technical support staff, security officers, system administrators, network support specialists and others may have special access account privilege requirements compared to typical or everyday users. The fact that these administrative and special access accounts have a higher level of access means that granting, controlling and monitoring these accounts is extremely important to an overall security program. Intentional or unintentional misuse of these elevated privileges can compromise the college's information security posture.

The purpose of the Lamar State College Orange Administrative/Special Access Policy is to establish the rules for the creation, use, monitoring, control and removal of accounts with special access privilege.

The Lamar State College Orange Administrative/Special Access Policy applies equally to all individuals that have, or may require, special access privilege to any Lamar State College Orange Information Resources.

### **Definitions**

Information Resources (IR) – Include(s) all College owned, licensed, or managed hardware, software, databases and use of the college network whether accessed from a physical or wireless connection, regardless of the ownership of the electronic device in use.

Information Resources Manager (IRM): Responsible to the State of Texas for management of the agency's information resources. The designation of an agency information resources manager is intended to establish clear accountability for setting policy recommendation for information resources management activities, provide for greater coordination of the state agency's information activities, and ensure greater visibility of such activities within and between state agencies.

Information Security Officer (ISO): Responsible to the executive management for administering the information security function within the agency. The ISO is the agency's internal point of contact for all information security incident reporting.

Information Services: The name of the agency department responsible for computers, networking and data management.

Abuse of Privilege: When a user willfully performs an action prohibited by organizational policy or law, even if technical controls are insufficient to prevent the user from performing the action.

Vendor: Someone who exchanges goods or services with Lamar State College Orange.

## Criteria

1. Each individual that uses Administrative/Special access accounts must use the account privilege most appropriate with work being performed (i.e., user account vs. administrator account).
2. All users must sign the Lamar State College Orange Confidentiality Statement before access is given to an account with elevated privileges.
3. Each individual that uses Administrative/Special access accounts must refrain from abuse of privilege and must only perform investigations under the direction of the ISO or CIO. Any such abuse must be immediately reported to the offices of the CIO or ISO.
4. The CIO and/or ISO may escalate privilege to any administrative account or reduce privileges to any administrative account to aid in investigation.
5. Each account used for administrative/special access must meet the Lamar State College Orange Passphrase Policy.
6. The passphrase for an administrator/special access account must change when an individual with the passphrase leaves the department or Lamar State College Orange, or upon a change in the vendor personnel assigned to the Lamar State College - Orange contract.
7. Administrative/special access account must never be shared between users.
8. All activities using the administrative/special access account must be logged to the extent allowed by the application or system.
9. In the case where a system has only one administrator there must be a passphrase escrow procedure in place so that someone other than the administrator can gain access to the administrator account in an emergency situation.

10. The use of generic accounts that are shared for gaining administrative access is prohibited. Instead, all administrative accounts must follow college's naming convention and must be tied to the owner of the account.
11. The use of multifactor authentication will be used in conjunction with the use of domain administrative accounts.
12. When Special Access accounts are needed for Internal or External Audit, software development, software installation, or other defined need, they:
  - a. must be authorized by the IRM/ISO.
  - b. must be created with a specific expiration date
  - c. must be removed when work is completed.

### **Enforcement**

Violation of this policy may result in disciplinary action which may include termination foremployees and temporaries; a termination of employment relations in the case of contractors or consultants; dismissal for interns and volunteers; or suspension or expulsion in the case of a student. Additionally, individuals are subject to loss of Lamar State College Orange Information Resources access privileges, civil, and criminal prosecution.

### **Related Documents**

1. Policy 7.1 - Appropriate Use
2. Policy 7.3 - Security Passphrase

**Policy:** 7.3 Information Resources – Security Passphrase  
**Scope:** Faculty and Staff

### **Description**

The purpose of the Lamar State College Orange Passphrase policy is to establish the rules and standards for the creation, distribution, safeguarding, termination, and reclamation of the Lamar State College Orange user authentication mechanisms.

The Lamar State College Orange Passphrase policy applies equally to all employees and contracted individuals who use any Lamar State College Orange information resource.

### **Definitions**

Authentication - Authentication is the act of verifying a person's identity as required to secure access to applications, systems or services.

User Authentication Mechanism - Standards, protocols, tools and technologies involved in the authentication process.

Information Resources Manager (IRM)/Chief Information Officer (CIO) - Responsible to the State of Texas for management of the agency's information resources.

Information Security Officer (ISO) - Responsible to executive management for administering the information security functions within the agency. The ISO is the college's internal and external point of contact for all information security matters.

Information Services - The Information Services Department of Lamar State College Orange.

Password - A string of characters which serves as authentication of a person's identity which may be used to grant or deny access to private or shared data.

Passphrase - A passphrase is a password that is not easily guessed. It is normally constructed of a sequence of characters, numbers, and special characters, depending on the capabilities of the operating system. Typically the longer the passphrase the stronger it is. The term passphrase will be used, rather than password, for the rest of this document.

Service Account, LDAP Bind Account, Application Account - A user account that is created

explicitly to provide a security context for applications or services. Typically, service accounts are provisioned local to system and application accounts are provisioned in the central directory. Bind Accounts are LDAP specific application accounts use for LDAP authentication and query mechanisms.

Generic Accounts - Accounts that are shared and not tied to a specific user.

Default Account - A default account is a user account that is created when the application/appliance is installed/provided by the vendor in "factory install" state.

Default Passphrase - Passphrase used in a default account.

Standard User Accounts - A standard user account lets a person use most of the capabilities of the computer/application/system. When you use a standard account, you can use most programs that are installed on the computer, but you can't install or uninstall software and hardware, delete files that are required for the computer to work, or change settings on the computer that affect other users.

Privileged User Accounts - Is a user account that lets you make changes that will affect other users. E.g. administrators. Privileged user accounts can change security settings, install software and hardware, and access all files on the computer/system/application. Privileged users can also make changes to other user accounts.

Factors of authentication - Factors, or a combination of these factors, can be used to authenticate a user. Examples are:

- Something you know - password/passphrase, Personal Identification Number (PIN).
- Something you have - Smartcard, token.
- Something you are - fingerprint, iris scan, voice.
- A combination of factors/multi-factor - Smartcard and a PIN.

### **Passphrase Standards**

1. All passphrases, including initial passphrases, must be constructed and implemented according to Lamar State College Orange passphrase standards referenced in this document.
2. Passphrases must not be shared with anyone and must be treated as confidential.
3. The use of generic accounts is not allowed. Exceptions to this may be obtained by the approval of the ISO only if an information system or process cannot use a dedicated account and must be documented with the office of CIO.
4. Recording of passphrases by insecure methods is prohibited. Passphrases must not be written down in easily accessible or visible locations.



5. Computing devices must not be left unattended without enabling a passphraseprotected screensaver or logging off the device.
6. Users may not circumvent passphrase entry with auto logon, application remembering, embedded scripts or hard coding passphrases into software. Exceptions may be made for specific applications (like automated backups or service accounts) with the approval of the Lamar State College Orange ISO. In order for an exception to be approved there must be a procedure to change the passphrases.
7. If the security of a passphrase is compromised, or is in suspicion of compromise, the owner of the passphrase is responsible for changing the passphrase immediately. In addition, the office of the ISO may change the passphrase for a user's account if the passphrase is in suspicion of compromised or is reported to be compromised.
8. In the event passphrases are found or discovered, the following steps must be taken:
  - Take control of the passphrases and protect them.
  - Report the discovery to the ISO via Lamar State College Orange Help Desk
  - Transfer the passphrases to an authorized person as directed by the Lamar State College Orange ISO.
9. Applications or systems that cannot adhere to the college passphrase policy must be identified, documented and must be isolated on the network when feasible. The office of ISO will provide necessary requirements for the isolation of the applications or systems.
10. Passphrase history must be kept when possible to prevent the reuse of a passphrase.
11. Administrators must not circumvent the passphrase policy for any reason including ease of use.
12. Passphrase for default accounts must be changed upon first use. Applications where such accounts cannot be disabled/deleted the changed passphrases must be securely escrowed with the supervisor.
13. Passphrases for application accounts must be generated according to the Lamar State College Orange passphrase standards. Exceptions to this may be obtained by the approval of the ISO and recorded with the office of CIO.
14. All personnel assisted passphrase change procedures must include the following:

- Validate the user's identity prior to the passphrase change.
- The temporary passphrase must be set to a strong passphrase.
- The user must change their passphrase at first use.

15. All security tokens issued by Lamar State College Orange, used in multi factor authentication must be returned on demand or upon termination of the affiliation with the College.

16. Exceptions to this policy must be requested and documented through the office of the CIO.

### **Enforcement**

Failure to adhere to the provisions of this policy statement may result in:

1. Loss of Lamar State College Orange Information Resources access privileges,
2. Disciplinary action up to and including termination for employees, contractors or consultants, dismissal for interns and volunteers, or suspension or expulsion in the case of a student, or
3. Civil or criminal prosecution.

