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BEST PRACTICES!!!

OFFICE OF HUMAN RESOURCES

KEEP YOUR CONTACT INFORMATION UP-TO-DATE: UPDATEMYINFO!

ALWAYS HAVE A CONFIDENTIALITY CLAUSE IN YOUR E-MAIL SIGNATURE BLOCK: LIKE THE ONE BELOW!

SUPERVISORS, REMEMBER TITLE IX RESPONSIBILITIES: FIND OUT MORE.

IF YOU HAVE QUESTIONS, ASK!

WE ARE HERE TO HELP YOU, CONFIDENTIALLY, AND WITHOUT RESERVATION.

HUMAN RESOURCES STAFF

ADMINISTRATIVE STAFF * EMPLOYEE BENEFITS STAFF * INSTITUTIONAL SUPPORT STAFF * PAYROLL STAFF * EMPLOYEE RELATIONS STAFF

Be Proactive!

Always include a Confidentiality notice on all your email!

CONFIDENTIALITY NOTICE: This e-mail and/or attachment are for the sole use of the intended recipient(s) and may contain confidential information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender immediately and destroy all copies of the original message.
Bruce Barton, American business executive and Congressman, said long ago, “Nothing splendid has ever been achieved except by those who dared believe.”

South Texas College continues to believe that education is the cornerstone to our economic vitality and the future of our young adults and striving families. That belief has resulted in some astounding achievements for South Texas College.

We never could have done this by ourselves. We have you, our neighbors and friends, to thank for it all. With your help and that of so many others, South Texas College has seen a remarkably high return on its investment in education over the last twenty years. Who could have predicted so much would be accomplished simply by believing in the power of our youth and our communities? And yet, our pursuit of academic and workforce programs levels of success and prosperity.

I want to thank each and every one of our community members, students, faculty, staff and administration for the monumental hard work that has gone into making South Texas College the premier, world-class institution it has become. We want to offer a special thank you to our Board of Trustees for providing the vision that has been realized in the lives of our students, and I thank them for believing in us so heartily and faithfully.

We have indeed accomplished some remarkable things and have so much to celebrate. At South Texas College, we know it is our responsibility to facilitate the process of attending and completing college for every student who attends South Texas College, and we are completely committed to our work. This is why thousands of students entrust their future to all of us at South Texas College and you can see your contributions in the success and accomplishments of our graduates.

Congratulations on your decision to join South Texas College. When you join South Texas College, you are part of a family. We are all committed to working together to help students achieve their dreams.

Welcome to South Texas College, where we are changing lives and changing communities.

Sincerely,

Shirley A. Reed, M.B.A., Ed.D.
President
A Clear Path to Success!

THE VISION, PURPOSE, CORE VALUES, GUIDING PRINCIPLES, AND STRATEGIC DIRECTIONS CONSTITUTE THE COMPREHENSIVE MISSION for SOUTH TEXAS COLLEGE

VISION STATEMENT
South Texas College is a world-class institution advancing regional prosperity through education for a better quality of life in our community.

PURPOSE STATEMENT
South Texas College is an innovative, public, post-secondary institution providing quality education and career pathways for the people and communities of Hidalgo and Starr counties. The College achieves student success, nurtures talent development, and promotes economic vitality through collaborative and creative approaches to teaching, learning, and support services.

CORE VALUES
1. Student Success: We promote student success and completion through the implementation of diverse strategies and initiatives.
2. Opportunity: We value providing access and opportunities to students to meet the needs of our communities.
3. Excellence: We value excellence in teaching, learning, and all support services.
4. Innovation: We encourage creativity and champion innovative approaches to teaching, learning, and services.

5. Community: We value engaging the community in students’ learning experiences and in the positive transformation of our region.
6. Professionalism: We demonstrate professionalism through collegiality, respect, and recognition for each other.
7. Collaboration: We value collaboration and communication among STC employees and STC constituents.
8. Integrity: We value integrity through honest and transparent communication and courageous dialogue.

GUIDING PRINCIPLES
1. South Texas College shares collective responsibility for student learning, student success, and regional prosperity.
2. Students succeed through mutual engagement with the College at each stage of their educational pathways.
3. South Texas College champions innovation through its willingness to transform the College’s systems to meet the educational and workforce needs and challenges of our region.
4. Collaboration with educational and business partners is key to student, college, and community successes.
STRATEGIC DIRECTIONS

(*The development of Strategic Directions incorporated the framework recommended by the American Association of Community Colleges (AACC)'s report Reclaiming the American Dream. The changes recommended by this framework include changing from Fragmented Course-Taking to Clear Pathways, from Low Success Rote to High Success Rote, from Access to Access and Success, from a Culture of Isolation to Collaboration, and from Individual Faculty Prerogative to Collective Responsibility.)

Clear Pathways
South Texas College provides students with clear pathways to facilitate coherent educational experiences and timely completion of a post-secondary credential leading to relevant employment and/or further educational experiences.

Access and Success
South Texas College is committed to increasing the college-going and college-completing rates in the region.

High Success Rate
South Texas College engages in effective, proven efforts to ensure student success and positively affect the economic and social mobility of residents in our region.

Collective Responsibility
South Texas College empowers faculty to work together within and across disciplines to design best learning experiences for students, leading to their academic success, career readiness, and timely completion.

Collaboration
South Texas College commits to effective interdepartmental and interdivisional collaborations and advances mutually beneficial community and educational partnerships that create a collective impact on student success.

Cost Efficiency
South Texas College seeks innovative redesign of college processes to promote new approaches to cost-consciousness and cost-efficiency.
Welcome to the family of South Texas College employees! Now that you have joined our team, we look forward to working together to meet the needs of our students and the communities that support us. We at the Office of Human Resources strive to find the best people available to meet the needs of the College in serving the community, and in training and enabling you to do your best on the job, in your careers and in your lives.

To accomplish this we strive to always pull together, in order that we maximize our benefit to the academic, technical, civil, and cultural needs of South Texas. With programs like Professional Development Day, Ambassadors Leadership Academy and the Jaguar Academy, STC is dedicated to offering you many opportunities to grow in your studies or prosper in your career while also furthering the College’s mission: advancing prosperity through education for a better quality of life in our community.

We are also very excited that as a growing body, South Texas College is employing more qualified, dedicated, innovative and diverse people. More and more of you are taking on leadership positions, or actively looking for new opportunities to build a better College. If you have questions on the hiring process, the STC Staff Hiring Procedures Manual, STC Faculty Hiring Procedures Manual, or if you would like to serve on a selection committee, please contact our office at the number below.

Building that community requires collective responsibility. It is so important that we take an active interest in the well-being of our students, colleagues, faculty and staff. As we review certain policies and procedures, we wanted to take the opportunity to share resources in the event you find yourself witnessing events or circumstances that you may not have encountered before, so please visit the STC Human Resources Website.

From discussing career opportunities to helping you resolve conflicts that arise in your lives and on the job, to developing highly trained and motivated faculty and staff who are committed to student success, we are here to support the family at South Texas College.

Congratulations on joining the South Texas College family! Become involved, contribute to our mission, and enjoy- should you have any questions, or need assistance, our doors are open.

Office of Human Resources
South Texas College
Pecan Plaza, Bldg 2501
2501 W. Pecan Blvd.
McAllen, TX 78501
956-872-4448
**INTRODUCTION**

South Texas College is an equal education and equal employment opportunity/affirmative action employer. As an equal opportunity employer, the College does not discriminate on the basis of race, color, national origin, religion, age, sex, gender, disability, genetic information, or veteran status. Discrimination is prohibited and the College will comply with all applicable College policies, and state and federal legislation. This policy extends to individuals seeking employment with and admission to the College.

As an equal opportunity employer, the College will appoint employees in full compliance with existing laws. Qualification guidelines for all positions will be published by the Office of Human Resources and shall be applied consistently and fairly to all applicants. "Qualified" is defined as having the requisite education, training, and/or skills required of the position as defined in the approved job announcement.

The College shall actively seek to increase the number of minority personnel, as defined by the U.S. Equal Employment Opportunity Commission, through recruiting and other similar activities.

The Employee Handbook has been prepared for your information and comprehension of the employment policies and practices of South Texas College in effect at the time of publication. All previously issued policies and any inconsistent policy statements or memoranda are superseded.

The College reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this handbook or in any other document.

Any written changes to this handbook will be distributed to all employees so that employees will be aware of the new policies or procedures. No oral statements or representations can in any way change or alter the provisions of this handbook. This handbook is available at:

https://hr.southtexascollege.edu/employee-relations.html

The Employee Handbook is intended to support policy statements of the Board of Trustees, and in any instance where it is determined that the handbook is not compatible with the Board Policy Manual, Board policy shall prevail. This handbook sets forth the agreement between you and the College for the duration of employment and the circumstances under which employment may be terminated. Nothing in this handbook or in any other personnel document, including the benefit plan description, creates or is intended to create a promise or representation of continued employment for any employee.
Equal Education and Employment Opportunities
(formerly Equal Employment Opportunity/Affirmative Action)
Policy 4205 (as amended 04/26/16)

Equal Education Institution and Equal Employment Opportunity

South Texas College is an equal education and equal employment opportunity/affirmative action employer. As an equal education institution and equal opportunity employer, the College does not discriminate on the basis of race, color, national origin, religion, age, sex, sexual orientation, gender, gender identity, disability, genetic information, or veteran status. Discrimination is prohibited and the College will comply with all applicable College policies, and state and federal legislation. This policy extends to individuals seeking employment with and admission to the College.

As an equal opportunity employer, the College will appoint employees in full compliance with existing laws. Qualification guidelines for all positions will be published by the Office of Human Resources and shall be applied consistently and fairly to all applicants. "Qualified" is defined as having the requisite education, training, and/or skills required of the position as defined in the approved job announcement.

The College shall actively seek to increase the number of minority personnel, as defined by the U.S. Equal Employment Opportunity Commission, through recruiting and other similar activities.

Title IX Statement

Title IX of the Education Amendments 1972 (20 U.S.C. s1681 et seq.) and it's implementing regulations, 34 C.F.R. Part 106 (Title IX), "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."
The College strives to maintain a healthy and safe environment where all members of the community, students, faculty and staff feel welcome on College campuses and classrooms. Students, faculty and staff are thus prohibited from conducting themselves in a way that results in any form of sexual harassment, sex-based harassment and/or sexual violence.

Age Discrimination Employment Act

South Texas College is committed to ensuring compliance with the Federal Age Discrimination in Employment Act Amendments of 1986 and with the Texas Commission on Human Rights Act (Article 5221K, VACS) which prohibits discrimination on the basis of age. Employees are not required to retire at any specific age and employees age 40 and over are protected from Age Discrimination.
Section 504 of the Rehabilitation Act of 1973 / American with Disabilities Act

The College complies with Section 504 of the Rehabilitation Act of 1973 and with the Americans with Disabilities Act, and does not discriminate on the basis of a disability in the areas of admissions, accessibility, treatment, and employment. Individuals with disabilities, as defined under the law, who are otherwise qualified to meet the institution’s academic and employment requirements will be provided with services and resources accordingly.

South Texas College shall not exclude from consideration of employment otherwise qualified applicants with a disability or disabilities because such applicants may require reasonable accommodations for known physical and mental impairments.

During any aspect of the employment process, including without limitation, hiring, promotion, transfer, training, evaluation, and compensation increases, the College shall consider the issues of a reasonable accommodation to the known physical or mental disability or disabilities of an otherwise qualified handicapped or disabled person.

South Texas College supports efforts in making the campus more accessible and encourages individuals with disabilities to participate in all activities. In compliance with regulations listed in Section 504, the College will designate an ADA compliance coordinator.
Equal Employment Opportunity is THE LAW

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

**RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN**
Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

**DISABILITY**
Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

**AGE**
The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

**SEX (WAGES)**
In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

**GENETICS**
Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also prohibits employers' acquisition of genetic information and its requirement of disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members; and requests for or receipt of genetic services by applicants, employees, or their family members.

**RETRIBUTION**
All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

**WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED**
There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:
The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-639-8888 (toll-free TTY number for individuals with hearing impairments); EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN
Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES
Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, retraining, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS
The Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

RE蒂LATION
Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under those Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:
The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-381-6215 (TTY) or 202-693-1557 (TTY). OFCCP may also be contacted by e-mail at OFCCP.Policy@DOL.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX
In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

INDIVIDUALS WITH DISABILITIES
Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

Source: http://www1.eosc.gov/employer/upload/rev0_self_print_qsrer.pdf
Attachment A

NOTICE TO ALL EMPLOYEES

This NOTICE is being entered into pursuant to a Conciliation Agreement between the Equal Employment Opportunity Commission and SOUTH TEXAS COLLEGE. This NOTICE will be conspicuously posted for a period of two (2) years at this facility and in all places where employment notices are posted. It must not be altered, defaced, or covered by any other material.

POLICY: Discrimination of any kind can and often will detract from employees’ job performance, discourage employees from remaining on the job, keep employees from advancing in their careers and lower overall employee morale and productivity. It is the policy of SOUTH TEXAS COLLEGE that discrimination based on Sex and Age is unacceptable and will not be condoned. This is a zero tolerance policy.

PURPOSE: It is the purpose of this policy to reaffirm and amplify the position of the Title VII of the Civil Rights Act of 1964, as amended (Title VII), the Age Discrimination in Employment Act of 1967, as amended (ADEA), and the Equal Employment Opportunity Commission’s guidelines on discrimination based on Sex and Age.

SCOPE: This policy extends to all employees of SOUTH TEXAS COLLEGE both management, non-management, and temporary/probationary.

DEFINITION: sex based discrimination involves treating someone (an applicant or employee) unfavorably because of that person’s sex. Some examples of sex discrimination include:

- Refusing to hire a person because of his or her sex;
- Segregating persons into job groups, units or departments by sex;
- Paying employees of a different sex differently for performing the same work;
- Treating employees of one sex better than employees of another sex;
- Giving members of one sex better job assignments than members of another sex; and
- Making unwelcome comments, remarks, jokes or name-calling concerning an employee’s sex, in the workplace;

This list is in no means exhaustive. There are other forms of sex discrimination.

DEFINITION: Age discrimination involves treating someone (an applicant or employee) less favorably because of his age. The Age Discrimination in Employment Act (ADEA) only forbids age discrimination against people who are age 40 or older. It does not protect workers under the age of 40, although some states do have laws that protect younger workers from age discrimination. It is not illegal for an employer to favor an older worker over a younger one, even if both workers are age 40 or older. Discrimination can occur when the victim and the person who inflicted the discrimination are both over 40.
Age Discrimination & Work Situations

The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

Age Discrimination & Harassment

It is unlawful to harass a person because of his or her age. Harassment can include, for example, offensive remarks about a person's age. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that aren't very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Age Discrimination & Employment Policies/Practices

An employment policy or practice that applies to everyone, regardless of age, can be illegal if it has a negative impact on applicants or employees age 40 or older and is not based on a reasonable factor other than age (RFOA).

This list is in no means exhaustive. There are other forms of Age Discrimination.

RESPONSIBILITY: Each level of management is responsible for ensuring that all personnel policies, procedures, and activities are in full compliance with applicable federal, state, and local equal employment laws, statutes, rules, and regulations regarding Sex, and Age based discrimination, and retaliation. All employees are expected to read, understand, and follow SOUTH TEXAS COLLEGE's policy against Sex, Racial, and Age based discrimination.

REPORTING PROCEDURES: Any employee who believes that he or she has been subjected to Sex and Age discrimination is expected to report the conduct as soon as possible to either that person's department supervisor or any supervisor or manager with SOUTH TEXAS COLLEGE or Human Resources. Supervisors and managers who are informed of any alleged incident of discrimination must immediately notify Human Resources. A person either alternatively, or in addition to reporting such an allegation to SOUTH TEXAS COLLEGE's officials, may contact the U.S. Equal Employment Opportunity Commission for the purposes of filing a charge of employment discrimination. The address and telephone number of the U.S. EEOC office is 5410 Fredericksburg Road, Suite 200, San Antonio, Texas 78229, (800) 408-8073. Information about your rights and how to file a charge is available on the Internet at www.eeoc.gov.

INVESTIGATION OF COMPLAINTS: A complete investigation of each complaint will be undertaken immediately by SOUTH TEXAS COLLEGE's Human Resources Department. The investigation may include interviews of all employees and supervisors at the facility.
PUNISHMENT FOR VIOLATION: Employees who engage in Sex and Age discrimination, including supervisors and managers, can expect serious disciplinary action. After an appropriate investigation, any employee, whether management or non-management, who has been found to have discriminated against another employee will be subject to appropriate discipline, depending on the circumstances, from a written warning in his or her personnel file up to and including termination of employment.

RETAIATION: There shall be no retaliation against any employee because that person has opposed what they believe to be unlawful employment practices, or has filed a charge of discrimination, or has given testimony, assistance, or has participated in any manner in any investigation, proceeding or hearing under Title VII or ADEA. SOUTH TEXAS COLLEGE will not punish you for reporting Sex or Age based discrimination simply because you have made a complaint under the above guidelines.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE REMOVED OR DEFACED BY ANYONE. THIS NOTICE WILL BE POSTED FOR A PERIOD OF TWO (2) YEARS.

Signed this 25th day of May, 2018.

05/25/2018
Date

SOUTHERN TEXAS COLLEGE
YOUR RIGHTS UNDER USERRA
THE UNIFORMED SERVICES EMPLOYMENT
AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

REEMPLOYMENT RIGHTS
You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:
☆ you ensure that your employer receives advance written or verbal notice of your service;
☆ you have five years or less of cumulative service in the uniformed services while with that particular employer;
☆ you return to work or apply for reemployment in a timely manner after conclusion of service; and
☆ you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

HEALTH INSURANCE PROTECTION
☆ If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
☆ Even if you don’t elect to continue coverage during your military service, you have the right to be reinstated in your employer’s health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

ENFORCEMENT
☆ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
☆ For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at http://www.dol.gov/vets. An interactive online USERRA Advisor can be viewed at http://www.dol.gov/esa/userrah.htm.
☆ If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.
☆ You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION
If you:
☆ are a past or present member of the uniformed service;
☆ have applied for membership in the uniformed service; or
☆ are obligated to serve in the uniformed service;
then an employer may not deny you:
☆ initial employment;
☆ reemployment;
☆ retention in employment;
☆ promotion; or
☆ any benefit of employment
because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: http://www.dol.gov/vets/programs/userr/a/poster.htm. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

U.S. Department of Labor
1-866-4-USA-DOL

U.S. Department of Justice
Office of Special Counsel
1-800-336-4590

Publication Date — April 2017
EMPLOYEE RIGHTS
UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE
$7.25 PER HOUR
BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can readily see it.

OVERTIME PAY
At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR
An employee must be at least 15 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youth 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

TIP CREDIT
Employers of “tipped employees” who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least $2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee’s tips combined with the employer’s cash wage of at least $2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

NURSING MOTHERS
The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA’s overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child’s birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

ENFORCEMENT
The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA’s child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaining against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

ADDITIONAL INFORMATION
- Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions.
- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide greater employee protections; employers must comply with both.
- Some employers incorrectly classify workers as “independent contractors” when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA’s minimum wage and overtime pay protections and correctly classified independent contractors are not.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.
EMPLOYEE RIGHTS

EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

PROHIBITIONS

Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

EXEMPTIONS

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

EXAMINEE RIGHTS

Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

ENFORCEMENT

The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.
EMPLOYEE RIGHTS
UNDER THE FAMILY AND MEDICAL LEAVE ACT
THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS
Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave, upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

ELIGIBILITY REQUIREMENTS
An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave: The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave; and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

Special "hours of service" requirements apply to airline flight crew employees.

REQUESTING LEAVE
Generally, employees must give 30-days' notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify the employee if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

EMPLOYER RESPONSIBILITIES

ENFORCEMENT

For additional information or to file a complaint:

1-866-4-USWAGE
(1-866-467-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division

WHI 420 REV 04/16

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EMPLOYEE RIGHTS
FOR WORKERS WITH DISABILITIES PAID AT SPECIAL MINIMUM WAGES
THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

This establishment has a certificate authorizing the payment of special minimum wages to workers who are disabled for the work they are performing. Authority to pay special minimum wages to workers with disabilities applies to work covered by the Fair Labor Standards Act (FLSA), McNamar-O'Hara Service Contract Act (SCA), and/or Walsh-Healey Public Contracts Act (PCA). Such special minimum wages are referred to as "commensurate wage rates" and are less than the basic hourly rates stated in an SCA wage determination and less than the FLSA minimum wage of $7.25 per hour beginning July 24, 2009. A "commensurate wage rate" is based on the worker's individual productivity, no matter how limited, in proportion to the wage and productivity of experienced workers who do not have disabilities that impair their productivity when performing essentially the same type, quality, and quantity of work in the geographic area from which the labor force of the community is drawn.

WORKERS WITH DISABILITIES
For purposes of payment of commensurate wage rates under a certificate, a worker with a disability is defined as:

- An individual whose earning or productive capacity is impaired by a physical or mental disability, including those related to age or injury, for the work to be performed.
- Disabilities which may affect productive capacity include blindness, mental illness, mental retardation, cerebral palsy, alcoholism, and drug addiction. The following do not ordinarily affect productive capacity for purposes of paying commensurate wage rates: educational disabilities; chronic unemployment; receipt of welfare benefits; nonattendance at school; juvenile delinquency; and correctional parole or probation.

KEY ELEMENTS OF COMMENSURATE WAGE RATES

- Non-disabled worker standard—The objective gauge (usually a time study of the productivity of workers who do not have disabilities that impair their productivity for the job against which the productivity of a worker with a disability is measured.
- Prevailing wage rate—The wage paid to experienced workers who do not have disabilities that impair their productivity for the same or similar work and who are performing such work in the area. Most SCA contracts include a wage determination specifying the prevailing wage rates to be paid for SCA-covered work.
- Evaluation of the productivity of the worker with a disability—Documented measurement of the production of the worker with a disability (in terms of quantity and quality).

The wages of all workers paid commensurate wages must be reviewed, and adjusted if appropriate, at periodic intervals. At a minimum, the productivity of hourly-paid workers must be reevaluated at least every six months and a new prevailing wage survey must be conducted at least once every twelve months. In addition, prevailing wages must be reviewed, and adjusted as appropriate, whenever the applicable state or federal minimum wage is increased.

OVERTIME
Generally, if you are performing work subject to the FLSA, SCA, and/or PCA, you must be paid at least 1 1/2 times your regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR
Minors younger than 18 years of age must be employed in accordance with the child labor provisions of FLSA. No persons under 16 may be employed in manufacturing or on a PCA contract.

FRINGE BENEFITS
Neither the FLSA nor the PCA have provisions requiring vacation, holiday, or sick pay nor other fringe benefits such as health insurance or pension plans. SCA wage determinations may require such fringe benefits payments (or a cash equivalent). Workers paid under a certificate authorizing commensurate wage rates must receive the full fringe benefits listed on the wage determination.

WORKER NOTIFICATION
Each worker with a disability and, where appropriate, the parent or guardian of such worker, shall be informed orally and in writing by the employer of the terms of the certificate under which such worker is employed.

PETITION PROCESS
Workers with disabilities paid at special minimum wages may petition the Administrator of the Wage and Hour Division of the Department of Labor for a review of their wage rates by an Administrative Law Judge. No particular form of petition is required, except that it must be signed by the worker with a disability or his or her parent or guardian and should contain the name and address of the employer. Petitions should be mailed to: Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-6502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Employers shall display this poster where employees and the parents and guardians of workers with disabilities can readily see it.

For additional information:
1-866-4-USWAGE
(1-866-487-9243)
TTY: 1-877-889-5627
WWW.WAGEOUR.DOL.GOV

U.S. Department of Labor | Wage and Hour Division


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All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request an OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. OSHA will keep your name confidential. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days by phone, online or by mail if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations and losses of an eye within 24 hours.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

FREE ASSISTANCE to identify and correct hazards is available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.

This poster is available free from OSHA.

Contact OSHA. We can help.

1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov
NOTICE TO EMPLOYEES CONCERNING
ASSISTANCE AVAILABLE IN THE WORKERS’ COMPENSATION SYSTEM
FROM THE OFFICE OF INJURED EMPLOYEE COUNSEL

Have you been injured on the job? As an injured employee in Texas, you have the right to free assistance from the Office of Injured Employee Counsel (OIEC). OIEC is the state agency that assists unrepresented injured employees with their claim in the workers’ compensation system.

You can contact OIEC by calling its toll-free telephone number: 1-866-393-6432. More information about OIEC and its Ombudsman Program is available at the agency’s website (www.oiec.texas.gov).

OMBUDSMAN PROGRAM

WHAT IS AN OMBUDSMAN? An Ombudsman is an employee of OIEC who can assist you if you have a dispute with your employer’s insurance carrier. An Ombudsman’s assistance is free of charge. Each Ombudsman has a workers’ compensation adjuster’s license and has completed a comprehensive training program designed specifically to assist you with your dispute.

An Ombudsman can help you identify and develop the disputed issues in your case and attempt to resolve them. If the issues cannot be resolved, the Ombudsman can help you request a dispute resolution proceeding at the Texas Department of Insurance, Division of Workers’ Compensation. Once a proceeding is scheduled an Ombudsman can:

• Help you prepare for the proceeding (Benefit Review Conference and/or Contested Case Hearing);
• Attend the proceeding with you and communicate on your behalf; and
• Assist you with an appeal or a response to an insurance carrier’s appeal, if necessary.
AVISO PARA LOS EMPLEADOS SOBRE LA ASISTENCIA DISPONIBLE EN EL SISTEMA DE COMPENSACIÓN PARA TRABAJADORES POR PARTE DE LA OFICINA DE ASESORÍA PÚBLICA PARA EL EMPLEADO LESIONADO

¿Se ha lesionado en el trabajo? Como empleado lesionado en Texas, usted tiene derecho a recibir asistencia gratuita por parte de la Oficina de Asesoría Pública para el Empleado Lesionado (Office of Injured Employee Counsel –OIEC, por su nombre y siglas en inglés). OIEC es la agencia estatal que asiste a los empleados lesionados que no cuentan con representación legal con su reclamación en el sistema de compensación para trabajadores.


PROGRAMA DE OMBUDSMAN

¿QUÉ ES UN OMBUDSMAN? Un Ombudsman es un empleado de OIEC que le puede asistir si usted tiene una disputa con la aseguradora de su empleador. La asistencia por parte del Ombudsman es gratuita. Cada Ombudsman cuenta con una licencia de ajustador de compensación para trabajadores y ha completado un extenso programa de capacitación, el cual ha sido diseñado específicamente para asistirle a usted con su disputa.