### **Related Documents**

1. Lamar State College Orange Passphrase Standard
2. Lamar State College Strong Passphrase Examples
3. Texas Administrative Code (TAC)

**Policy:** 7.4 Information Resources – Data Classification  
**Scope:** All Individuals Accessing LSCO Information Resources

## **Description**

Data Classification provides a framework for managing data assets based on value and associated risks and for applying the appropriate levels of protection as required by state and federal law as well as proprietary, ethical, operational, and privacy considerations. All Lamar State College Orange data, whether electronic or printed, should be classified. The data owner, who is responsible for Data Classification, should consult with legal counsel on the classification of data as LSCO-Protected, LSCO-Sensitive, or Public. Consistent use of data classification reinforces with users the expected level of protection of Lamar State College Orange data assets in accordance with Lamar State College Orange Policy.

The purpose of the Lamar State College Orange Data Classification Policy is to provide a foundation for the development and implementation of necessary security controls to protect information according to its value and/or risk. Security standards, which define these security controls and requirements, may include: document marking/labeling, release procedures, privacy, transmission requirements, printing protection, computer display protections, storage requirements, destruction methods, physical security requirements, access controls, backup requirements, transport procedures, encryption requirements, and incident reporting procedures.

All Lamar State College - Orange data created, sent, printed, received, or stored on systems owned, leased, administered, or authorized by Lamar State College Orange are the property of Lamar State College Orange and its protection is the responsibility of the Lamar State College Orange owners, designated custodians, and users.

## **Definitions**

LSCO Protected - Sensitive data that must be protected from unauthorized disclosure or public release based on state or federal law, (e.g. the Texas Public Information Act)

LSCO Sensitive - Sensitive data that may be subject to disclosure or release under the Texas Public Information Act, but requires additional levels of protection.

Public - Information intended or required for public release as described in the Texas Public Information Act.

**Criteria**

The Data Classification Matrix attached show recommended data classification(s).

**Data Classification Matrix**

	<b>LSCO Protected</b> High level of sensitivity	<b>LSCO Sensitive</b> Moderate level of sensitivity	<b>Public</b> Low level of sensitivity
<b>Legal Requirements</b>	Protection of data is required by law, reduces liability and negative publicity	Protection of data will prevent poor business decisions, inaccurate administrative research conclusions, potential liability, and moderate negative publicity.	Public information that is intended for release to the public and its unauthorized disclosure would have no negative impact. While unauthorized disclosure of public information is against Lamar State College Orange Policy, it would not adversely impact Lamar State College Orange.
<b>Risk</b>	<ul style="list-style-type: none"> <li>• Long term loss of reputation</li> <li>• Long-term loss of critical campus or departmental services</li> </ul>	<ul style="list-style-type: none"> <li>• Short-term loss of reputation</li> <li>• Short-term loss of departmental services</li> </ul>	<ul style="list-style-type: none"> <li>• Loss of data with no impact to the college</li> <li>• Inaccurate general information</li> </ul>
<b>Data Examples</b>	<ul style="list-style-type: none"> <li>• Health related records (disabilities)</li> <li>• Personnel information &amp; HR records.</li> <li>• College Financial data</li> <li>• Credit card Information</li> </ul>	<ul style="list-style-type: none"> <li>• Lamar State College Orange operational information</li> <li>• Lamar State College Orange personnel records</li> <li>• Lamar State College Orange information</li> </ul>	<ul style="list-style-type: none"> <li>• Institutionally published public data</li> <li>• Academic course descriptions</li> <li>• Directory information</li> </ul>

	<ul style="list-style-type: none"> <li>• Personally Identifiable Information (PII), such as: a name in combination with Social Security Number (SSN) and/or financial account numbers</li> <li>• Student Education Records and <i>Official transcripts</i></li> </ul>	<p>security procedures</p> <ul style="list-style-type: none"> <li>• Lamar State College Orange internal communications</li> <li>• Lamar State College Orange Project data</li> <li>• Lamar State College Orange HR data that is not protected</li> </ul>	
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**Enforcement**

Failure to adhere to the provisions of this policy statement may result in:

1. Loss of Lamar State College Orange Information Resources access privileges,
2. Disciplinary action up to and including termination for employees, contractors or consultants, dismissal for interns and volunteers, or suspension or expulsion in the case of a student, or
3. Civil or criminal prosecution.

**REFERENCES**

**National/Federal**

- Copyright Act of 1976
- Foreign Corrupt Practices Act of 1977
- Computer Fraud and Abuse Act of 1986
- Computer Security Act of 1987
- The Health Insurance Portability and Accountability Act of 1996 (HIPAA)
- Gramm-Leach-Bliley Act of 1999
- Sarbanes-Oxley Act of 2002
- Family Education Rights and Privacy Act of 1974
- Uniform Trade Secrets Act
- Payment Card Industry Data Security Standard

## **Texas**

DIR Practices for Protecting Information Resources Assets

DIR Standards Review and Recommendations Publications

Texas Administrative Code, Title 1, Part 10, Chapter 202 - Information Security Standards

Texas Business and Commerce Code, Chapter 48 – Consumer Protection Against  
Computer Spyware Act

Texas Business and Commerce Code, Chapter 521 – Unauthorized Use of Identifying  
Information Texas

Government Code, Chapter 441 – Libraries and Archives

Texas Government Code, Chapter 552 – Public Information Act Texas

Texas Government Code, Chapter 2054 – Information Resources Management Act

## **Related Documents**

1. 7.1 – Information Resources Appropriate Use
2. 7.3 – Information Resources Security Passphrase

**Policy:** 7.5 Information Resources – Server Management  
**Scope:** All Individuals Accessing LSCO Information Resources

## Description

Servers are utilized to deliver critical components of instruction, student resources, and administration in pursuit of the Lamar State College Orange mission.

This policy establishes the framework under which college servers are managed to promote availability, secure information and assets, and mitigate vulnerabilities.

## Definitions

Information Resource(s) – Include(s) all College owned, licensed, or managed hardware, software, databases and use of the college network whether accessed from a physical or wireless connection, regardless of the ownership of the electronic device in use.

Information Services – The Lamar State College Orange department responsible for the Information Resources of Lamar State College Orange.

Public Service - Any web-facing application designed and delivered with the intent of access by individuals or organizations over the public internet. Public facing applications are exposed to the broadest base of potential users and are accessed via a web-browser.

Server – A device that performs a specific service or function on behalf of other network devices or users.

Server Management – Functions that enable the server to operate within acceptable parameters of performance, security, availability, and business continuity.

Server Owner – The individual charged with overall responsibility for the server asset in the college's inventory records.

Server Administrator – An individual designated by the server owner as principally responsible for performing server management functions, including the installation, configuration, security, monitoring, maintenance, registration, and assessment of the server. The server owner and server administrator may be the same individual.

## Criteria

1. Any server that is connected to the college network must be installed, configured and managed by the Information Services Department and will comply with this policy.
2. All servers will be registered within Information Services helpdesk application, Spiceworks, and the server information will be updated yearly.
3. The Information Services staff member given the responsibility of server administrator is responsible for the management, operation, and security of the server. Server administration functions may be designated; however, the server owner retains ultimate responsibility for the server. The server owner will, at a minimum:
  - a. Register the server within the Spiceworks application
  - b. Include server management compliance in fiscal planning, business/academic continuity planning, and personnel resource planning
  - c. Respond to any vulnerability scan notifications received by Information Services
  - d. Participate in scheduled risk assessments
6. Information Services will publish server management guidelines for internal Information Services use.
7. Information Services will conduct routine scans of the college server environment. Servers that pose an immediate threat to network operations, performance, or security may be disconnected or quarantined until the threat is removed.
8. Incident management procedures will be executed by Information Services when appropriate.

## Enforcement

Failure to adhere to the provisions of this policy statement may result in:

1. Loss of Lamar State College Orange Information Resources access privileges,
2. Disciplinary action up to and including termination for employees, contractors or consultants, dismissal for interns and volunteers, or suspension or expulsion in the case of a student, or
3. Civil or criminal prosecution.



## **Related Documents**

1. Information Resources Policy 7.1 Appropriate Use
2. Information Resources Policy 7.4 Data Classification
3. Information Resources Policy 7.3 Security Passphrase

**Policy:** 7.6 Information Resources – Network Management  
**Scope:** All Individuals Accessing LSCO Information Resources

### **Description**

The purpose of this policy is to assure the reliability, security, integrity, availability, authenticity, and confidentiality of information on the data network infrastructure at Lamar State College Orange. The Lamar State College Orange Information Services Department, is charged with overall responsibility for properly deploying and managing a fully monitored and protected network infrastructure. This policy documents practices and responsibilities associated with the administration, maintenance, expansion, and use of the college network in order to:

- a. provide reliable Intranet and Internet communications for college business functions
- b. ensure the use of the Lamar State College Orange network is authorized and in alignment with the college's mission and initiatives
- c. protect the confidentiality, integrity, and availability of college information that traverses the Lamar State College Orange network

### **Definitions**

Access Point – Any piece of equipment that allows connectivity to network services via a radiofrequency wireless connection. Wireless access points provide shared bandwidth such that as the number of users connected to an access point increases, the bandwidth available to each user decreases. These devices commonly provide adequate bandwidth for common network usage such as web and file services.

Dynamic Host Configuration Protocol (DHCP) – facilitates the temporary assignment of network addresses to devices from a pool of available addresses allowing the college to reuse addresses when devices no longer need them. DHCP is the predominant alternative to permanent, static network address assignment.

Domain Name System (DNS) and DNS services – hierarchical distributed naming system for computers, services, or any resource connected to the Internet or a private network. It associates various information with domain names assigned to each of the participating entities. Most prominently, it translates easily memorized domain names to the numerical IP addresses needed for the purpose of locating computer services and devices worldwide.

The Domain Name System is an essential component of the functionality of the Internet.

Extend the network – connecting a device other than a single end-system to a segment of the college network (most often a data jack). For these purposes, an end-system is defined as a user device (e.g., a computer or printer) that has no other network connections, physical or virtual, other than its physical link to the data jack. Devices that extend the network include hubs, bridges, switches, routers, firewalls, or computers configured to provide any external network service other than for the sole use of the device itself.

Internet – a standards-based, global system of interconnected networks that utilizes Transmission Control Protocol /Internet Protocol (TCP/IP) for data representation, signaling, authentication, and error detection.

Intranet – a private computer network that uses Internet technologies and standards to share in a secure fashion an organization’s information with the organization’s constituents.

Information Resource(s) – Include(s) all College owned, licensed, or managed hardware, software, databases and use of the college network whether accessed from a physical or wireless connection, regardless of the ownership of the electronic device in use.

Information Services – The Lamar State College Orange department responsible for the Information Resources of Lamar State College Orange.

Information Security Officer (ISO) – Information Services staff responsible for establishing and maintaining the enterprise vision, strategy and program to ensure information assets and technologies are adequately protected.

NetID Account – A network account credential created by the college for “users” to access campus electronic resources.

Network Address Assignment and Address Management – The process of delivering and assigning IP addresses to “user devices” and “network devices” using a centralized technology for Lamar State College Orange network.

Network Device – Used to facilitate the transmission of “user” data throughout the Lamar State College - Orange campus using the Lamar State College Orange network. Examples of network devices are network cabling, routers, switches, wireless access points, and in general, any non-endpoint device.

Service Set Identifier (SSID) – The name of a wireless network or more specifically, a set of characters that identify a specific wireless network, as defined in the IEEE 802.11 standard.

System Compromise – any user device that is no longer entirely under the device owner or device administrator control. Two major sources of compromise are:

- a. infection by a worm, virus or Trojan horse; and
- b. exploitation of an operating system or application vulnerability by another user giving that user remote control of the user device.

User – An individual who utilizes an information resource device or service.

User Device – any hardware component attached to Lamar State College Orange network for use by a user to process, store, or transmit information. Examples of User devices include laptop computers, desktop computers, servers, scanners, and printers.

TAC 202 – Texas administrative code for regulating information code.

Wireless network – that part of Lamar State College Orange network infrastructure that uses radio frequency signals (per IEEE 802.11 standards) instead of copper or fiber optic cable to connect computing and communication devices to the rest of the college network and beyond

## Criteria

1. Lamar State College Orange Information Services shall coordinate the connection, the network address assignment and address management of all network devices, and user devices on Lamar State College Orange network. Other departments and individual users may not install, alter, extend or re-transmit network services in any way. Departments and individual users are prohibited from attaching or contracting with a vendor to attach network devices to the Lamar State College Orange network.

Network device equipment examples include but are not limited to:

- routers
- switches
- hubs
- firewall appliances
- wireless access points
- virtual private network (VPN) servers
- network address translators (NAT)
- proxy servers
- dial-up servers
- active/passive sniffers
- wiretaps or surveillance equipment

2. Lamar State College Orange Information Services owns and operates all IP addresses for the Lamar State College Orange network. These include both public (internet routable) and private (non-internet routable) address spaces. These addresses are commonly assigned by an Information Services DHCP service.
3. Information Services will disconnect a device posing an immediate threat to Lamar State College Orange network in order to isolate the intrusion or problem and minimize risk to other systems. Any device(s) involved in repeated incidents will be disconnected until it has been determined they are safe for reconnection to Lamar State College Orange network as required to reduce security risks to an acceptable level.
4. Information Services reserves the right to monitor the traffic and audit all devices, systems, and general network traffic in accordance with Policy 7.1 – Information Resources Appropriate Use.
5. The wired component of the Lamar State College Orange network is unencrypted. Any users that utilize this network to transmit sensitive, restricted, or confidential information are responsible for the security of that information as it traverses the network. Privacy of data traversing this network cannot be guaranteed. Examples of available protections include encrypted protocols such as SSL, IPsec, SSH, etc. Contact the Director of Information Services for assistance in implementing the necessary protective measures.
6. Information about college network traffic shall be logged and used for analysis towards improving performance of network services. Retention of these logs shall follow college retention guidelines unless superseded by state or federal laws.
7. Scanning, sniffing or capture of any part of network communications is strictly prohibited except for Information Services staff responsible for network and/or security operations. Exemptions can be granted with explicit written approval from the Director of Information Services or their designee.
8. Information Services reserves the right to segment internal network communication to optimize network flow within the campus network. These optimizations include but are not limited to interior segmentation, firewalls, traffic shaping and blocking of traffic.
9. Information Services may scan both secured and insecure network communication protocols for detection and suppression of malware for prevention and mitigation of risk from network-based malware.
10. Information Services shall establish a network perimeter as mandated by subsections of TAC 202 and deploy technology components including but not

limited to DMZ, firewall, intrusion detection or prevention system, routers, application firewalls, malware scanners, DLP systems. Information Services may deploy tools, technology and services designed for device recognition in conjunction with user recognition to determine authentication and authorization grants for users of the Lamar State College Orange network.

11. Lamar State College Orange wireless network services have been designed to allow users in classrooms and gathering areas to access the Internet for limited personal use and to enhance their academic experience. The wireless network is for convenience and has been designed to supplement and enhance the wired network, not replace it. The wireless network as such does not have the capability to provide consistent high quality service for high-bandwidth or latency intolerant applications, such as streaming media, IP telephony, and large file transfers.
12. Information Services will ensure that annual network vulnerability assessments are completed to determine if network device(s) are vulnerable to any known flaws in the operating system, services or applications. Any network device with known vulnerabilities that have not been remediated, in a predetermined amount of time, may be disconnected from the network.

### **Enforcement**

In coordination with administrative departments and law enforcement, Information Services will investigate any incident involving unauthorized access or improper use of Lamar State College Orange network. User devices or network devices involved in these and other incidents will remain disconnected from Lamar State College Orange network until the device is brought into compliance with all relevant policies and standards.

Lamar State College Orange cooperates fully with federal, state, and local law enforcement authorities in the conduct of criminal investigations.

Failure to adhere to the provisions of this policy statement may result in:

1. Loss of Lamar State College Orange Information Resources access privileges,
2. Disciplinary action up to and including termination for employees, contractors or consultants, dismissal for interns and volunteers, or suspension or expulsion in the case of a student, or
3. Civil or criminal prosecution.

## **Related Documents**

1. 7.1 – Information Resources Appropriate Use
2. 7.5 – Information Resources Server Management
3. Texas Administrative Code 202
4. TSUS Government code 2054.003(7) “Information Resources”

**Policy:** 7.7 Information Resources – Physical Access/Environmental Security  
**Scope:** All Individuals Accessing LSCO Information Resources

### **Description**

The purpose of this policy is to establish the standards by which the server room, MDF rooms and IDF rooms at Lamar State College Orange are protected against unapproved physical entry and potentially damaging environmental factors. The Lamar State College Orange Information Services Department in cooperation with the Security Department and Physical Plant Department are charged with overall responsibility for properly securing and monitoring these sensitive support areas.

### **Definitions**

IDF Room - Intermediate distribution frame (**IDF**) is a secondary room within a building that cross-connects the user cable media to individual user line circuits and may serve as a distribution point for multi-pair cables from the main distribution frame (**MDF**) room.

MDF Room – main distribution frame (**MDF**) is the primary room containing cable rack(s) that interconnects and manages the telecommunications wiring between itself and any number of IDFs. The **MDF** connects private or public lines coming into a building with the internal network.

Server Room – An Information Services managed room housing server, storage, switching, routing, PBX, and / or security equipment.

### **Criteria**

1. All MDF(s), IDF(S) and the server room shall be locked at all times.
2. Server room will be monitored for environmental hazards including temperature, loss of power, and noise.
3. Anyone entering the server room must be properly documented as being a staff member within Information Services, Security, Physical Plant, or a contractor for Lamar State College – Orange and be accompanied by a Lamar State College Orange employee within the departments of Information Services, Physical Plant, or Security. Visitors must be properly identified with a current, valid form of identification.