Un Ombudsman puede ayudarle a identificar y desarrollar los asuntos en disputa en su caso e intentar resolverlos. Si los asuntos no pueden ser resueltos, el Ombudsman puede ayudarle a solicitar un procedimiento de resolución de disputas ante el Departamento de Seguros de Texas, División de Compensación para Trabajadores (Texas Department of Insurance, Division of Workers’ Compensation, por su nombre en inglés). Una vez que el procedimiento ha sido programado, el Ombudsman puede:

- Ayudarle a prepararse para el procedimiento (Conferencia para Revisión de Beneficios [Benefit Review Conference, por su nombre en inglés] y/o Audiencia para Disputar Beneficios [Contested Case Hearing, por su nombre en inglés]);
- Asistir al procedimiento con usted y hablar en su nombre; y
- Ayudarle con una apelación o con una respuesta a la apelación de una aseguradora, si es necesario.

CONÉCTESE Título 28 Código Administrativo de Texas §276.5(c) - Abril 2018
IF YOU HAVE THE RIGHT TO WORK

Don’t let anyone take it away.

There are laws to protect you from discrimination in the workplace.

You should know that...

In most cases, employers cannot deny you a job or fire you because of your national origin or citizenship status or refuse to accept your legally acceptable documents.

Employers cannot reject documents because they have a future expiration date.

Employers cannot terminate you because of E-Verify without giving you an opportunity to resolve the problem.

In most cases, employers cannot require you to be a U.S. citizen or a lawful permanent resident.

Contact IER

For assistance in your own language
Phone: 1-800-255-7688
TTY: 1-800-237-2515

Email us
IER@usdoj.gov

Or write to
U.S. Department of Justice — CRT
Immigrant and Employee Rights — NYA
950 Pennsylvania Ave., NW
Washington, DC 20530

If any of these things happen to you, contact the Immigrant and Employee Rights Section (IER).

Immigrant and Employee Rights Section
U.S. Department of Justice, Civil Rights Division

www.justice.gov/ier
Fact Sheet #73: Break Time for Nursing Mothers under the FLSA

This fact sheet provides general information on the break time requirement for nursing mothers in the Patient Protection and Affordable Care Act ("PPACA"), which took effect when the PPACA was signed into law on March 23, 2010 (P.L. 111-148). This law amended Section 7 of the Fair Labor Standards Act (FLSA).

General Requirements

Employers are required to provide "reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child’s birth each time such employee has need to express the milk." Employers are also required to provide "a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk."

The FLSA requirement of break time for nursing mothers to express breast milk does not preempt State laws that provide greater protections to employees (for example, providing compensated break time, providing break time for exempt employees, or providing break time beyond 1 year after the child’s birth).

Time and Location of Breaks

Employers are required to provide a reasonable amount of break time to express milk as frequently as needed by the nursing mother. The frequency of breaks needed to express milk as well as the duration of each break will likely vary.

A bathroom, even if private, is not a permissible location under the Act. The location provided must be functional as a space for expressing breast milk. If the space is not dedicated to the nursing mother’s use, it must be available when needed in order to meet the statutory requirement. A space temporarily created or converted into a space for expressing milk or made available when needed by the nursing mother is sufficient provided that the space is shielded from view, and free from any intrusion from co-workers and the public.

Coverage and Compensation

Only employees who are not exempt from section 7, which includes the FLSA’s overtime pay requirements, are entitled to breaks to express milk. While employers are not required under the FLSA to provide breaks to nursing mothers who are exempt from the requirements of Section 7, they may be obligated to provide such breaks under State laws.
Employers with fewer than 50 employees are not subject to the FLSA break time requirement if compliance with the provision would impose an undue hardship. Whether compliance would be an undue hardship is determined by looking at the difficulty or expense of compliance for a specific employer in comparison to the size, financial resources, nature, and structure of the employer’s business. All employees who work for the covered employer, regardless of work site, are counted when determining whether this exemption may apply.

Employers are not required under the FLSA to compensate nursing mothers for breaks taken for the purpose of expressing milk. However, where employers already provide compensated breaks, an employee who uses that break time to express milk must be compensated in the same way that other employees are compensated for break time. In addition, the FLSA’s general requirement that the employee must be completely relieved from duty or else the time must be compensated as work time applies. See WHD Fact Sheet #22, Hours Worked under the FLSA.

**FLSA Prohibitions on Retaliation**

Section 15(a)(3) of the FLSA states that it is a violation for any person to “discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding, or has served or is about to serve on an industry committee.”

Employees are protected regardless of whether the complaint is made orally or in writing. Complaints made to the Wage and Hour Division are protected, and most courts have ruled that internal complaints to an employer are also protected.

Any employee who is “discharged or in any other manner discriminated against” because, for instance, he or she has filed a complaint or cooperated in an investigation, may file a retaliation complaint with the Wage and Hour Division or may file a private cause of action seeking appropriate remedies including, but not limited to, employment, reinstatement, lost wages and an additional equal amount as liquidated damages.

For additional information, visit our Wage and Hour Division Website: [http://www.wagehour.dol.gov](http://www.wagehour.dol.gov) and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4-USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210

1-866-4-USWAGE
TTY: 1-866-487-9243

[Contact Us](http://www.dol.gov/whd/regs/compliance/wdfts73.pdf)
Additional prohibited occupations that apply only to 14- and 15-year-old children:

Occupations designated specifically hazardous or detrimental to the health or well-being of 14- and 15-year-old children include:

(1) mining, manufacturing, or processing occupations, including those in establishments where goods are manufactured, stored, or otherwise processed;

(2) operations or accidents in operating power-driven machinery or the operation of a machine which projects an implement or a part thereof at a considerable distance;

(3) work in a coal mine or in an open-pit coal mine or mining area where there is a possibility of explosions; or

(4) work in a mine or a mining area where there is a possibility of explosions, or where there is a possibility of accidents to persons or property.

The following are prohibited occupations for 14- through 17-year-old children:

1. Domestic service, including:
   - Driving motor vehicles;
   - Driving electric or gasoline-driven tractors;
   - Driving self-propelled or power-operated farm vehicles;
   - Driving a mobile home or a truck;
   - Driving a commercial motor vehicle;
   - Driving a motorcycle;
   - Driving a mobile home;
   - Driving a recreational vehicle;
   - Driving a motorized snowmobile;
   - Driving a snowmobile;
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EQUAL EMPLOYMENT OPPORTUNITY IS ...  
IGUALIDAD DE OPORTUNIDADES EN EL EMPLEO ES ... 

The Law in Texas  
La ley en Texas

The law prohibits employers, employment agencies and labor unions from denying equal employment opportunities in :
- hiring
- promotion
- discharge
- pay
- fringe benefits
- membership
- training
- other aspects of employment

because of race, color, national origin, religion, sex, age, or disability.

Sexual harassment of unpaid interns is also against the law.

La ley prohíbe a los empleadores, agencias de empleo y sindicatos de negar la igualdad de oportunidades de empleo en :
- ocupar
- ascensos
- desocupar
- pago
- beneficios
- membresía
- entrenamiento
- otros aspectos del empleo

por causa de raza, color, nacionalidad, religión, sexo, edad, o incapacidad.

Hostigamiento sexual a los internos sin pago va tambien en contra de la ley.

If you believe you have been discriminated against, contact the Texas 
Workforce Commission, Civil Rights Division

Si usted cree que ha sido discriminado, comuníquese con la 
Comisión Laboral de Texas, División de Derechos Civiles

101 East 15th Street, Rm. 144-T; Austin, TX 78778-0001
(512) 463-2642
Toll free (within Texas) 1-888-452-4778
TTY (512) 371-7473
www.twc.state.tx.us

No appointment necessary Free Language Assistance 
No es necesario hacer cita Asistencia lingüística gratuita

Equal Opportunity Employer / Program 
Igualdad de Oportunidad de Empleo / Programa
Reporting Abuse, Neglect or Exploitation

Texas Department of Family and Protective Services

Reporting Abuse and Neglect

The law requires any person who believes that a child or person 65 years or older or an adult with disabilities is being abused, neglected, or exploited to report the circumstances to the Texas Department of Family and Protective Services (DFPS) Abuse Hotline. A person making a report is immune from civil or criminal liability, and the name of the person making the report is kept confidential. Any person who suspects abuse and does not report it can be held liable for a Class-A misdemeanor.

Additional reporting requirements apply to teachers and other professionals. A professional must report suspected abuse or neglect of a child within 48 hours of suspecting the child has been or may be abused or neglected. (TFC 261.101 (b)) A professional cannot delegate this duty to another person to make the report. Reporting suspected child abuse makes it possible to protect the child and for a family to get help.

For life threatening or emergency situations, call your local law enforcement agency or 911 immediately, and then make a report to DFPS.

There are two options for reporting abuse, neglect and exploitation to the Texas Department of Family and Protective Services.

By Phone: Call the Abuse Hotline, 24 hours a day, 7 days a week, toll-free 1-800-252-5400 from anywhere in the US to report abuse or neglect that occurred in Texas.

By Secure Internet Website: From your internet browser, go to https://www.texasabusehotline.org. When you get to the website, there will be directions to the links to report abuse or neglect against children or to report abuse against elderly or disabled adults. Recent improvements to the site include a registration page, ability for the user to print the report, left side navigation, and spell check. If you have trouble or questions about making a report on the website, call (512) 929-6784 or 1-800-252-5400 for help. (You MUST include the “s” in “https://” to access the site.)

Types of Abuse/Neglect/Exploitation

What is Abuse?
- Abuse is mental, emotional, physical, or sexual injury to a child or person 65 years or older or an adult with disabilities, or failure to prevent such injury.

What is Neglect?
- Neglect of a child includes (1) failure to provide a child with food, clothing, shelter and/or medical care; and/or (2) leaving a child in a situation where the child is at risk of harm.
- Neglect of a person 65 years or older or an adult with disabilities results in starvation, dehydration, over- or under-medication, unsanitary living conditions, and lack of heat, running water, electricity, medical care, and personal hygiene.

What is Exploitation?
- Exploitation is misusing the resources of a person 65 years or older or an adult with disabilities for personal or monetary benefit. This includes taking Social Security or SSI (Supplemental Security Income) checks, abusing a joint checking account, and taking property and other resources.

Information that is helpful to have on hand when filing an abuse report includes (if known):
- The name, age, and address of the child or person 65 years or older or an adult with disabilities.
- Your name and contact information.
- A brief description of the situation and the child or vulnerable adult.
- Current injuries, medical problems, or behavioral problems.
- Parents' names and names of siblings in the home (for a child).
- Names of relatives in or outside the home and name of perpetrator (for an adult).
- Explain how you know about the situation.

ATTENTION EMPLOYEES

The Texas Payday Law, Title 2, Chapter 61, Texas Labor Code, requires Texas employers to pay their employees who are exempt from the overtime pay provisions of the Fair Labor Standards Act of 1938 at least once per month. All other employees must be paid at least as often as semi-monthly and each pay period must consist as nearly as possible of an equal number of days.

Scheduled paydays: (You must indicate date or dates of the month for employees paid monthly or semi-monthly, and day of the week for employees paid weekly or at other times.)

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For more information write or contact the Texas Workforce Commission in Austin or contact your nearest TWC office. TWC offices are located in major cities throughout the state.

TENESAS WORKFORCE COMMISSION
Labor Law Section
101 East 15th Street, Room 124T
Austin, Texas 78778-0001
1-800-832-9243
TDD 1-800-735-2989 (Hearing Impaired)

TO EMPLOYERS: The law requires that this notice or its equivalent be posted in conspicuous places at your business.

LL-10 (0709)
Texas Workforce Commission

ATTENTION EMPLOYEES

Your employer reports your wages to the Texas Workforce Commission. If you become unemployed, you may be eligible for unemployment benefit payments. File online at www.texasworkforce.org or call 1-800-939-6631.

The Texas Payday Law, Title II, Chapter 51, Texas Labor Code, requires Texas employers to pay their employees who are exempt from the overtime pay provisions of the Fair Labor Standards Act of 1938 at least once per month. All other employees must be paid at least as often as semi-monthly and each pay period must consist as nearly as possible of an equal number of days.

Scheduled paydays: (You must indicate date or dates of the month for employees paid monthly or semi-monthly, and day of the week for employees paid weekly or at other times.)

15th and last business
MONTHLY Last Business Day  SEMI-MONTHLY day of month  WEEKLY

OTHER

For more information write or contact the Texas Workforce Commission at Austin, Texas 78778, or contact your nearest Commission office. Commission offices are located in major cities throughout the state.

TO EMPLOYERS. The law required that this notice or its equivalent be posted (in full view) at your place of business. Additional posters are available, free of charge, by logging on to Unemployment Tax Services http://www.texasworkforce.org/uts and selecting the Account Info tab or by fax at 512-936-3205.

Y-10(0213)
NOTICE TO EMPLOYEES CONCERNING WORKERS’ COMPENSATION IN TEXAS

COVERAGE: [Name of employer] SOUTH TEXAS COLLEGE has workers’ compensation insurance coverage from [name of commercial insurance company] TEXAS MUTUAL INSURANCE CO in the event of work-related injury or occupational disease. This coverage is effective from [effective date of workers’ compensation insurance policy] 09/01/2017. Any injuries or occupational diseases which occur on or after that date will be handled by [name of commercial insurance company] TEXAS MUTUAL INSURANCE CO. An employee or a person acting on the employee’s behalf, must notify the employer of an injury or occupational disease not later than the 30th day after the date on which the injury occurs or the date the employee knew or should have known of an occupational disease, unless the Texas Department of Insurance, Division of Workers' Compensation (Division) determines that good cause existed for failure to provide timely notice. Your employer is required to provide you with coverage information, in writing, when you are hired or whenever the employer becomes, or ceases to be, covered by workers' compensation insurance.