4. A server room access log will be maintained. The log will detail access by non-Lamar State College Orange employees and will contain the date, individual's name, company name, time in, time out and purpose of visit. This log will be retained for audit and security purposes and reviewed by the Information Services staff member assigned by the CIO on a semi-annual basis.
5. Access to any MDF, IDF or server room will be to conduct work under the supervision of the Lamar State College Orange staff or contractor responsible for and in support of the equipment and processes within the room.
6. Loss or theft of keys that provide access to any MDF, IDF or server room must be reported immediately to the Lamar State College Director of Security, Director of Information Services, and the Director of Physical Plant.
7. Information Services will investigate any incident involving unauthorized access or improper use of any area under this policy in coordination with law enforcement, TSUS, and/or appropriate administrative departments.

### **Enforcement**

Failure to adhere to the provisions of this policy statement may result in:

1. Loss of Lamar State College Orange Information Resources access privileges,
2. Disciplinary action up to and including termination for employees, contractors or consultants, dismissal for interns and volunteers, or suspension or expulsion in the case of a student, or
3. Civil or criminal prosecution.

### **Related Documents**

Policy 7.1 - Information Resources Appropriate Use

Policy 7.5 - Information Resources Server Management

TSUS Rules and Regulations

Texas Administrative Code 202

Texas Government code 2054.003(7) "Information Resources"

**Policy:** 7.8 Information Resources – Review for Acquisition  
**Scope:** All Individuals Accessing LSCO Information Resources

### **Description**

Information technology is a critical enabler in meeting the college mission. This policy applies to all persons and organizations that purchase, manage or utilize information technology resources owned or supplied by Lamar State College Orange, regardless of the source of funds or supplier. Changes to college purchasing policies shall supersede any Finance related policystatement herein.

### **Definitions**

**Information Resource(s)** – Include(s) all College owned, licensed, or managed hardware, software, databases and use of the college network whether accessed from a physical or wireless connection, regardless of the ownership of the electronic device in use.

**Acquisition** – purchase, rental, or lease of information technology products or services with college funds, or the acceptance of free information technology resources from a third-party provider.

**Third-Party Provider** -- any provider of information technology resources products or services that is not an organizational component of Lamar State College Orange and not an employee of Lamar State College - Orange whois supplying the products or services as works done forhire.

### **Criteria**

1. Acquisition of information technology resources products or services shall be in accordance with any and all Lamar State College Orange Finance purchasing policies.
2. The Chief Information Officer (CIO) or designee will be responsible for central review and oversight of all college acquisitions of information technology resources.
3. Prior to acquisition, a review shall be completed and shall assess:
  - a. the acceptability of contract terms
  - b. the requirements for Information Services support
  - c. compliance with adopted security standards
  - d. the accessibility of the information resource.
4. No purchase of information resources shall be made prior to completion of the review.

5. Acquisition or use of information technology resources in or through which college data is stored and/or exchanged must include an approved and authorized agreement between the college and the provider, and must be executed by authorized personnel as per Lamar State College Orange Finance procurement policies.
6. Software License Agreements, Terms of Service, Terms of Use, and written contractual agreements may be signed by authorized personnel as per Lamar State College Orange Finance procurement policies.
7. College faculty and staff who individually engage third-party products or services by unauthorized acceptance of Terms of Service or Terms of Use agreements on behalf of Lamar State College Orange (online or otherwise) may be personally responsible and liable for any obligations incurred by the agreement, as well as any consequences that result from their engagement with the third-party.
8. Prior to contracting with another state agency or institution of higher education via an “interagency contract for information resources technologies,” Lamar State College Orange must assure compliance with all applicable laws and statutes.

### **Enforcement**

Failure to adhere to the provisions of this policy statement may result in:

1. Loss of Lamar State College Orange Information Resources access privileges,
2. Disciplinary action up to and including termination for employees, contractors or consultants, dismissal for interns and volunteers, or suspension or expulsion in the case of a student, or
3. Civil or criminal prosecution;
4. personal liability for consequences resulting from policy non-compliance;
5. repudiation of the business agreement with third party provider.

### **Related Documents**

Texas State University System Rules and Regulations (System Component Operations – Information Technology (19.3))

Texas Administrative Code (TAC) 202, 204

Lamar State College Orange Finance Purchasing Guidelines

**Policy:** 7.9 Information Resources – Cloud Computing  
**Scope:** All Individuals Accessing LSCO Information Resources

## Description

This policy applies to all persons accessing and using 3<sup>rd</sup> party services capable of storing or transmitting protected or sensitive electronic data that are owned or leased by Lamar State College Orange, all consultants or agents of Lamar State College Orange and any parties who are contractually bound to handle data produced by Lamar State College Orange, and in accordance with College contractual agreements and obligations.

## Definitions

**Cloud Computing** - is the utilization of servers or information technology hosting of any type that is not controlled by, or associated with, Lamar State College Orange for services such as, but not limited to, social networking applications (i.e. blogs and wikis), file storage (Drop Box, Google Drive, etc.), and content hosting (publishers text book add-ons).

**LSCO Network Drive** – Network storage space allocated on a server located on the Lamar State College – Orange premises.

**Lamar University NAS** – Network storage space allocated on a server located on Lamar University premises.

## Criteria

1. Cloud services must be:
  - a. with contracted vendors who can provide appropriate levels of protection and recovery for Lamar State College Orange information,
  - b. with restrictions on storage of Lamar State College Orange Protected data.
2. Use of Lamar State College Orange or Lamar University file storage servers are the best place to store all categories of Lamar State College Orange data, particularly Lamar State College Orange Protected data. Data stored in these locations has the following protections included:
  - a. authentication is required
  - b. validation of need required, prior to access being granted
  - c. has yearly auditing of access
  - d. managed file backups
3. Any use of cloud services that might mine data for marketing purposes must be disclosed to individuals.
4. **Faculty, staff, and students may not self-provision cloud services to store, process, share, or manage LSCO Protected data.**

- Any division, department, office, or lab that needs to provision a cloud service to store, process, share, or otherwise any regulated institutional data, must work with Information Services in order to properly evaluate and manage the risks that come with using the service for LSCO Protected data.

The following table outlines the data classification and proper handling of Lamar State College Orange data.

<b>Data Classification</b>	<b>Cloud Storage (See appendix for approved services)</b>	<b>LSCO Network Drive (NetID and Password Required) OR LU NAS (LEA Account and Password Required)</b>	<b>Local Storage</b>
Lamar State College Orange Protected	<b>Not Allowed</b>	<b>Allowed</b> No special requirements, subject to any applicable laws	<b>Not Allowed</b>
Lamar State College Orange Sensitive	<b>Allowed But Not Advised</b> Requires Dept. Manager approval	<b>Allowed</b> No special requirements, subject to any applicable laws	<b>Allowed But Not Advised</b> Requires Dept. Manager approval
Lamar State College Orange Public	<b>Allowed</b> No special requirements	<b>Allowed</b> No special requirements	<b>Allowed</b> No special requirements

### **Enforcement**

Failure to adhere to the provisions of this policy statement may result in:

- Loss of Lamar State College Orange Information Resources access privileges,
- Disciplinary action up to and including termination for employees, contractors or consultants, dismissal for interns and volunteers, or suspension or expulsion in the case of a student, or
- Civil or criminal prosecution.

### **Related Documents**

- Information Resources Policy 7.1 Acceptable Use
- Information Resources Policy 7.4 Data Classification

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## SECTION 8 – INFORMATION SECURITY

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**Policy:** 8.1 Information Security Program  
**Scope:** All Individuals Accessing LSCO Information Resources

### Description

Information Resources are vital assets used in pursuit of Lamar State College Orange’s mission. This Lamar State College Orange policy establishes guidelines for maintaining the security of information resources by applying appropriate controls and educating individuals regarding information resources and the responsibility accepted by virtue of use.

### Policy Statement

It is the policy of Lamar State College Orange (LSCO or College) to:

- Protect information resources based on risk against accidental or unauthorized disclosure, modification, or destruction and assure the confidentiality, integrity, and availability of LSCO data;
- Appropriately reduce the collection, use, or disclosure of personally identifiable information (PII) contained in any medium, including paper records;
- Apply appropriate physical and technical safeguards without creating unjustified obstacles to the conduct of the business of the College and the provision of services to its many constituencies; and
- Comply with applicable state and federal laws, rules, and regulations and policies and procedures governing information resources.

### Reason for Policy

Texas Government Code §2054.001 provides that information and information resources possessed by agencies of state government are strategic assets belonging to the residents of this state and must be managed as valuable resources, and it is the policy of this state to coordinate and direct the use of information resources technologies by state agencies of higher education and to provide the most cost-effective and useful retrieval and exchange of information between such agencies and branches of state government and the residents of this state and their elected representatives. LSCO assets must be available and protected commensurate with their value and must be administered in conformance with federal and state laws, rules, and regulations, LSCO and TSUS policies.