EMPLOYEE ASSISTANCE: The Division provides free information about how to file a workers' compensation claim. Division staff will answer any questions you may have about workers' compensation and process any requests for dispute resolution of a claim. You can obtain this assistance by contacting your local Division field office or by calling 1-800-252-7031. The Office of Injured Employee Counsel (OIEC) also provides free assistance to injured employees and will explain your rights and responsibilities under the Workers’ Compensation Act. You can obtain OIEC’s assistance by contacting an OIEC customer service representative in your local Division field office or by calling 1-866-EZE-OIEC (1-866-393-8432).

SAFETY VIOLATIONS HOTLINE: The Division has a 24 hour toll-free telephone number for reporting unsafe conditions in the workplace that may violate occupational health and safety laws. Employers are prohibited by law from suspending, terminating, or discriminating against any employee because he or she in good faith reports an alleged occupational health or safety violation. Contact the Division at 1-800-452-9595.
AVISO A LOS EMPLEADOS SOBRE LA COMPENSACIÓN PARA TRABAJADORES EN TEXAS

COBERTURA: [Name of the employer] SOUTH TEXAS COLLEGE

tiene cobertura de seguros de compensación para trabajadores con [name of the commercial insurance company] TEXAS MUTUAL INSURANCE CO para protegerle en caso de una lesión o enfermedad ocupacional relacionada con el trabajo. Esta cobertura está vigente desde [effective date of workers' compensation insurance policy] 9/1/17. Cualquier lesión o enfermedad ocupacional que ocurra en o después de esta fecha será manejada por [name of commercial insurance company] TEXAS MUTUAL INSURANCE CO. Un empleado o una persona que actúe en nombre del empleado, debe notificar al empleador sobre una lesión o una enfermedad ocupacional a no más tardar de treinta (30) días, a partir de la fecha en que ocurrió la lesión o en la fecha en la que el empleado se enteró o debería de haberse enterado de la enfermedad ocupacional, al menos que el Departamento de Seguros de Texas, División de Compensación para Trabajadores (Texas Department of Insurance, Division of Workers’ Compensation – TDI-DWC, por su nombre y siglas en inglés) (División) determine que existió una buena causa para que no se haya notificado al empleador dentro del tiempo señalado. Su empleador tiene la obligación de proporcionarle a usted información por escrito sobre la cobertura cuando usted es contratado o cuando su empleador adquiere o deja de tener una cobertura de seguro de compensación para trabajadores.

ASISTENCIA AL EMPLEADO: La División proporciona información gratuita sobre cómo presentar una reclamación de compensación para trabajadores. El personal de la División contestará cualquier pregunta que usted pueda tener sobre la compensación para trabajadores y procesará cualquier solicitud de resolución de disputas relacionada con una reclamación. Usted puede obtener este tipo de asistencia comunicándose con su oficina local de la División o llamando al teléfono 1-800-252-7031. La Oficina de Asesoría Pública para el Empleado Lesionado (Office of Injured Employee Counsel – OIEC, por su nombre y siglas en inglés) también ofrece asistencia gratuita a los empleados lesionados y ellos le explicarán cuáles son sus derechos y responsabilidades bajo la Ley de Compensación para Trabajadores. Usted puede obtener la asistencia de OIEC comunicándose con un representante de servicio al cliente de OIEC en su oficina local de la División o llamando al 1-866-EZE-OIEC (1-866-393-6432).

LÍNEA DIRECTA PARA REPORTAR VIOLACIONES DE SEGURIDAD: La División cuenta con una línea gratuita telefónica que está en servicio las 24 horas del día para reportar condiciones inseguras en el área de trabajo que podrían violar las leyes ocupacionales de salud y seguridad. La ley prohíbe que los empleadores suspendan, despidan o discriminenn en contra de cualquier empleado porque él o ella de buena fe reporta una alegada violación ocupacional de salud o seguridad. Comuníquese con la División al teléfono 1-800-452-9595.
The Texas Whistleblower Act protects public employees who make good faith reports of violations of law by their employer to an appropriate law enforcement authority. An employer may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who makes a report under the Act.
The 50th community college in the state of Texas, and the only to have ever been legislatively mandated, South Texas College was established by Senate Bill 251 to service Hidalgo and Starr Counties on September 1, 1993. Formerly South Texas Community College, the law, signed by Governor Ann Richards on June 1, 1993, converted the McAllen Extension Center of Texas State Technical College into a comprehensive community college initially serving the citizens of Hidalgo and Starr Counties.

STC fills the many educational needs of the community, which until now, was the largest geographic region in Texas not served by a community college. More than 70% of the student population are the first in their family to attend college, more than 95% are Hispanic and 60% of our stakeholders believe there is a strong support system for our students.

To that end, the college offers more than 114 degree and certificate program options, including associate degrees in a variety of art, science, technology and allied health fields of study. The college also offers 24 online associate degrees and certificates options through South Texas College Online. Collaborating with over 23 school districts and 70 high school sites throughout Hidalgo and Starr Counties and with the over 60 articulation agreements in place with colleges across the county, opportunities abound.

The College has grown from one campus to five campuses, including three in McAllen (Pecan Campus, Technology Campus, and Dr. Ramiro R. Casso Nursing and Allied Health Campus), the Mid-Valley Campus located in Weslaco, and the Starr County Campus located in Rio Grande City. Further enhancing STCs presence, the college’s sixth state-of-the art campus in August 2011. Although the new virtual campus doesn’t feature beautiful green spaces or ambitious new architecture, what it does offer is something equally exciting and fitting for a new digital age.

Most recently, 2015 saw the expansion of services to the Delta Area, beginning in Edcouch Elsa. With teaching centers in Pharr and La Joya, South Texas College is the region’s largest higher education institution!

Since its inception in 1993, South Texas College has grown from 1,000 to more than 31,000 students, and to a faculty and staff of 2,663.
Accreditation

South Texas College is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award the Baccalaureate and Associate degrees. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of South Texas College.

Affiliations

Alliance for Community College Innovation (ACCI)
American Association of Community and Junior Colleges
American Association of Community College Trustees
Asociacion Regional de Maquiladoras de Reynosa, S.A.
Association of Texas Colleges and Universities
Board of Licensed Vocational Nurses
Hidalgo County Library System
Hispanic Association of Colleges and Universities McAllen Chamber of Commerce
National Association of College and University Business
Officers National Coalition of Advanced Technology Centers
National Community College Hispanic Council (NCCHC)
Rio Grande Manufacturing Center
South Texas Manufacturers' Association
Southern Association of Colleges and Schools
Tech Prep of the Rio Grande Valley
Texas Association of Chicanos in Higher Education (TACHE)
Texas Association of Community Colleges
Texas Association of Community Colleges Foundations, Inc.
Texas Association of Community College Trustees & Administrators (TACCTA)
Texas Administrators of Continuing Education for Community/Junior Colleges Texas Junior College Teachers Association

South Texas College's offerings are approved by the Texas Higher Education Coordinating Board and the Texas Education Agency.
Executive Administrative Offices Summary of Duties and Responsibilities

**PRESIDENT**
The President serves as the Chief Executive Officer of the College. The President provides leadership for all aspects of the College through personal vision, strategic management, and student-centered goal development. The President interprets, administers, and enforces policies made by the Board of Trustees. The President sets the standards of performance for the faculty and staff of the College.

**VICE PRESIDENT FOR FINANCE AND ADMINISTRATIVE SERVICES**
This position is responsible for maintaining sound fiscal management and for developing and maintaining policies in the areas of finance and administrative services. The Vice President provides leadership in the implementation of finance and administrative programs and in facilities planning and management to support the teaching-learning process. The Vice President also provides leadership for effective management and ensures regulatory compliance in business, purchasing, human resources, facilities, and general services. In addition, the Vice President is charged with maintaining a clean and safe working environment for employees and students. Furthermore, this office oversees physical plant operations as well as general planning and construction activities.

**VICE PRESIDENT FOR INFORMATION SERVICES, PLANNING, PERFORMANCE AND STRATEGIC INITIATIVES**
This position serves as the executive officer overseeing all information services and operations, including information technology, information security, instructional technology, library services, centers for learning excellence, institutional research, strategic planning, institutional effectiveness, and accreditation. The Vice President is responsible for aligning information services, learning support services, institutional and student performance and operations with institutional goals and objectives as they relate to the organizational mission. Supervises the leadership teams responsible for the college’s information and instructional technologies, information security, learning resources, learning support services, institutional research, institutional effectiveness and accreditation, improvement, and strategic management services.

**VICE PRESIDENT FOR ACADEMIC AFFAIRS**
This position serves as the Chief Instructional Officer of the College. This position initiates the development of the learner-centered philosophy and focuses on faculty and staff commitments toward student learning and success. The Vice President assesses the quality and effectiveness of all instructional programs and formulates plans for continued improvement. The Vice President collaborates with business, industry, and educational partners for the development of quality instructional programs. This office promotes inter-institutional cooperation with four-year institutions and school districts. In addition, this position ensures compliance with accreditation requirements.

**VICE PRESIDENT FOR STUDENT AFFAIRS AND ENROLLMENT MANAGEMENT**
This position serves as Chief Student Services Officer for the College and oversees all functions associated with admissions and records, outreach, testing, student information centers, financial aid, counseling, advising, student activities, and placement. This position also develops and implements the enrollment management plan for all campuses. The Vice President also maintains student-centered philosophy and focuses student development initiatives on successful student outcomes, including enrollment program selection, retention, graduation, and placement/transfer success.
Faculty’s Role and Participation in Academic and Institutional Affairs

Faculty at South Texas College are valued as content experts whose primary responsibilities are to work both individually and collaboratively to create and implement learning initiatives to maximize student success. A job description for faculty can be found in the Faculty Handbook. As part of the essential duties and responsibilities, faculty are to contribute to the department, division, and college operations by participating on committees, teams, and task forces to facilitate a climate that continuously promotes learning. To promote the extent of faculty’s participation in academic and institutional affairs, South Texas College has created several vehicles and opportunities that welcome and encourage faculty participation through committees, teams, councils and task forces. This process gives the faculty direct input into the decision-making process of the College.

Opportunities for Faculty

FACULTY SENATE
The STC Faculty Senate is in operation and encourages the participation of all faculty. The Faculty Senate President is a member of key councils at the college.

INSTRUCTIONAL/STUDENT SERVICES COUNCIL
The Instructional/Student Services Council is composed of the Vice President for Academic Affairs, the Vice President for Student Affairs and Enrollment Management, and other key administrators from the Instructional/Student Services divisions. The Council also has members’ liaisons from other areas of the College. In addition, the Council’s membership includes the Faculty Senate President and a faculty representative from each of the four instructional divisions.

COUNCIL OF CHAIRS
The Council of Chairs is composed of faculty who serve as chairs of programs/departments. The purpose is to serve as a forum for discussion of concerns to chairs, to serve to facilitate professional development of chairs, to serve as a support system for chairs, and to serve in an advisory role to administrators regarding instructional issues.

FACULTY ADVISORY COUNCIL
Because of a desire to directly hear and address faculty concerns, the President created the Faculty Advisory Council. This group provides open, candid, and collegial dialogue and advises the President on issues of concern to faculty. The 18-member Faculty Advisory Council is composed of the Faculty Senate President and 17 faculty members representing the five instructional divisions.

COMMITTEES, TEAMS, AND TASK FORCES
A wide variety of special committees, teams, and task forces have been established to provide opportunities for faculty input and participation. Check the Office of Instruction’s web page for a complete listing, including membership and descriptions of each.
Organization of the College

**COLLEGE LEADERSHIP**

**Board of Trustees**

--- OFFICERS ---

**Paul R. Rodriguez, Chair:** CEO of Valley Land Title Co.

**Rose Benavidez, Vice Chair:** President of Starr County Industrial Foundation

**Roy de León, Secretary:** Branch Retail Executive of BBVA Compass Bank–Mercedes

--- MEMBERS ---

**Victoria Cantu:** CEO of Children’s Education Station, LLC, Penitas

**Gary Gurwitz:** Managing Partner, Atlas, Hall & Rodriguez, L.L.P., McAllen

**Dr. Alejo Salinas, Jr., Chair:** Clinical Lecturer, University of Texas Rio Grande Valley; Retired Superintendent/Superintendent Emeritus, Hidalgo ISD

**Rene Guajardo:** Human Resources Director, Mercedes ISD, Mercedes

**Administration**

--- EXECUTIVE OFFICERS ---

**Shirley A. Reed, MBA, EdD** President

**Anahid Petrosian, PhD** Vice President for Academic Affairs, Interim

**Mary Elizondo** Vice President for Finance and Administrative Services

**Matthew Hebbard** Vice President for Student Affairs and Enrollment Management

**David Plummer, PhD** Vice President for Information Services, Planning, Performance and Strategic Initiatives.
It is the responsibility of every employee to read and understand South Texas College policies. For the complete list of South Texas College policies, please visit, http://admin.southtexascollege.edu/president/policies/index.html

**Code of Ethics Policy**

**Policy 4000 (08/10/95)**

South Texas College applies the highest ethical standards to all members of the College community including the Board of Trustees, administration, staff and faculty in achieving its mission and in managing its resources efficiently and effectively to reach its goals and objectives. The College shall include a code of ethics for Board members, administration, staff, and faculty in its Policy Manual.