LSCO Policy 8.1 provides requirements and guidelines to: establish accountability and prudent and acceptable practices regarding the use and safeguarding of the College’s information resources; protect the privacy of personally identifiable information contained in the data that constitutes part of its information resources; ensure compliance with applicable LSCO and TSUS policies and state

and federal laws, rules, and regulations regarding the management and security of information resources; and educate individual users with respect to the responsibilities associated with use of the College's information resources.

LSCO Policy 8.1 serves as the foundation for the College's information security program, and provides the College's Information Security Officer the authority to develop an LSCO Information Security plan to implement procedures necessary for a successful information security program in compliance with LSCO Policy 8.1 and applicable state and federal laws, rules, and regulations.

### **Application of Policy**

This policy applies to:

- All information resources owned, leased, operated, or under the custodial care of the College;
- All information resources owned, leased, operated, or under the custodial care of third-parties operated on behalf of the College; and
- All individuals accessing, using, holding, or managing College information resources on behalf of the College.
- Users must ensure any individual with whom Confidential College Data is shared is authorized to receive the information.
- Users may not share Confidential College Data with friends or family members.
- Users may not share College business data that may be classified as Confidential Data, such as the status of negotiations or terms of contracts.
- Users will comply with the College's agreements to protect vendor information such as software code, proprietary methodologies, and contract pricing.

### **Definitions**

***Business Continuity Planning*** - the process of identifying mission critical information systems and business functions, analyzing the risks and probabilities of service disruptions and outages, and developing procedures to continue operations during outages and restore those systems and functions.

***Catalog*** – the Texas Department of Information Resources' (DIR) Security Control Standards Catalog. <https://dir.texas.gov/View-About-DIR/Information-Security/Pages/Content.aspx?id=2>

**Category I Confidential Information** – confidential information that must be protected from unauthorized disclosure or public release based on state or federal law (e.g., the Texas Public Information Act, and other constitutional, statutory, judicial, and legal agreement requirements).

**Category II Sensitive Information**– sensitive information that could be subject to release under the Texas Public Information Act and should be controlled prior to release.

**Category III Public Information** – public information available for release as described in the Texas Public Information Act.

**Chief Information Officer (CIO)** – the person responsible for information resources across the whole of the College and implementing security controls in accordance with the College’s information security program; also serves as the information resources manager (IRM) as defined in Chapter 2054, Subchapter D, Texas Government Code.

**Information Security Officer (ISO)** – the person responsible for the administration and management of the College’s information security program and developing the Information Security Policy in accordance with applicable state and federal regulations.

**Data** – elemental units, regardless of form or media, which are combined to create information used to support College business processes. Data may include but are not limited to: physical media, digital, video, and audio records, photographs, negatives, etc.

**Incident** - a security event that results in, or has the potential to result in a breach of the confidentiality, integrity, or availability of information or an information resource. Security incidents result from accidental or deliberate unauthorized access, loss, disclosure, modification, disruption, or modification of information resources or information.

**Information** - data as processed, stored, or transmitted by a computer that the College administration is responsible for generating, collecting, processing, accessing, disseminating, or disposing of in support of a business function.

**Information Resources** - the procedures, equipment, and software that are employed, designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit information, and associated personnel including consultants and contractors.

**Information Resources Custodian (Custodian)** – an individual, department, or third-party service provider responsible for keeping and protecting information for the information owner.

**Information Resources Manager (IRM)** – the executive responsible for information resources across the whole of the College as defined in Chapter 2054, Subchapter D, Texas Government Code. This is the Director of Information Services at LSCO.



**Information Resources Owner (Owner)** – entity or person that can authorize or deny access to certain information resources, and is responsible for its accuracy, integrity, and timeliness.

Note: In the context of this policy and associated standards, owner is a role that has security responsibilities assigned to it by TAC §202.72; it does not imply legal ownership of an information resource. All College information resources are legally owned by the College.

**Information Security** - the protection of information and information resources from threats in order to ensure business continuity, minimize business risks, and maximize the ability of the College administration to meet its goals and objectives. Information Security ensures the confidentiality, integrity and availability of information resources and information.

**Information Security Program** - collection of controls, policies, procedures, and best practices used to ensure the confidentiality, integrity, and availability of College-owned information resources and information.

**Information System** - is any organized system for the collection, organization, storage and communication of information; normally includes hardware, software, network infrastructure, information, data, applications, communications, and people.

**Least Privilege** – the security principle that requires application of the most restrictive set of privileges needed for the performance of authorized tasks. The application of this principle limits the damage that can result from accident, error, or unauthorized use.

**Mission Critical** - a function, service, or asset that is vital to the operation of the College administration which, if made unavailable, would result in considerable harm to the College and its ability to fulfill its responsibilities.

**TAC 202** - Texas Administrative Code, Title 1, Part 10, Chapter 202 – information security standards that apply to all state institutions of higher education.

**User** – an individual, automated application, or process that is authorized by the owner to access the resource, in accordance with state and federal law, College policy, and the owner's procedures and rules. The user has the responsibility to (1) use the resource only for the purpose specified by the owner; (2) comply with controls established by the owner; and (3) prevent the unauthorized disclosure of confidential information. A user is any person who has been authorized by the owner of the information to read, enter, or update that information.

## Procedures and Responsibilities

- a. The LSCO administration is required to adopt and implement an information security program to ensure compliance with applicable College and TSUS policies as well as state and federal laws, rules, and regulations. The processes, procedures, controls and standards established to meet the requirements of this policy shall incorporate: (1) TAC Title 1, Part 10, Chapter 202; (2) NIST Special Publication 800-53 (Rev. 4); (3) the Texas Security Control Standards Catalog, Version 1.3 (2/26/2016); and (4) other required information protection standards as applicable, including but not limited to the following:
  1. Access Controls: Establishing user identity, administering user accounts, establishing and monitoring user access to information resources to ensure confidential information is accessibly only to authorized users as defined in the Catalog, controls # AC-1, AC-2, AC-3, AC-5, AC-8, and AC-18.
  2. Awareness and Training: Requirements to ensure every information resources user receives adequate and ongoing training on computer security, maintains training records, and monitors the records for compliance as defined in the Catalog, controls # AT-1, AT-2, and AT-4.
  3. Audit and Accountability: Providing the means for authorized personnel to audit and establish individual accountability; maintain appropriate audit trails for updates to hardware and software; and maintain a sufficiently complete history to permit an audit of information resources system as defined in the Catalog, control # AU-2.
  4. Security Assessment and Authorization: Designating an individual, independent of the information security program, to biennially review the information security program for compliance and effectiveness and report their assessment to the president or his/her designee as defined in the Catalog, control # CA-2.
  5. Configuration Management: Establishing a process to control modifications to hardware, software, and firmware with documentation to ensure information resources are protected as defined in the Catalog, controls # CM-1, CM-4, and CM-11.
  6. Contingency Planning: Develop, distribute, review, update, and communicate a contingency plan for the information system, coordinate contingency planning activities, and protect the contingency plan from unauthorized modification as defined in the Catalog, controls # CP-2, CP-4, and CP-6.
  7. Identification and Authentication: Establish guidelines to verify the user, process or device for granting access to information system resources as defined in the Catalog, controls # IA-1, IA-2, and IA-4.

8. Incident Response: Assess the significance of a security incident based on the business impact and the technical effect, report all incidents immediately to supervisors and the ISO, and resolve the incident as required by federal and state rules as defined in the Catalog, controls # IR-1, and IR-6.
9. Media Protection: Properly dispose of data processing equipment in accordance with Texas Government Code, Section 441.185, including sanitizing or removal of the storage device and keep records documenting all removals as defined in the Catalog, control # MP-6.
10. Physical and Environmental Protection: Document and manage physical access to mission critical information resource facilities to ensure protection from unlawful or unauthorized access, use, modification or destruction as defined in the Catalog, controls # PE-1, and PE-13.
11. Planning: Develop and implement a security plan for the information system that provides an overview of the security requirements or the system and describe the security controls in place or planned for meeting those requirements as defined in the Catalog, control # PL-2.
12. Program Management: Ensure an information resources security program consistent with state and federal standards and shall designate an information security officer to administer the program as defined in the Catalog, controls # PM-1, and PM-2.
13. Personnel Security: Ensure all authorized users formally acknowledge that they will comply with the security policies and procedures or they will not be granted access to information resources as defined in the Catalog, control # PS-2.
14. Risk Assessment: Perform and document a risk assessment of information resources based on the inherent risk, and present the assessment to the president or his/her designee for approval as defined in the Catalog, control # RA-3.
15. System and Service Acquisition: Include security requirements and/or security specifications in acquisition contracts and include information security, security testing, and audit controls in all phases of system development or acquisition as defined in the Catalog, controls # SA-3, and SA-4.
16. System and Communication Protection: Ensure confidential information transmitted over the internet is encrypted, and confidential information stored in a public location is encrypted as defined in the Catalog, controls # SC-5, SC-8, and SC-13.
17. System and Information Integrity: Establish a security strategy to proactively detect and respond to security threats and events as defined in the Catalog, controls # SI-4, and SI-13.