The College seeks to treat each person of the College community as a unique individual and provide a positive, encouraging, and success-oriented environment. College policies and practices that protect the rights and development of each individual in the College community shall be enforced. Protection from unlawful discrimination, including conduct that constitutes sexual harassment, and freedom to develop as a student and/or College employee shall be promoted.

The College accepts its responsibilities to its students, to its employees, and to the members of the community. The College is committed to meet these responsibilities with balance, fairness, accountability, and ethical integrity.

**Code of Professional Ethics for the Administration, Faculty, and Staff**

**Policy 4001(Amended 08/22/17)**

It shall be the professional responsibility of the administration, faculty and staff to strive to help each student realize his or her full potential as a learner and as a human being by creating a learning environment that embodies the core values of student success, opportunity, excellence, innovation, community, professionalism, collaboration, and integrity.

In order to fulfill their professional responsibilities to their students, to their fellow employees, and to their communities, the administration, faculty, and staff adopt and hold each other accountable to the following Code of Professional Ethics:

- **a.** The administration, faculty, and staff shall strive to create a collegial educational and workplace environment in which all persons are treated with respect, dignity, and justice, and are not discriminated against on any basis such as personal ideology, race, color, national or ethnic origin, age, religion, disability, sex, sexual orientation, gender identity and expression, veteran status, social station, or any other characteristic protected under applicable federal or state law.

- **b.** The administration, faculty, and staff shall observe, practice, and uphold the highest standards of honesty and integrity.
c. The administration, faculty, and staff shall encourage and defend the free exchange of ideas, respect the inherent worth and dignity of all persons, and express their own ideas with scholarly objectivity and tolerance of other viewpoints.

d. The administration, faculty, and staff, recognizing the necessity of many roles in the educational enterprise, shall work in such a manner as to enhance cooperation and collegiality among students, faculty, administrators, and staff.

e. The administration, faculty, and staff shall demonstrate competence through consistent and adequate preparation and performance, and seek to enhance competence by accepting and applying constructive feedback and evaluation.

f. The administration, faculty, and staff shall exercise the highest professional standards in the use of time and resources.

g. The administration, faculty, and staff shall participate in the governance of the institution by accepting a fair share of committee and institutional responsibilities.

h. The administration, faculty, and staff shall abide by all South Texas College policies, support the goals and ideals of the institution, act in public and private affairs in such a manner as to reflect positively on the institution, and uphold the ethical guidelines of one’s discipline and profession.

i. The administration, faculty, and staff shall make reasonable effort to protect individuals from conditions harmful to learning or to health and safety.

j. The administration, faculty, and staff shall not engage in, condone, or support unethical or professionally incompetent behavior.

k. The administration, faculty, and staff shall accept the rights and responsibilities of civic engagement, while judiciously avoiding use of the privileges of one’s public position for private or partisan advantage.

**Standards of Conduct**

**Policy 4901 (01/31/17)**

Employees of South Texas College are expected to adhere to all federal, state, and municipal laws and ordinances. Employees shall also adhere to all College policies and procedures, as well as other guidelines and rules of all regulating agencies or entities having jurisdiction over college activities. Employees of South Texas College are expected to conduct themselves in a professional, courteous, respectful, and ethical manner in the performance of their duties and responsibilities, and in their interaction with colleagues, students, and the general public.

An employee who engages in conduct prohibited by this policy shall be subject to disciplinary action and/or other adverse personnel action, including termination. The decision to discipline an employee should be made in accordance with Policy #4911 Disciplinary Action Procedures.

The prohibited conduct described by this policy is intended as a general guide for employees to follow, it is not intended as an exhaustive description of all the types of conduct that is prohibited and subject to sanction.

South Texas College employees shall be prohibited from engaging in conduct, including, but not limited to:
General Policies and Procedures

1. Providing false or altering to falsify information on a time sheet, an employment application, a transcript, a resume, a travel voucher, a purchase order, a student grade record, any report, a payroll record or of any other official record of the College;

2. Violating workplace health or safety rules or accepted safety practices; and creating or contributing to unhealthy or unsanitary conditions in the workplace;

3. Soliciting or accepting any prohibited gift, favor, service, or benefit from any vendor to the College, or soliciting or accepting a bribe;

4. Conducting private business during working hours, regardless of whether it is for profit or not, and regardless of whether or not it interferes with assigned duties and responsibilities;

5. Using or misappropriating work time or College property or resources for personal gain or benefit;

6. Smoking anywhere except in a designated smoking area;

7. Gambling or participating in any games of chance on the College premises at any time;

8. Soliciting, collecting money or circulating petitions on the premises other than within the rules and regulations of the College;

9. Unlawful possession, selling, distributing, or offering and/or consuming alcoholic beverages, illicit drugs, illegal narcotics, hallucinogens, drug paraphernalia, or other illegal intoxicants, drugs, or controlled substances on College premises at anytime or while on duty at any location;

10. Unlawful possessing, selling, distributing, or offering illicit drugs, illegal narcotics, hallucinogens, drug paraphernalia, or other illegal intoxicants, drugs, or controlled substances at anytime.

11. Failure or refusal to follow work-related directives from supervisors; or to perform designated work that is part of an employee’s job duties and responsibilities;

12. Sabotaging, impeding, impairing, and/or disrupting the function of the workplace;

13. Neglect of duty, cyberloafing, loitering or wasting time during working hours; or failure to meet a reasonable and objective measure of efficiency and productivity;

14. Engaging in any conduct within or outside the course and scope of employment with the College which tends to impugn the employee’s moral character or professional reputation, or if such conduct tends to tarnish or bring into disrepute the College’s image in the community;

15. Intentional, reckless, or negligent conduct that results in personal injury to a student, College employee, or other person while on work duty with the College;

16. Actual or constructive possession on College premise of materials, photographs, video-recordings, drawings or other similar visual illustrations of a pornographic nature that are not a bona-fide part of an approved College course being taught by the employee;

17. Engaging in any conduct with any student, any employee of the College, or any other person if the conduct is offensive, inappropriate, indecent, insulting, physically threatening, and/or humiliating;

18. Making statements or remarks that are derogatory, demeaning, or denigrating of another person on the basis of race, color, national origin, religion, age, sex, sexual orientation, gender, gender identity, disability, or any other protected class;

19. Engaging in dishonest or unethical acts;
20. Inducing, encouraging, soliciting, or compelling any person to engage in any conduct that is criminal in nature, dishonest, insubordinate, offensive, vulgar, or which violates any board policy;

21. Fighting, instigating a fight, threatening or attempting bodily harm or injury to another;

22. Negligent or intentional unauthorized disclosure of information maintained by the College if the information is exempt from disclosure under any law; including, but not limited to, the Texas Public Information Act; Family Educational Rights and Privacy Act; or Freedom of Information Act;

23. Creating a condition or engaging in conduct that creates an unreasonable risk of injury to the individual, students, fellow employees, or members of public;

24. Participating in any purchase or acquisition of goods or services in which the employee has a conflict of interest;

25. Unauthorized or repeated tardiness or absence, or excessive use or abuse of sick or other leave privileges;

26. Unlawful possession or storage of a prohibited firearm or other prohibited weapon on College premises;

27. Failure to comply with the College’s policy on prohibition of weapons;

28. Making misrepresentations or providing misleading work-related information to supervisors, co- workers, regulatory bodies, or funding agencies.

29. Engaging in conduct that is prohibited by other College policies;

30. Violating departmental procedures, rules or regulations, or College policies;

31. Failing to comply with purchasing or hiring policies, rules, or regulations of the College;

32. Bringing children on College premises during employee’s working hours in lieu of childcare arrangements; or

33. Other acts of misconduct as determined by Administration to be prohibited.

The decision to discipline an employee should be made in accordance with Policy #4911: Disciplinary Action Procedures.

This policy is not intended to create any property interest in continued employment.

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**Federal Copyright Statutes**

College personnel will adhere to the Copyright Law (PL94-553) relating to the fair use and reproduction of copyrighted materials.

**BACKGROUND**

Copyrighted materials may not be used without the originator’s permission, unless the use is exempt by law or qualifies as “fair use.” The “fair use” (17 USC 107) of copyrighted work, including such use by reproduction of copies for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom or library use), scholarship or research, with certain constraints, is not an infringement of copyright, except in the case of computer software as noted below.
The doctrine of “fair use” encompasses four conditions, which, when considered together, must favor the intended use if duplication of copyrighted material is to fall under the “fair use” doctrine:

1) The purpose and character of the use: The use must be for such purposes as teaching or scholarship and must be nonprofit. The use must be one time only and for a single class. Repeated use and anthologizing are not allowed without copyright permission.

2) The nature of the copyrighted work: A creative work is protected, but not a statement of facts. A copy of the article might be accepted as fair use while copying a workbook for use in class would not be accepted because a workbook is considered a consumable item.

3) The amount and substantiality of the portion used in relation to the copyrighted work as a whole: No more than is needed should be used. For instance, it is generally advisable not to copy more than 10 percent or 1,000 words of text (whichever is less) of prose. Even if a small amount of a work is used, the portion copied may be deemed an infringement if it is considered the heart of the work.

4) The effect of the use upon the potential market for the copyrighted work: Would the proposed use take the place of a copy available for sale of lease on the market? If resulting economic loss can be shown, making a single copy might be an infringement. Each instance of reproduction should be evaluated on its own merits in relation to the “fair use” doctrine.

The guidelines offered by the United States Copyright Office and as set forth in College procedures for making single copies for teachers, multiple copies for teachers, multiple copies for classroom or library use, educational use of music, or off-air recording of programs (whether recorded at the College or elsewhere), apply if permission of the copyright holder has not been obtained. Employees should be familiar with the proviso of the copyright law (17 USC 107 and 108) which prohibits systematic reproduction of copyrighted materials. The guidelines governing fair use are understood to be minimum compliance of the copyright law.

In the case of computer software; generally, only ONE archival copy of a program can be made, with either that copy or the original copy being the only one in use. Use is restricted to a single machine at any given time. Further restrictions or rights are granted within the license agreement that accompanies a software package. In the absence of a licensing agreement, the general rules prevail. Copyright law makes no provision for multiple copies of computer software for classroom use.

Confidentiality of Records and Business Matters

Policy 4711 (9/2/1999)

South Texas College maintains the confidentiality of its records and matters relating to the conduct of its business as permitted by the Texas Public Information Acts and Student Confidentiality Statutes. No employee of the College is permitted to reveal information of a confidential nature that concerns any students or former, active or prospective personnel, financial records, management information, and other records of a privileged and non-public nature. Employees with access to such information will be asked to sign a Statement of Confidentiality and to comply with the provisions of that statement.
Solicitation from External Organizations

Refer to Policy 4810

Any solicitation done by employees in the name of South Texas College or on behalf of the College shall be approved in advance by the President or President’s designee.

Acceptance of Gifts and Bequests

Refer to Policy 5910

It is the policy of South Texas College to accept gifts and bequests of land, facilities, items of personal property (such as books, equipment, training aids), money, stocks and bonds which may be converted into money, equipment, materials, books, lands, buildings, or other items of value which may aid in the accomplishment of the mission of the College. Items received must have a current or immediate future use and the cost of operation and maintenance for the gift(s) must be within current budgeted funding levels.

Gifts and bequests have provided the College with a valuable source of instructional aids and funds for the establishment of scholarships and loans. With the knowledge of the appropriate vice president and/ or President, campus personnel are encouraged to solicit and negotiate gifts having usefulness to the College. All gifts to the College become the property of the state of Texas and must be placed on inventory and accounted for in accordance with established procedures.

Public Relations

The Office of Public Relations and Marketing communicates the value of the college and builds an ongoing relationship with target audiences through paid, earned, owned and shared communications channels. The Office is responsible for the planning, creation and implementation of South Texas College’s:

- Marketing initiatives
- External communications
- Brand management strategies and goals

For assistance with your marketing and communication needs, please contact the Office of Public Relations and Marketing at 956-872-8302 or visit http://admin.southtexascollege.edu/pr/

Relationship Between Vendors and Employees

Policy 5212 (11/17/05)

Employees of South Texas College shall:

1. Work to maintain the good name of the College by developing and maintaining good relations between the College and its vendors;
2. Promote positive vendor relationships through courtesy and impartiality in all phases of the purchasing cycle.

Employees of South Texas College shall not:

1. Accept gifts, either in-kind or of money from a vendor;
   
   Gifts include any items not obviously of an advertising nature. Items of an advertising nature are all those with the name of the firm affixed which do not have a unit value of more than $50.

2. Accept meals with a value over $50, transportation beyond district boundaries, and overnight accommodations.

3. Be involved with any transaction with a vendor in which there exists a conflict of interest;

   A conflict of interest may exist when an employee has a relationship with a vendor that may render the employee partial toward the vendor or otherwise inhibits the impartiality of the employee’s business judgment.

4. Take any action without authority that binds the College to a contractual obligation;

   Any employee, who individually obligates the credit of the College without adhering to the procedures outlined in the purchasing policies of the College, shall be individually responsible for payment to the vendor or return of the item.

5. Make false statement about his/her authority to conduct business for the College or make any false statement with intent to deceive;

6. Participate in transactions that take personal advantage of opportunities created by the employee’s relationship with the College;

7. Disclose confidential information from a vendor’s proposal to another vendor so as to give an advantage to one vendor over another in a potential contract with the College.

**Political Advertising**

**Policy 5920 (11/09/95)**

No officer or employee of the College shall expend or authorize the expenditure of College funds for the purpose of political advertising. Funds may be expended for advertising which describes the factual reasons for a measure and which does not advocate the passage or defeat of such measure.

**Self-Reporting of Criminal Conduct**

**Policy 4112 (12/15/15)**

South Texas College requires employees to self-report criminal conduct.

1. **Reporting of Criminal Charges or Arrest**

   Any employee that is arrested for or charged with a felony or misdemeanor offense in this State, or any other jurisdiction, other than a traffic offense that is punishable by a fine only, is required to report such arrest or charge to South Texas College. This report must be made to the Office of
Human Resources within five business days of the employee first being arrested, summoned, or served with a charging instrument such as a citation, an information, or an indictment. An employee is not excused from making this report because the employee is detained or incarcerated pending release on bail. This report may be made by the employee or by any other person acting at the employee’s request. An employee’s supervisor that receives a report under this policy shall, within three business days, thereafter, forward the report to the Office of Human Resources.

II. Report of Disposition of Criminal Charges
Additionally, an employee is required to report to the Office of Human Resources of the disposition of the criminal charges, i.e., acquittal, conviction, pre-trial diversion, or deferred adjudication. This report must be made within three business days of the disposition of the criminal charges.

III. Report of Revocation of Probation or Adjudication
Any employee that is serving a suspended sentence and is placed on community supervision/probation, or whose adjudication of guilt has been deferred pending successful completion of community supervision/probation shall report to the Office of Human Resources within five days of receiving notice that a court proceeding has been scheduled concerning revocation of the employee’s community supervision/probation or concerning adjudication of the employee’s guilt. The employee shall immediately inform the Office of Human Resources of the outcome of any such revocation or adjudication proceeding.

IV. Report of Revocation of Parole or Supervised Release
Any employee that is on parole or supervised release shall report to the Office of Human Resources within five days of receiving notice that a court proceeding has been scheduled concerning revocation of the employee’s parole or supervised release. The employee shall immediately inform the Office of Human Resources of the outcome of any such revocation proceeding.

V. Form of Report
Initially, any report required under this policy may be verbal if making a written report is impracticable during the five-business day period due to the employee being detained or incarcerated pending release on bail. The verbal notice shall be reduced to writing and provided to the Office of Human Resources within three days of the employee being released on bail.

VI. Disciplinary Action
An employee or supervisor who fails to comply with the notice requirements of this policy may be subject to disciplinary action, including dismissal, in accordance with existing policy.

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**Reporting Suspected or Known Fraud, Abuse and Other Improprieties**

**Policy 4204 (10/24/05)**

South Texas College is committed to creating an environment where fraud, abuse and other improprieties are not tolerated. The College maintains written guidelines for reporting and investigating suspected or known fraud, abuse and other improprieties. Fraud, abuse and other improprieties shall be defined as a deliberate act or failure to act with the intention of obtaining an unauthorized benefit, destruction of property or otherwise fraudulent behavior or the use of one’s occupation for personal enrichment through the deliberate misuse or misapplication of the College’s resources or assets.
These guidelines apply to all College employees. The guidelines establish the procedures and responsibilities for reporting and investigating potential incidents, taking remedial actions and reporting evidence to the appropriate authorities. The guidelines require that employees act in good faith when reporting incidents.

Reports of incidents of fraud, abuse and other improprieties and investigations thereto, shall be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

The President or designee has the authority and responsibility, with participation of the appropriate committee, to develop and administer the guidelines.

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**Guidelines for Reporting and Investigating Suspected or Known Fraud, Waste, Abuse and Other Improprieties**

1. **Introduction**

South Texas College (STC) is committed to creating an environment where fraud, waste, abuse and other improprieties are not tolerated. All STC employees are responsible for complying with the board policies that govern their conduct and ensuring that all resources entrusted to them are used ethically, prudently, and for their designated purpose.

In addition, to ensure that STC resources are used appropriately, managers and supervisors are responsible for educating employees about proper conduct, creating an environment that deters dishonesty and maintaining internal controls that provide reasonable assurance of achieving management objectives and detecting dishonest acts. Furthermore, managers and supervisors must be cognizant of the risks and exposures inherent in their area of responsibility and be aware of symptoms of fraud, abuse and other improprieties, should they occur. This procedure establishes a uniform method for reporting fraud, abuse and other improprieties against the College.

2. **Purpose**

These guidelines establish the procedures and responsibilities for reporting and investigating potential incidents of fraud, waste, abuse and other improprieties, taking remedial actions, and reporting evidence to the appropriate authorities.

Acts of fraud, waste or abuse impact the resources of the College and may occur through an unintentional act or by a deliberate action. These categories differ from each other and may be defined as follow:

**FRAUD** – Any intentional deception designed to unlawfully deprive the College of something of value or to secure from the College for an individual a benefit privilege, allowance, or consideration to which he or she is not entitled.

**WASTE** – The extravagant, careless or needless expenditure of College funds, incurring of unnecessary expenses, mismanagement of college resources or property or the consumption of College
property that results from deficient practices, systems, controls or decisions.

**ABUSE** – Intentional, wrongful, or improper use or destruction of College resources. Abuse can include the excessive or improper use of an employee or official's position in a manner other than its rightful or legal use.

These guidelines do not address offenses against the person or personal property of faculty, staff, students, or visitors of the College. This procedure does not apply to allegations of academic misconduct or to allegations of discrimination or harassment.

3. **General**

This procedure applies to all STC employees. It also requires employees to report the actions of other parties that may result in financial losses or possible criminal conduct affecting STC resources or information. These other parties include (1) students; (2) contractors and vendors; (3) organizations affiliated with STC, and (4) any other person or organization that uses STC resources or information, with or without authorization.

   a. The College will pursue legal remedies against persons or entities involved in acts of fraud, abuse or other improprieties against the College. Remedies include, but are not limited to, terminating employment, requiring restitution, and/or forwarding of information regarding suspected fraud to the appropriate authorities for criminal prosecution. All of the general and criminal laws of the State of Texas are in full force and effect at all state institutions of higher education (Texas Education Code, Sec. 51.201). This procedure is designed to inform College employees of their responsibility for detecting and reporting suspected, fraud, abuse and other improprieties.

   b. Employees who, in good faith, report unlawful activity are protected by the Texas Whistleblower Act (Texas Government Code, Chapter 554) against any retaliation by the College for making such a report. The College, per Board Policy 4209, complies with the Whistleblower Act.

   c. Employees are required to cooperate with any police or audit investigation, and they may be requested to keep their knowledge of the investigation confidential.

   d. Employees should immediately contact the Operations and Maintenance Department if they observe an unlawful act in progress, such as theft or destruction of property, or if they are certain an unlawful act has been committed.

4. **Examples of Acts of Fraud, Waste, Abuse and Other Improprieties**

Incidents of fraud, waste, abuse and other improprieties generally involve a deliberate act or failure to act with the intention of obtaining an unauthorized benefit, destruction of property or otherwise fraudulent behavior. The Association of Certified Fraud Examiners (ACFE) defines “fraud” as: “The use of one’s occupation for personal enrichment through the deliberate misuse of misapplication of the employing organization’s resources or assets” (Report to the Nation on Occupational Fraud and Abuse, 1999). In that document, the ACFE further explains fraud as follows:
Occupational fraud and abuse encompasses a wide variety of conduct by employees, managers, and principals or organizations ranging from pilferage to sophisticated investment swindles. Common violations include asset misappropriation, corruption, false statements, false overtime, petty theft and pilferage, use of company property for personal benefits, and payroll and sick time abuses. The key is that the activity:

- Is clandestine
- Violates the employee's fiduciary duties to the organization
- Is committed to the purpose of direct or indirect financial benefit to the employee
- Costs the employing organizations assets, revenues, or reserves

Acts of fraud, waste, abuse or other improprieties include, but are not limited to the following:

- Theft or misappropriation of funds, long distance telephone services, supplies, property, computer software, intellectual property, or other resources
- Fictitious disbursements
- Check tampering such as forged endorsement, altered payee or concealed checks
- Fictitious write-offs and refunds
- Fictitious vendor or employee or student payments
- False statement
- False overtime
- Petty theft and pilferage
- False request for reimbursement
- Forgery or alteration of documents
- Bribery or attempted bribery
- Invoice kickbacks
- Bid rigging
- Illegal gratuities
- Economic extortion
- Unauthorized use of records or access to information systems, including unauthorized sharing of computer security clearances
- Unauthorized alteration, manipulation, or destruction of computer files and data
- Falsification of reports to management or external agencies
- Conflicts of interest that pursue a personal benefit or advantage while compromising the public interest
- Improper handling or reporting of financial transactions
- Financial asset misappropriation such as asset/revenue overstatements or understatements, fictitious revenues, concealed liabilities and expenses and improper asset valuations
- Inaccurate employment credentials
- Authorizing or receiving compensation for goods not received or services not performed
- Authorizing or receiving compensation for hours not worked
- Incurring obligations in excess of appropriation authority, and willful violations of laws, regulations, or policies, or contractual obligations when conducting STC business
- Use of College property for personal benefit
- Payroll and sick abuses
- Abuse of overtime
- Waste of supplies
5. **Employee Responsibilities**

An employee with a reasonable basis for believing an act of fraud, waste, abuse or other improprieties have occurred has a responsibility to report the suspected act in a timely manner as follows:

a. Employees should first discuss their concern with their immediate supervisor or manager. The employee should report in writing the following:
   - Department where it is occurring
   - What is occurring
   - When it occurred
   - Who is involved
   - How is it occurring

b. If the employee suspects that the supervisor has participated in or condoned the act, the employee should report the matter to the next highest level of supervisor or management or directly to the Director of Human Resources.

c. If the employee notifies his/her supervisor (or higher authority), the supervisor (or higher authority) must immediately direct the report to the Director of Human Resources.

d. The Director of Human Resources must immediately direct the report to the appropriate Vice President and President.

e. If the employee is uncomfortable speaking with his or her supervisor, the employee may also report acts of fraud, waste, abuse and other improprieties by calling the Anonymous Fraud and Ethics Hotline at 1-800-482-5158. This hotline is staged by a third-party company called The Network. This service is available 24 hours a day, 7 days a week, 365 days a year and allows each person to communicate concerns anonymously. An Interview Specialist documents concerns, assigns a personal reference number for follow up purposes and relays concerns to STC. Employees may also call the State Auditor’s Office Fraud, Waste, and/or Abuse Hotline at 1-800-TX-AUDIT. Employees may choose to remain anonymous.

f. The reporting employee will refrain from further examination of the incident, confrontation of the alleged violator, or further discussion of the incident with anyone other than the reporting employee’s supervisor, the President (or designee), the Director of Human Resources or the Internal Auditor and/or law enforcement.

6. **Restitution**

In the event of a loss, the Vice President for Finance and Administrative Services (VPFAS), or designee, will notify the insurance carrier to facilitate all insurance and fidelity bond claims. The President, or designee, may ask the District Attorney’s office to seek restitution. The insurance company may also interact directly with the District Attorney’s office on matters of restitution where the coverage applies. In the event the criminal court does not provide for restitution, the VPFAS may request the Legal Counsel to initiate a civil action to recover the loss.

Appropriate action will be taken to recover assets lost as a result of an act of fraud, abuse or other improprieties. Full recovery will constitute the value of benefits gained by an employee or beneficiary other than STC or the documented loss, whichever is larger, and, if appropriate, the cost of investigation, recovery, or other associated costs. All reasonable means, consistent with state law, will be sought to recover losses, including voluntary repayments, withholding from salary and wages, insurance proceeds.
when applicable, and legal action when necessary. The STC Legal Counsel shall determine whether the evidence available and the cost of recovery justify legal action to recover losses.

7. **Internal Control Deficiencies**

The Internal Auditor, VPFAS and/or Comptroller shall consider whether evidence of the possible acts of fraud, waste, abuse or other improprieties reveals areas or practices in college internal controls needing modification. The Internal Auditor may recommend corrective actions to the President and the Board of Trustees Finance and Human Resources Committee. The Internal Auditor shall follow-up on its recommendations.

8. **Employee Disciplinary Actions**

Employees found to have participated in acts of fraud, waste, abuse or other improprieties, or any employee who hinders a fraud inquiry or investigation by making a false or misleading statement, or any employee who has knowledge of a dishonest act, but fails to report it according to this procedure shall be subject to disciplinary action. The appropriate official shall determine whether employee disciplinary action is warranted.

9. **Acting on Evidence of Fraud**

It is the responsibility of the College to investigate acts of fraud, waste, abuse and other improprieties and to act on evidence of fraud. The Director of Human Resources should address all reported incidents. The Director of Human Resources will gather facts specific to the case. After facts are gathered the Director of Human Resources and the appropriate officials engaged to review the facts will discuss the facts and ascertain whether or not evidence of fraud exists. If evidence of fraud does not exist, the matter will be considered administrative and the Director of Human Resources will conduct an objective review of the facts relating to the incident and will prepare a written report to the President. The issue will be considered closed.