As required by TAC, Title 1, Part 10, §202.71, the College's information security program shall be reviewed biennially and revised for suitability, adequacy, and effectiveness as needed. This review shall be performed by an individual independent of the information security program. This individual shall be designated by the President of the College.

### **Information Security Roles**

- a. The College President shall:
  1. Ensure the College's compliance with this policy and associated standards;
  2. Designate an individual to serve as the College's Information Security Officer (ISO) who shall:
    - a. serve in the capacity as required by TAC, Title 1, Part 10, §202.71 (b) with authority for the entire institution;
    - b. report to the College's Executive Vice President for Finance and Operations (who reports to the President);
  3. Budget sufficient resources to fund ongoing information security remediation, implementation, and compliance activities (e.g., staffing, training, tools, and monitoring activities) that reduce compliance risk to documented acceptable levels;
  4. Approve the College's information security program and ensure compliance with applicable College policies and state and federal laws regarding the management and security of information resources;
  5. In accordance with TAC, Title 1, Part 10, §202.71, designate an individual independent of the College's information security program to conduct a biennial review of the program for suitability, adequacy, and effectiveness, and ensure such revisions as needed are made; and
  6. Ensure appropriate corrective and disciplinary action is taken in the event of noncompliance
- b. The Information Resources Manager (IRM) shall implement security controls in accordance with the LSCO information security program. The IRM is the Director of Information Services at LSCO.

- c. The Information Security Officer (ISO) is responsible for the administration and management of the College's information security program and developing the Information Security program in accordance with this policy and shall:
1. Developing and maintaining an agency-wide information security plan as required by §2054.133, Texas Government Code and report the plan biennially to designated state authorities.
  2. Developing and maintaining information security policies and procedures that address the requirements of this chapter and the agency's information security risks.
  3. Working with the business and technical resources to ensure that controls are utilized to address all applicable requirements of this chapter and the agency's information security risks.
  4. Providing for training and direction of personnel with significant responsibilities for information security with respect to such responsibilities and track the required continuing education (CPEs) according to their requirements as stated in DIR publication Information Resources Employees Continuing Education Guidelines for Cybersecurity dated July 6, 2018.
  5. Providing guidance and assistance to senior agency officials, information-owners, information custodians, and end users concerning their responsibilities under this chapter.
  6. ensuring that annual information security risk assessments are performed and documented by information-owners.
  7. Reviewing the agency's inventory of information systems and related ownership and responsibilities.
  8. Developing and recommending policies and establishing procedures and practices, in cooperation with the agency Information Resources Manager, information-owners and custodians, necessary to ensure the security of information and information resources against unauthorized or accidental modification, destruction, or disclosure to ensure recommended controls are adequate.
  9. Coordinating the review of data security requirements, specifications, and, if applicable, third-party risk assessment of any new computer applications or services that receive, maintain, and/or share confidential data.

10. Verifying that security requirements are identified and risk mitigation plans are developed and contractually agreed and obligated prior to the purchase of information technology hardware, software, and systems development services for any new high impact computer applications or computer applications that receive, maintain, and/or share confidential data.
11. Reporting, at least annually, to the President the status and effectiveness of security controls.
12. Coordinate required monthly security reporting to Texas Department of Information Resources (DIR).
13. Submit required urgent security notifications to designated state and system entities (DIR, TSUS Office of Internal Audit) inside the 48-hour time requirement.
14. Informing the parties in the event of noncompliance with this chapter and/or with the agency's information security policies.
15. Justify, document, issue and communicate exceptions to information security requirements in TAC202 as part of risk assessment process with President's approval.

d. Functional Roles

1. Information owners have operational authority for specific information and are responsible for authorizing the controls for generation, collection, processing, access, dissemination and disposal of that information.
2. A custodian is the person responsible for implementing the information owner-defined controls and access requirements for an information resource. Custodians are responsible for the operation of an information resource. Individuals who obtain, access, or use information provided by information owners for the purpose of performing tasks also act as custodians of the information and are responsible for maintaining the security of the information. Custodians may include employees, vendors, and any third party acting as an agent of, or otherwise on behalf of, the College administration.
3. A user is an individual, automated application, or process that is authorized by the owner to access the resource, in accordance with state and federal law, College policy, and the owner's controls and access procedures and rules. The user has the

- responsibility to (1) use the resource only for the purpose specified by the owner; (2) comply with controls established by the owner; and (3) prevent the unauthorized disclosure of confidential information. A user is any person who has been authorized by the owner of the information to read, enter, or update that information.
4. Guests, contractors, consultants, and vendors are considered external parties and shall adhere to this policy.

### **Secure Access and Management of Information and Information Resources**

- a. All individuals who have data access are responsible for ensuring the confidentiality, integrity, and availability of information and information resources that they access or use.
- b. Access to information and information resources shall be managed and controlled and shall be granted according to the principle of least privilege.
- c. Information owners and custodians must ensure that access to information and information resources shall be granted to a user only after the user has acknowledged that he or she will comply with this policy and shall be removed upon termination of employment, employment status change or termination of a written agreement. All users who are College employees, including student employees, or who are otherwise serving as an agent or are working on behalf of the College, must formally acknowledge and comply with LSCO Policy 8.1 (Information Security Program) by executing the Information Resources Use and Security Agreement and incorporated herein for all purposes. Any deviations from the terms of the agreement must be approved by the College's President or designee.
- d. All users of information shall receive annual security awareness training that is based on their information security role.
- e. In accordance with applicable laws, this policy, and the College's Information Security program, information shall be classified by information owners as category Confidential, Sensitive, or Public. Information owners and custodians shall ensure that management, use, and access to information shall be based on its classification. The College's information/data classification standard consists of three mutually exclusive information/data classifications based on fit within a spectrum indicating the degree to which access to the information/data must be restricted and information/data integrity and availability must be preserved. The three classifications are as follows:

## Information/Data Classification

<b>Data Classification and Description</b>	<b>Examples</b>	<b>Comments</b>
<p><b>Confidential</b> Information / Data</p> <p>Information (or Data) is classified as confidential if it must be protected from unauthorized disclosure or public release based on state or federal law or regulation, and by applicable legal agreement to the extent permitted by law. <i>Historically, this type of information/data has been referred to as Category-I Information/Data.</i></p>	<p>Patient billing information and protected health information subject to HIPAA or applicable state law. Student education records subject to FERPA. A credit card number associated with an individual's name. A social security number. Medical research information/data that contains protected health information. Certain student loan information subject to the Gramm-Leach-Bliley Act.</p>	<p>Information (Data) cannot simply be declared to be "confidential." This classification is reserved for information that is protected from public release based on state or federal law, or a legally binding order or agreement. Likewise, data cannot be declared to be "confidential" under all circumstances. Context is an essential element. (In relation to the Federal Standards for Security Categorization of Federal Information and Information Systems, FIPS 199, this category equates to HIGH IMPACT for a Confidentiality, Integrity, and Availability breach.)</p>
<p><b>Sensitive</b> Information / Data</p> <p>The sensitive classification applies to information/data that is not generally created for or made available for public consumption, but may be subject to release to the public through request via the Texas Public Information Act or similar state or federal law. <i>Historically, this type of information/data has been referred to as Category-II Information/Data.</i></p>	<p>Operational records, operational statistics, employee salaries, budgets, expenditures. Internal communications that do not contain confidential information. Research information/data that has not yet been published, but which does not contain confidential information protected by law or applicable legal agreement.</p>	<p>This classification likely encompasses the greatest volume of information/data within the University. (In terms of FIPS 199, this category equates to MODERATE IMPACT for a Confidentiality, Integrity, and Availability breach.)</p>
<p><b>Public</b> Information / Data</p> <p>Published Information/Data includes all Data made available to the public through posting to public websites, distribution through Email, Social Media, print publications, or other Media. <i>Historically, this type of Information/Data has been referred to as Category-III Information/Data.</i></p>	<p>Statistical reports, fast facts, published research, unrestricted directory information, educational content available to the public at no cost.</p>	<p>Information can migrate from one classification to another based on information life-cycle. Unpublished research may fit the criteria of "controlled information" until published upon which it would become published information. (In terms of FIPS 199, this category equates to LOW IMPACT for a Confidentiality, Integrity, and Availability breach.)</p>



- f. Information and information resources shall be protected in accordance with the controls required under this policy and the College's Information Security program and shall be implemented to ensure their logical and physical protection during all phases of their lifecycles.
- g. Risks to information resources shall be managed in accordance with the requirements of this policy and the College's Information Security program. The expense of security safeguards shall be commensurate with the value of the information and information resources being protected.
  - 1. The College's President or designee will commission College-wide security risk assessments of information resources as required in 1 Texas Administrative Code §202.72, as amended
  - 2. The College's President or designee and the Information Security Officer will develop risk management plans to address risks identified in the risk assessments of information resources.
  - 3. The College's President or designee is responsible for approving the applicable risk management plan and making risk management decisions based on the risk assessment and either accept exposures or protect the data according to its value/sensitivity.
  - 4. If a public information request for the risk management plan or a risk assessment is received, the Office of the General Counsel TSUS system shall determine whether the requested information is exempt from disclosure under §2054.077(c) of the Texas Government Code.