If evidence of fraud exists, the Director of Human Resources will conduct an examination of the facts relating to the incident.

a. During an investigation, it may be deemed advisable that an employee be temporarily reassigned, relieved of duties, relieved of authority to expend College funds, and/or removed from the scene of the investigation pending the outcome of the investigation. The purpose of such action would be to safeguard the College’s assets or facilitate the investigation. Should the President, or designee, legal counsel and/or law enforcement concur that such action is necessary, the employee’s immediate supervisor and appropriate Vice President will work with the Director of Human Resources to determine the appropriate action.

b. The Director of Human Resources will engage experts, as necessary, to develop accurate and reliable evidence.

c. The Director of Human Resources will consult with Legal Counsel, President, or designee, VPFAS, Internal Auditor, appropriate law enforcement and others as necessary, to determine whether or not fraud (i.e., criminal violation) has occurred, based on evidence.

d. If it is determined that fraud has occurred, the Director of Human Resources will do the following:

i. Refer all evidence to appropriate law enforcement agency and will assist law enforcement, as requested, as well as prepare a written report containing scope of work, findings, and recommendations.

ii. Notify the VPFAS. The VPFAS, or designee, will notify the insurance carrier,
if required by the terms and conditions of the insurance policy.

e. In all cases, regardless of their outcomes, the Director of Human Resources will prepare a report
containing scope of work, findings, and recommendations.

10. Employee Training and Acknowledgement

Training related to reporting and investigating suspected or known fraud, waste, abuse, and other
improprieties is provided to all College employees on an annual basis. Training is scheduled and conducted
by the Business Office and the Office of Human Resources. Employees are required to confirm that they have
received a copy of the guidelines and that they understand the guidelines by submitting to the Office of
Human Resources a signed acknowledgement form on an annual basis.

11. Acting on Good Faith

Anyone reporting an incident of fraud, waste, abuse or other improprieties, must act in good faith and have
reasonable grounds for believing the information disclosed is valid. The act of making allegations that
prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, or with the
foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense and may result
in discipline, up to and including dismissal from the volunteer position or termination of employment.

12. Confidentiality

Reports of incidents of fraud, waste, abuse, or other improprieties and investigation pertaining thereto, shall
be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Disclosure of reports to individuals not involved in the investigation will be viewed as a serious disciplinary
offense and may result in discipline, up to, and including termination of employment.

Revised, 2008

Child Abuse and Neglect

Policy 4215 (09/18/13)

The 83rd Texas Legislature determined that institutions of higher education create a policy governing the
reporting of child abuse and neglect and training as required by Chapter 261, Family Code. This policy is
necessary to increase awareness of issues regarding sexual abuse and other maltreatment of children. A
child means a person under 18 years of age who is not and has not been married or who has not had the
disabilities of minority removed for general purposes.

DUTY TO REPORT
The College’s employees must report child abuse and neglect in the manner required by Chapter 261,
Family Code.

TRAINING
The College shall provide training for employees, as defined by Section 261.101, Family Code, in
prevention techniques for and the recognition of symptoms of sexual abuse and other
maltreatment of children and the responsibility and procedure of reporting suspected occurrences
of sexual abuse and other maltreatment. The training must include:
(1) techniques for reducing a child’s risk of sexual abuse or other maltreatment;
(2) factors indicating a child is at risk for sexual abuse or other maltreatment;
(3) the warning signs and symptoms associated with sexual abuse or other maltreatment
and recognition of those signs and symptoms; and
(4) the requirements and procedures for reporting suspected sexual abuse or other maltreatment as
provided by Chapter 261, Family Code.

**TEXAS ABUSE HOTLINE TELEPHONE NUMBER 1-800-252-5400**

The College shall post in clearly visible locations in public areas that are readily accessible to students, a sign in English and in Spanish that contains the toll-free telephone number operated by the Department of Family and Protective Services to receive reports of child abuse or neglect.

**WHAT MUST I DO IF I SUSPECT ABUSE OR NEGLECT OF A CHILD?**

**IF A CHILD IS IN IMMEDIATE DANGER, CALL 911 OR YOUR LOCAL POLICE FIRST. THEN CALL THE TEXAS ABUSE HOTLINE TO MAKE A REPORT.**

**THE TEXAS ABUSE HOTLINE IS OPEN 24/7/365**

**1.800.252.5400**

**WWW.TXABUSEHOTLINE.ORG**

(Report via the online reporting system for non-urgent situations only. A non-urgent situation means that intervention is not needed within 24 hours.)

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**Rights of Nursing Mothers to Express Breast Milk in the Workplace**

Policy 4321 (10/27/2015)

The College complies with State and Federal Laws regarding the right of nursing mothers to express breast milk in the workplace. These State and Federal laws include the Texas Health & Safety Code, Chapter 165; the United State Code, as amended by the Patient Protection and Affordable Care Act, Title 29, Chapter 8 (Fair Labor Standards Act of 1938), Section 207(r); and the Texas Government Code, Chapter 619.

The College supports the rights of nursing mothers in the workplace. The College shall provide an employee a reasonable break time and a reasonable space for the employee to express breast milk for up to one year from the child’s birth. Requests for extensions to the one-year provision will be considered on a case by case basis.

The College shall provide a space reasonably accessible to the employee, except a bathroom, which is shielded from view and free from intrusion by the employee’s co-workers or by the public.

The College shall provide a break time to the employee, reasonably sufficient to accommodate the employee’s particular need to express breast milk.

The employee shall submit a written request to the Office of Human Resources for the accommodation to express milk. The written request shall be submitted at least two weeks prior to the accommodation being required.

Procedures to implement this policy shall be developed by the Office of Human Resources and approved by the President.
Harassment, Discrimination, And Sexual Misconduct
(Refer to STC Policy 4216, as amended 4/24/2018)

I. Purpose
South Texas College is committed to providing an environment that respects the dignity and worth of every member of its community. Members of the campus community are entitled to an educational, learning, and working environment free of harassment, discrimination, sexual misconduct, and retaliation. To ensure compliance with federal and state civil rights laws and College policies, the College has developed internal policies that will provide a supportive process for individuals who report harassment, discrimination, sexual misconduct, and retaliation. These laws include, but are not limited to, Title II of the Americans with Disabilities Act of 1990, Title VII of the 1964 Civil Rights Act; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by Section 304 of the Violence Against Women Reauthorization Act of 2013, and H.B. 699 84th Legislature.

Nothing in this Policy is created to impair academic freedom and inquiry, principles of free speech, or the College’s educational mission.

II. Non-Discrimination
The College prohibits discrimination, including harassment, against any employee, applicant for employment, student or applicant for admission on the basis of any protected class or any other basis prohibited by law. Protected classes at South Texas College include: race, color, national origin, religion, age, sex, sexual orientation, gender, gender identity, physical or mental disability, genetic information, veteran status or any other basis prohibited by law.

Discrimination is defined as prohibited conduct directed at an employee or student on the basis of race, color, national origin, religion, age, sex, including pregnancy and parental status, sexual orientation, gender, gender identity, physical or mental disability, genetic information, veteran status, or any other basis prohibited by law, that adversely affects the employee’s employment or that adversely affects the student.

III. Pregnancy and Parenting
The College prohibits discrimination on the basis of sex, including pregnancy and parental status, in any educational activity or program.

Employee:
The College prohibits discrimination on the basis of sex. The term ‘on the basis of sex’ includes, but is not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work.

Student:
The College specifically prohibits discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions. The College prohibits applying any rule related to a student’s parental, family, or marital status that treats students differently based on their sex.

The College prohibits excluding a pregnant student from participating in any part of an educational program. This prohibition applies to specific classes such as advanced placement or honors classes, extracurricular programs, interscholastic sports, honor societies, and opportunities for student leadership, among other activities. Pregnant students shall be allowed to participate in classes and extracurricular activities without having to present a doctor’s note.
In addition, the College shall excuse a student's absences because of pregnancy or childbirth for as long as the student's doctor deems the absences medically necessary. When a student returns to school, the student must be allowed to return to the same academic and extracurricular status as before the medical leave began.

Pregnant students shall be provided reasonable academic, physical, and policy based adjustments necessary because of pregnancy, such as larger desks, elevator access, and more bathroom breaks as necessary. Pregnant students and those with medical needs following pregnancy or related conditions are to be provided support and accommodations in the same way as the college provides support for all temporary disabilities.

IV. Prohibited Conduct

South Texas College prohibits harassment, discrimination, sexual misconduct, and retaliation, even if the behavior does not rise to the level of criminal conduct. Specific acts of prohibited conduct are described in this policy. Prohibited conduct, by any employee or student, is subject to disciplinary action up to and including dismissal or expulsion from the College.

A. Harassment

Employee:
Prohibited harassment of an employee is defined as unwelcome physical, verbal, or nonverbal conduct based on an employee’s race, color, national origin, religion, age, sex, sexual orientation, gender, gender identity, physical or mental disability, genetic information, veteran status, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive and objectively offensive that the conduct unreasonably interferes with, denies or limits an employee’s opportunities in the work environment or ability to participate in or benefit from the activities of the College.

Student:
Prohibited harassment of a student is defined as unwelcome physical, verbal, or nonverbal conduct based on the student's race, color, national origin, religion, age, sex, sexual orientation, gender, gender identity, physical or mental disability, genetic information, veteran status, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive and objectively offensive that the conduct unreasonably interferes with, denies or limits student's ability to participate in or benefit from the educational programs and/or activities of the College.

B. Sexual Harassment

South Texas College assumes an affirmative position to prevent and eliminate sexual misconduct, including sexual harassment in any division, department, or any unit by any individual. It is the policy of South Texas College to provide an educational and working environment for its students, faculty, staff, guests and visitors that is free from sex discrimination and sexual harassment. It is the policy of the College that any practice or behavior that constitutes sexual harassment will not be tolerated.

Sexual Harassment is unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of sexual nature when submission of such conduct:

• creates a hostile environment, that is intentionally directed towards a specific individual or a group of individuals, that is sufficiently severe, persistent, or pervasive and objectively offensive that unreasonably interferes with, denies, or limits someone’s ability to participate in or benefit from the education or employment, and/or activities or other benefits of the College;

• based on power differentials (quid pro quo), which refers to sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual’s educational development or performance; or that is made either explicitly or implicitly a term or
condition of a person’s student status, employment, or participation in College activities; or

• is retaliation against an individual for raising an allegation of sexual or gender-based harassment, for cooperating in an investigation of such a complaint, or for opposing discriminatory practices, includes but not limited to intimidation, threats, or harassment against any complainant, witness, or third party.

This policy has been developed to reaffirm this principle and to provide recourse for those individuals whose rights have been violated.

C. Sexual Misconduct
This policy prohibits any form of sexual misconduct. Sexual misconduct includes, but is not limited to, behaviors often described as sexual harassment, non-consensual sexual contact, sexual exploitation, sexual violence, rape, stalking, and intimate partner violence, also known as dating violence and or domestic violence. It is a violation of policy and the law, including Title IX, to commit these acts or attempt to commit them. Sexual misconduct can occur in any sex or gender configuration regardless of sex and gender identity whether it be an employee or student.

Any employee or student who is found to have engaged in sexual misconduct shall be subject to appropriate disciplinary action, up to and including dismissal or expulsion and may be prosecuted under State law. This policy shall be applied without regard to the sexual orientation, gender and/or gender identity of the individual(s) involved.

a. Sexual Harassment (as defined in section B)

b. Consensual Relationships
It is the policy of South Texas College that supervisors and faculty shall not enter into any type of consensual romantic or sexual relationship with staff whom they supervise or with students enrolled in their courses.

The College prohibits supervisors from entering consensual romantic or sexual relationships with any subordinate employee under the supervisor’s direct or indirect supervision, and prohibits faculty members from entering consensual romantic or sexual relationships with any student enrolled in the faculty member’s class.

A supervisor is prohibited from explicitly or implicitly suggesting or recommending to a subordinate employee that the employee transfer or be transferred to another position or that the subordinate employee leave employment with the intention of circumventing this policy.

A faculty member is prohibited from explicitly or implicitly suggesting or recommending to a student enrolled in the faculty member’s class to drop the class or withdraw from enrollment in the College with the intention of circumventing this policy.

Employees with direct teaching, supervisory, advisory, or evaluative responsibility over other employees, students and/or student employees recognize and respect the ethical and professional boundaries that must exist in relationships with students or employees of the College.

c. Sexual Violence
South Texas College prohibits any unwelcome physical conduct perpetrated against a person’s will or where a person is incapable of giving consent (e.g. due to the person’s use of drugs or alcohol, or because an intellectual, mental or physical disability that prevents the person from having the capacity to give consent).

• Prohibited sexual misconduct and sexual violence could be committed by force, intimidation, or use of victim’s incapacity (physical, mental, or through use of drugs or alcohol).
• All sexual contact between individuals must be with each person’s consent, as defined in Section VII: Consent.

d. Sexual Exploitation
Sexual exploitation occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses.

Examples of sexual exploitation include, but are not limited to, engaging in the following activities without the other person(s) consent:

• Invasion of sexual privacy such as sexual voyeurism (such as watching a person undressing, using the bathroom, or engaging in sexual acts without the consent of the person observed).
• Non-consensual digital, video or audio recording of nudity or sexual activity.
• Or in any other private activity or disseminating sexual pictures without the photographed person’s consent.
• Exposing one’s genitals or breasts in non-consensual circumstances or inducing another to expose his or her genitals or breasts.
• Prostituting another person.
• Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection.
• Administering alcohol or drugs (such as “date rape” drugs) to another person.
• Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex).
• Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

e. Stalking
Stalking is a course of conduct directed at a specific person on the basis of actual or perceived membership in a protected class that is unwelcome and that would cause a reasonable person to feel fear.