b. Information Security Incident Management

- 1. The College's Information Security Officer is responsible for managing security incidents.
- 2. Security incidents shall be reported to the College's Information Security Officer and investigated promptly. All users shall cooperate during incident investigations and shall maintain the confidentiality of incidents and associated activities during all phases of incident handling.
- 3. The IRM may provide, as needed, addition resources to the ISO in support of managing an incident.

c. Business Continuity Planning

Business continuity and disaster recovery plans shall be created and maintained for mission critical resources in accordance with the requirements of this policy and the College's Information Security program.

d. Security Exceptions

1. Exceptions to security controls may be issued by the College's Information Security Officer upon approval by the College's President or designee.
2. Such exceptions shall be documented and justified and included in the annual report to the College President.
3. See Policy 8.2 Information Security – Information Security Exception Request Process

e. Sanctions

Penalties for violating this policy and/or the College's Information Security program include, but are not limited to, the following: disciplinary action, access and usage loss, employment termination, criminal prosecution, civil litigation, and fines. Disciplinary actions imposed for violations of this policy may be grieved or appealed by the individual who is disciplined pursuant to existing College policies and procedures.

**Related Statutes, Policies & Procedures and Websites**

1. Information Resources Use and Security Policy Agreement
2. LSCO Policy 7.1 - Information Technology Policies and Procedures
3. Texas Administrative Code, Title 1, Part 10, Chapter 202, Subchapter C §202.70, 202.71; 202.72; 202.73; 202.74; 202.75; 202.76
4. Texas Administrative Code, Title 1, Part 10, Chapter 203, Subchapter C
5. Texas DIR Security Control Standards Catalog V1.3
6. Texas Public Information Act, §552.139
7. National Institute of Standards and Technology Controls (NIST) Special Publication 800-53r4, Security and Privacy Controls for Federal Information Systems and Organizations
8. Payment Card Industry Data Security Standards  
Texas Penal Code Chapter 33(Computer Crimes), 33A (Telecommunications Crimes)

**Policy:** 8.2 Information Security – Information Security Exception Request Process

**Scope:** All Individuals Accessing LSCO Information Resources

## **Description**

This policy provides a method for documenting an exception to compliance with established information technology and information security policies, standards, and practices

All information technology resources connected to the LSCO network are expected to comply with campus information technology security policies and standards which are designed to establish the controls necessary to protect LSCO information assets and comply with state regulations.

A control deficiency in one business process or IT resource can jeopardize other processes or resources because erroneous data may be inherited, privacy can be compromised or because a conduit for an intrusion into LSCO systems may be created. However, there may be a case where compliance cannot be achieved for a variety of reasons.

In such cases, an exception must be documented and approved using this process.

This process applies to all published IT and information security policies, standards and practices and to all LSCO users. Individuals, technical support staff and administrators responsible for implementing security policies and standards must use this process to request an exception.

## **Criteria**

An exception to a published IT/information security policy, standard or practice may be granted in under the following situations:

- Temporary exception, where immediate compliance would disrupt critical operations
- Another acceptable solution with equivalent protection is available
- A superior solution is available
- A legacy system is being retired and compliance is not possible (risk must be mitigated where possible)
- Long-term exception, where compliance would adversely impact LSCO business operations
- Compliance would cause a major adverse financial impact that would not be offset by the reduced risk occasioned by compliance (i.e., the cost to comply offsets the risk of non-compliance)

The exception request must document:

- The specific policy/standard for which an exception is being requested
- The specific device, application or service for which the exception is being requested
- Data classification category of associated device, application or service
- The type of data that will be affected, either directly or indirectly, by the exception

- The nature of the non-compliance, i.e., specific deviation from the policy/standard
- Why an exception is required, e.g., what business need or situation exists, what alternatives were considered, and why are they not appropriate
- Assessment of the potential risk posed by non-compliance, i.e., if the exception is granted
- Plan for managing or mitigating those risks, e.g. compensating controls, alternative approaches
- Anticipated length of non-compliance
- Additional information as needed, including any specific conditions or requirements for approval

All requests for exception must be signed by the person responsible for implementing the standards or controls. If the requester is not that person, then the responsible technical support staff must co-sign.

All requests for exception must be reviewed and approved by the LSCO manager with authority for the resource for which the exception is being requested, and the information security coordinator for their area. (If the information security coordinator is the requester, then the appropriate dean or vice president or their designee should approve on their behalf.)

Requests for exceptions are reviewed for validity and are not automatically approved. Requests for exception that create significant risk to the LSCO without compensating controls will not be approved. Requests for exception must be periodically reviewed to ensure that assumptions or business conditions have not changed. Renewals are not automatically approved.

Once a particular type of exception has been granted, future requests of the same type will receive the same ruling, barring special circumstances. If a certain type of exception is constantly being requested or approved, it may mean the relevant standard needs to be adjusted to include the exception as a norm. LSCO's Information Security Office will review these patterns and recommend changes as needed.

If a superior solution is available, an exception will be granted until the solution can be reviewed, and standards or procedures can be updated to allow for a better solution.

The exception process is intended to be a generic method that applies to all IS information security policies and standards. Enforcement procedures for non-compliance are defined in those policies and standards.

Requests for exception may be revoked in the event of a security incident or policy violation using established incident response procedures.

## **Procedure**

1. Requester requests an exception form by contacting the LSCO Helpdesk at [helpdesk@lsc.edu](mailto:helpdesk@lsc.edu) or by contacting the ISO directly at [infosec@lsc.edu](mailto:infosec@lsc.edu). The latest version of the form (Word) can be accessed on Blackboard under Support Services,

Technology Resources.

2. Requester completes the form and obtains all required signatures.
3. Requester emails the signed form to [infosec@lsc.edu](mailto:infosec@lsc.edu) and sends the original signed copy to the office of the ISO in AC106A. Department retains a copy.
4. The ISO will gather any necessary background information, determine if other administrative officials need to be consulted, and make a recommendation to approve or deny the request.
5. The ISO will contact the requester if additional information is required.
6. The ISO will approve or deny the request for an exception and notify the requester and manager in writing as to the basis for the approval or an explanation of the denial.
7. If approval is contingent upon meeting specific requirements not documented in the request form, the requester must sign and submit an updated request form to [infosec@lsc.edu](mailto:infosec@lsc.edu).
8. Departments may appeal a denial by submitting additional information or requesting a meeting to discuss the decision. After that, all decisions will be considered final.
9. All requests for exception will be documented and retained by the ISO. Copies of the final signed form will be returned to the requester and manager for their files.
10. Unless otherwise specified, exceptions will be valid for one year or less if a more secure alternative becomes available.
11. At the time of renewal, ISO will ask the requesting manager to reaffirm the original request.
12. If the conditions have substantially changed, a new request for exception must be submitted.

## **Responsibilities:**

### **Information Security Officer**

- Reviews and approves or denies requests for exception
- Requests additional information as needed
- Confers with the unit/college/division management, technical support, IRM, or requester as needed
- Determines if additional reviews are required
- Documents specific conditions or requirements for granting an exception
- Tracks requests for exception and reviews at least annually
- Determines if blanket exceptions are appropriate and communicates same to the campus
- Revokes exception in the event of an incident or violation occurs
- Manages the exception process and recommends changes as needed
- Maintains documentation on the [security.calpoly.edu](http://security.calpoly.edu) website

### **Requester**

- Completes the form in consultation with data owner and technical support staff
- Confers with IRM and ISO as needed
- Certifies that the information is accurate and will be implemented to the best of their ability

- Agrees to comply with all other aspects of the applicable information security policies and standards and to abide by [LSCO's Information Resources Responsible Use Policy](#)
- Acknowledges that exception may be revoked in the event of a violation or incident
- Acknowledges that exception will be subject to review at least annually

#### **Department Head/Chair/Manager**

- Confers with IRM, ISO, unit/college/division management, technical support, or requester as needed
- Reviews and approves requests for exception involving resources under their management
- Reviews applicable policy or standard for which the exception is being requested
- Accepts responsibility for the risks associated with granting the exception, including acceptance of any potential personal and departmental sanctions based on the applicable policy or standard

**Policy:** 8.3 Information Security Risk Assessment  
**Scope:** All Individuals Accessing LSCO Information Resources

### Description

Information Resources are vital assets used in pursuit of Lamar State College Orange’s mission. This Lamar State College Orange policy establishes guidelines for the maintaining security of information resources by performing appropriate risk assessment strategies.

### Policy Statement

- The ISO and IRM shall coordinate the periodic information security risk assessments to determine areas of vulnerability and to initiate appropriate remediation.
- Lamar State College Orange will use appropriate risk assessment tools to perform the risk assessment. The current tool was developed and approved by the TSUS ISO Council.
- The ISO is responsible for managing the Information Security Risk Management program and coordinating the development and maintenance of program policies, procedures, standards, and reports.
- Risk assessments must identify, quantify, and prioritize risk acceptance and objectives relevant to the College. The results are to guide and determine the appropriate management action and priorities for managing information security risks and for implementing controls to protect against these risks.
- The risk assessment must include the systematic approach of estimating the magnitude of risks (risk analysis) and the process of comparing the calculated risks against risk criteria to determine the significance of the risks (risk evaluation).
- Risk assessments are performed periodically to address changes in security requirements and the risk situation (e.g., threats, vulnerabilities, impacts, risk evaluation, and data classification).
- Risk assessments are to be undertaken systematically, capable of producing comparable and reproducible results. The information security risk assessment should have a clearly defined scope to be effective and should include relationships with risk assessments in other areas, if appropriate.

### Definitions

**Control** is a defined process or procedure to reduce risk.

**Inherent Risk** is the level of risk before Risk Treatments (controls) are applied.

**IT Resources** include computing, networking, communications, application, and

telecommunications systems, infrastructure, hardware, software, data, databases, personnel, procedures, physical facilities, cloud-based vendors, Software as a Service (SaaS) vendors, and any related materials and services.

**Information Security Risk Management (ISRM)** is a program that consistently identifies and tracks information security risks, implements plans for remediation, and guides strategic resource planning.

**Residual Risk** is a level of risk that remains after Risk Treatments (controls) are applied to a given Risk.

**Risk** is the possibility of suffering harm or loss or the potential for realizing unwanted negative consequences of an event.

**Risk Management** is the ongoing management process of assessing risks and implementing plans to address them.

**Risk Assessment** is the process of taking identified risks and analyzing their potential severity of impact and likelihood of occurrence.

**Risk Treatment** is the process of managing assessed or identified risks. Risk treatment options are risk avoidance (withdraw from), sharing (transfer), modification (reduce or mitigate) and retention (acceptance).



**Policy:** 8.4 Information Security – Incident Management and Response  
**Scope:** All Individuals Accessing LSCO Information Resources

## POLICY STATEMENT

The Information Security officer (ISO) is charged with establishing and maintaining an effective security incident response program to ensure that:

- security events are thoroughly investigated and documented;
- immediate damage is minimized, latent risks are identified, and subsequent exposures are mitigated;
- incident reporting and notification are timely and legally compliant; and
- remedial actions are taken to prevent recurrence (see [TAC 202.70](#), [TAC 202.73](#), and [NIST 800-53 IR](#)).

## DEFINITIONS

**Event** – an observable or suspected deviation from the expected operations of information resources. While all incidents stem from events, not all events are considered incidents. Events may also include observations of actions, procedures, or statuses of information resources that are determined to be an imminent threat to the confidentiality, integrity, or availability of information resources.

**Incident** – an event that, as determined by the ISO (or designee), meets or is reasonably expected to meet one or more of the criteria below:

- violates LSCO Policy 7.1 Information Resources – Acceptable Use; other applicable LSCO policies, procedures, and ethical codes; or [The Texas State University System \(TSUS\) Rules and Regulations](#);
- directly or indirectly compromises the confidentiality, integrity, or availability of information resources; or
- presents an impending or incipient threat to the confidentiality, integrity, or availability of information resources or the reputational standing of the university or other relevant stakeholders.
- Impacts access to information systems or resources to the point of disruption of services

**Incident Classification** – the severity of each incident is classified based on the overall impact it had or is expected to have on the institution.

Throughout the incident investigation and response process, the classification of an incident could be adjusted either up or down, depending on the context of the incident and emergence of new

information.

Some incidents will not require a formalized assessment or response from the ISO; such events typically involve temporary losses of availability caused by natural disasters, power outages, or interruption of upstream services provided by external third parties.

The institutional impact of an incident may be classified as low, moderate, or high, as defined below:

- **Low-Impact Incidents** – common occurrences that happen regularly and are treated as a cost of doing business. The occurrence of low-impact incidents is almost a statistical certainty over a long enough time span. These incidents have standard, operationalized responses, and do not have severe consequences that affect the continuation of operations. Examples of low-impact incidents include phishing and infection or compromise of non-critical systems such as individual workstations.
- **Moderate-Impact Incidents** – may affect the confidentiality, integrity, or availability of limited amounts of information resources, including sensitive or confidential information. This is intentionally a broad category, as most incidents that do not have operationalized responses and do not meet the definition of low-impact incidents are considered moderate-impact incidents. Moderate-impact incidents may also include an anomalous collection or pattern of related, low-impact incidents, such as a targeted spear-phishing campaign or malware that exploits an unpatched vulnerability.
- **High-Impact Incidents** – affect the confidentiality, integrity, or availability of a large amount of sensitive or confidential information, or have direct, long-lasting effects to core infrastructure systems, services, or other high-value, business-critical information resources. High-impact incidents are a rare occurrence.

## **INFORMATION SECURITY INCIDENT RESPONSE PROCEDURES**

While specific and technical methods and response measures will vary depending on the details and context of any given incident, general response procedures may be defined based on the classification of each incident.

Information Security incident response will be managed by the ISO (or designee), and will involve at a minimum, Information Services staff and the owners and custodians of the compromised information resources.

**Response to Low-Impact Incidents** – Low-impact incidents do not necessitate major, individualized responses and are tracked and reported as required. Operationalized responses to low-impact incidents are frequently delegated to authorized information custodians as part of routine operations.

Required parties include: the ISO (or designee) and the custodian of the affected information

resource.

Optional or recommended parties include: the owner of the affected information resource, and depending on context, a member of Information Services.

**Response to Moderate-Impact Incidents** – Each moderate-impact incident requires assessment by the ISO (or designee), which may then result in a response of commensurate scope and scale. Required parties include: the ISO (or designee), and the custodian and the owner of the affected information resource.

Optional or recommended parties include: the director Information Services (IS), who also serves as the information resource manager (IRM) (or designee), leadership within the affected department, unit, or division, or individuals from Information Services (IS) who may share in technical custodianship of the affected information resource.

**Response to High-Impact Incidents** – High-impact incidents result in a response commensurate to the scope, scale, and context of the incident.

Required parties include: the ISO (or designee), and the custodian and owner of the affected information resources.

Optional or recommended parties include: the IRM (or designee), leadership within the affected department, unit, or division, individuals from Information Services (IS) who may share in technical custodianship of the affected information resource, the TSUS associate general counsel, and the director of Media Relations.

**Involvement of Law Enforcement Officials** – If at any time the ISO (or designee) has reasonable suspicion that reportable criminal activity has occurred, appropriate law enforcement officials shall be notified in a timely fashion. As outlined in their official duties, the ISO (or designee) shall act as a liaison between the university and external law enforcement agencies.

## **NOTIFICATION AND REPORTING REQUIREMENTS**

Owners, custodians, and users must immediately report suspected information resources security incidents to IS at 409-882-3033, [helpdesk@lsco.edu](mailto:helpdesk@lsco.edu); or Information Security at 409-882-3354, [infosec@lsco.edu](mailto:infosec@lsco.edu). Once the report is submitted, IS staff shall follow the 8.4 Information Security – Incident Management and Response. The ISO (or designee) shall fully document each moderate- and high-impact incident, the investigation itself, and the results of the investigation. A draft incident report will be prepared and shared internally with the appropriate stakeholders, selected at the discretion of the ISO or IRM. In addition to the individuals listed, such stakeholders may also include some or all of the following: the IRM, the college president, the owners and custodians of the compromised resources, their respective vice presidents, the TSUS associate general counsel, and the TSUS Office of Internal Audit.

The draft report's completeness and accuracy will be reviewed in a meeting of the report recipients

and modifications noted in that meeting.

A final report will be released to necessary recipients following the review meeting. If required, the results will be included in the ISO's (or designee's) reports to the Department of Information Resources (DIR).

The ISO (or designee) shall report certain urgent incidents, as defined in [TAC 202.73](#), to the DIR within 48 hours and to other entities as may be appropriate to the incident if the initial incident investigation reveals a critical threat that might propagate beyond the confines of the campus network and threaten other networks. The ISO (or designee) shall track and regularly report low-impact incidents to the DIR as required (see [TAC 202.73](#)).

If an information security incident is required to be reported to the DIR under [Texas Government Code Sec. 2054.1125](#) or the "Urgent Incident Report" rules per [Texas Administrative Code 202.73\(b\)](#), the established event reporting and escalation procedures shall also require notification to the System administration via Vice Chancellor of Finance and the Chief Audit Executive in a similar reporting manner and timeline.

- If criminal activity is suspected, the ISO (or designee) shall immediately contact the appropriate law enforcement and investigative authorities (see [TAC 202.73](#)).
- In cases where additional reporting or notification is required by law, such as the cases described in [Texas Business & Commerce Code, Chapter 521](#), the IRM, ISO, or their designees shall engage appropriate college staff to ensure compliance with such requirements. Such engagement should be conducted under advisement of the TSUS Office of General Counsel.