Stalking can be repetitive and menacing conduct, including pursuit, following, harassing, and/or interfering with the peace and/or safety of another.

f. Other Prohibited Conduct
This policy prohibits other offenses of a discriminatory, harassing, and/or retaliatory nature not included in the previous sections as follows:

• Intimidation, defined as implied threats or acts that cause a reasonable fear of harm in another on the basis of actual or perceived membership in a protected class.
• Hazing, defined under this policy as acts likely to cause physical or psychological harm or social ostracism to any person within the College community when related to the admission, initiation, pledging, joining, or any other group-affiliation activity on the basis of actual or perceived membership in a protected class.
• Bullying, defined under this policy as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived membership in a protected class.
• Violation of any other College rule, when it is motivated by sex or gender or the actual or perceived membership of the victim in a protected class, may be pursued using this policy and process.

g. Coercion
Coercion is an unreasonable amount of pressure for sexual activity. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but nonconsensual sexual activity is not by definition forced.

**h. Intimate Partner (Dating/Domestic) Violence**
Defined as violence by a person who is or has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type and frequency of interaction.

Domestic violence includes offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

**i. Non-Consensual Sexual Intercourse**
Defined as any sexual penetration or intercourse (anal, oral, or vaginal), however slight, with any object by a person upon another person that is without consent and/or by force.

Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger, or object, or oral copulation by mouth-to-genital contact or genital-to-mouth contact.

**j. Non-Consensual Sexual Contact**
Defined as any intentional sexual touching, however slight, with any object by a person upon another person that is without consent and/or by force.

Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth, or other bodily orifice of another individual or any other bodily contact in a sexual manner.

**V. Hostile Environment**
A hostile environment may be created by oral, written, graphic or physical conduct that is sufficiently severe, persistent or pervasive and objectively offensive that interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs, services, opportunities, or activities or the individual’s employment access, benefits or opportunities. Mere subjective offensiveness, based on personal opinions, emotions, or point of view, is not enough to create a hostile environment.

In determining whether conduct is severe, persistent or pervasive and objectively offensive, based on facts, measurable, and observable, and thus creates a hostile environment, the following factors will be considered:

i. the degree to which the conduct affected one or more individuals' education or employment;
ii. the nature, scope, frequency, duration, and location of the incident(s);
iii. the identity, number, and relationships of persons involved;
iv. the perspective of a “reasonable person” in the same situation as the person subjected to the conduct.

**VI. Off Campus Conduct**
Conduct that occurs off campus, including online activity, may be the subject of a complaint or report and will be evaluated to determine whether it violates this policy or other South Texas College policies. The off campus conduct will be evaluated to determine possible continuing effects that create a hostile environment on campus and whether the conduct occurred in the context of an education program or activity or affects a substantial College interest.
A substantial College interest includes but is not limited to any action that constitutes a criminal offense as defined by law or any situation where it appears that the responding party may present a danger or threat to the health or safety of self or others.

VII. Consent

South Texas College prohibits any physical conduct perpetrated against a person’s will or where a person is incapable of giving consent (e.g. due to the person’s use of drugs or alcohol, or because an intellectual, mental or physical disability that prevents the person from having the capacity to give consent).

Prohibited sexual misconduct and sexual violence could be committed by force, intimidation, or use of victim’s incapacity (physical, mental, or through use of drugs or alcohol).

- Consent is knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity.
- For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.
- Consent can be withdrawn once given, as long as the withdrawal is clearly communicated.
- Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse).
- A current or previous dating relationship is not sufficient to constitute consent.
- The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.

Sexual activity with someone who one should know to be -- or based on the circumstances should reasonably have known to be -- mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.

Note: In order to give effective consent, one must be of legal age. In Texas, the age of consent is 17.

A. Incapacitation

South Texas College prohibits any unwelcome physical conduct perpetrated against a person’s will or where a person is incapable of giving consent (e.g. due to the person’s use of drugs or alcohol, or because an intellectual, mental or physical disability that prevents the person from having the capacity to give consent). When the individual seeking sexual access knows or reasonably should have known of the incapacity.

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., due to the person’s use of drugs or alcohol, because an intellectual, mental or physical disability that prevents the person from having the capacity to give consent or to understand the “who, what, when, where, why or how” of their sexual interaction).

This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs. A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or drugs.

An individual who engages in sexual activity when the individual knows, or REASONABLY should know, that the other person is physically or mentally incapacitated has violated this policy. It is not an excuse that the responding party was intoxicated and, therefore, did not realize the incapacity of the reporting party.
designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX including any investigation of any complaint communicated to such recipient alleging its noncompliance with Title IX regulations or alleging any actions which would be prohibited by such regulations. The College hereby designates Mrs. Mary G. Elizondo, 3201 W. Pecan Blvd., McAllen, Texas 78501. Office Location: Annex - Pecan Campus; Second Floor Phone: (956) 872-3558 as the Title IX Coordinator.

Inquiries or complaints may be addressed to the College’s Title IX Coordinator. The Title IX Coordinator has primary responsibility for coordinating efforts related to investigation, resolution, and implementation of corrective measures and monitoring to stop, remediate, and prevent harassment, discrimination, sexual misconduct, or retaliation. The Title IX Coordinator will assign the investigation to a Deputy Title IX Coordinator or other appropriate College official. Title IX Coordinator and Title IX Deputy Coordinator Contact Information:

<table>
<thead>
<tr>
<th>Title IX Role</th>
<th>STC Employee &amp; Title</th>
<th>Email</th>
<th>Campus Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title IX Coordinator</td>
<td>Mary G. Elizondo</td>
<td><a href="mailto:marylue@southtexascollege.edu">marylue@southtexascollege.edu</a></td>
<td>(956) 872-3558</td>
</tr>
<tr>
<td>Title IX Deputy Coordinator</td>
<td>Brenda J. Balderaz</td>
<td><a href="mailto:brendajb@southtexascollege.edu">brendajb@southtexascollege.edu</a></td>
<td>(956) 872-5057</td>
</tr>
<tr>
<td>Title IX Deputy Coordinator</td>
<td>Janette Garcia</td>
<td><a href="mailto:jgarcia_3213@southtexascollege.edu">jgarcia_3213@southtexascollege.edu</a></td>
<td>(956) 872-2307</td>
</tr>
<tr>
<td>Title IX Deputy Coordinator</td>
<td>Santa E. Pena</td>
<td><a href="mailto:santaep@southtexascollege.edu">santaep@southtexascollege.edu</a></td>
<td>(956) 872-2140</td>
</tr>
<tr>
<td>Title IX Deputy Coordinator</td>
<td>Paul Varville</td>
<td><a href="mailto:pvarvil@southtexascollege.edu">pvarvil@southtexascollege.edu</a></td>
<td>(956) 872-2330</td>
</tr>
</tbody>
</table>

Complaints may also be filed with the Office for Civil Rights, Dallas Office, U.S. Department of Education, 1999 Bryan St., Suite 1620, Dallas, Texas 75201-6810, Telephone: (214) 661- 9600

Title IX Statement
Title IX of the Education Amendments 1972 (20 U.S.C. §1681 et seq.) and its implementing regulations, 34 C.F.R. Part 106 (Title IX), “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

The College strives to maintain a healthy and safe environment where all members of the community, students, faculty and staff feel welcome on College campuses and classrooms. Students, faculty and staff are thus prohibited from conducting themselves in a way that results in any form of sexual harassment, sex-based harassment and/or sexual violence.

IX. Title IX Procedures Complaint procedures are found at the Office of Human Resources, the Office of Student Rights and Responsibilities, and the South Texas College Title IX website http://www.southtexascollege.edu/about/notices/title-ix.html.

X. Reporting
A. Students are encouraged to report incidents to the Title IX Coordinator or Title IX Deputy Coordinators, the Office of Student Rights and Responsibilities, the Office of the Dean of Student Affairs, the South Texas College Department of Public Safety, or file a report online.

B. Guests and visitors are encouraged to report incidents to the Office of Human Resources, to the South Texas College Department of Public Safety, or file a report online.
C. Employees are encouraged to report incidents to the Title IX Coordinator or Title IX Deputy Coordinators, Office of Human Resources, or file a report online.

XI. Responsible Employee
Under Title IX regulations, the South Texas College must designate “Responsible Employees” and must identify “Confidential Employees” to whom students may report incidents of sexual assault, sexual harassment, sex discrimination, retaliation, or other conduct prohibited by this policy (referred to herein as a “Title IX Violation”).

Every College employee, except for licensed Counselors, are defined as “responsible employees” and must promptly report incidents of prohibited conduct that come to their attention to either the Office of Human Resources, the Title IX Coordinator, Deputy Title IX Coordinator, or to the South Texas College Department of Public Safety. A “responsible employee” has the duty to report incidents of sexual misconduct to the Title IX Coordinator or other appropriate designee. The responsible employee needs to:

1) advise the individual(s) of the employee’s obligation to report any information the individual(s) reveals to the Title IX coordinator,
2) explain to the individual(s) of their option(s) to ask that the institution nonetheless consider maintaining the confidentiality of that information, but that the institution may not be able to guarantee confidentiality, and
3) advise the individual(s) of the ability to instead share this information with counseling, advocacy, health, mental health or other sexual assault-related resources who are not obligated to report it to the Title IX coordinator.

Licensed professional counselors are considered “confidential employees” who are not obligated to report incidents of sexual misconduct to the Title IX Coordinator or other appropriate designee unless the safety of an individual is at risk.

Nothing in this policy is intended to limit the right of any student to file a criminal complaint with the law enforcement authorities in conjunction with a complaint under this policy.

Confidential Employees
If a student desires to report a Title IX violation but desires to preserve confidentiality of the incident and of the student’s identity, the student should report the incident to a “Confidential Employee” of the College. With some exceptions, a “Confidential Employee” does not have to report any Title IX complaint brought to his/her attention to the Title IX Coordinator. Reporting a Title IX violation to a “Confidential Employee” does not trigger the College’s Title IX obligations to timely investigate the complaint. “Confidential Employees” are not required to report any information regarding a Title IX violation to the Title IX coordinator or other appropriate school designee in a way that discloses the reporting student’s identity.

However, the College must still collect non-identifying information on the incident for reporting and statistical purposes.

XII. Filing of False Complaints
Any person who knowingly and intentionally files a false complaint under this policy is subject to disciplinary action up to and including dismissal or expulsion from the College.

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action up to and including dismissal or expulsion from the College, in accordance with existing policies.

XIII. Effect on Pending Personnel Actions
The filing of a sexual misconduct or retaliation complaint will not stop or delay any evaluation or disciplinary action related to the complainant who is not performing up to acceptable standards or who
has violated the College’s rules, regulations, or policies.

XIV. Relationship of Complaint Process to Outside Agency Time Limits
The filing of a sexual misconduct complaint under this policy does not excuse the complainant from meeting the time limits of outside agencies.

XV. Retaliation
Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a party bringing an allegation or for assisting in providing information relevant to a claim of harassment is a serious violation of this policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and/or Title IX Deputy Coordinator(s) and will be promptly investigated. South Texas College is prepared to take appropriate steps to protect individuals who are subjected to retaliation.

Examples of an adverse action include conduct that:

• significantly disadvantages or restricts an individual as to his or her status as a student or employee, or his or her ability to gain the benefits or opportunities of the program;
• discourages one from making a discrimination claim, or
• could act as a deterrent to further protected activity.

The College prohibits retaliation against an employee or student who makes a claim alleging to have experienced discrimination or harassment, or against another employee or student who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

XVI. Review
The College’s Board of Trustees will review this policy each biennium and will revise the policy as necessary.

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General Policies and Procedures

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SOUTH TEXAS COLLEGE

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Title IX Procedures

Complaint procedures may be found at the Office of Human Resources, the Office of Student Rights and Responsibilities, and College website:

http://www.southtexascollege.edu/about/notices/title-ix.html.

The College’s Board of Trustees will review this policy each biennium and will revise the policy as necessary.

Title IX Coordinator

As the President’s designee, the Title IX Coordinator is responsible for reviewing all complaints of sexual harassment from any member of the college community and for making efforts to resolve those complaints. When informal resolution is not possible, the Title IX Coordinator will investigate the complaint in accordance with these complaint procedures. The Title IX Coordinator will report to the President (and Vice President for Student Enrollment and Management if accused/complainant is a student) the results of the investigation. A Deputy Title IX Coordinator may also assume responsibility for the informal resolution or investigation of complaints, as assigned by the Title IX Coordinator.

Reports of discrimination based on sex, including sexual harassment, must be directed to the Title IX Coordinator, Deputy Title IX Coordinator, the South Texas College Police Department, or the Office of Human Resources.

The College maintains guidelines and procedures regarding discrimination, harassment and retaliation in compliance with the Title IX Education Amendments of 1972.

Title IX Coordinator
Mary Elizondo, MBA CFE, CGMA, CPA
Vice President – Finance and Administrative Services
3201 West Pecan Blvd. X224
McAllen, TX 78501
956-872-3558
marye@southtexascollege.edu

Title IX Deputy Coordinators
Brenda Balderaz Director of Human Resources
2501 West Pecan Blvd.
McAllen, TX 78501
956-872-5057
brendajb@southtexascollege.edu

Paul Varville
Chief Administrator for the
Department of Public Safety
The Title IX Coordinator and Deputy Coordinators are charged with coordinating the College response to reports of misconduct under this policy. The Title IX Coordinator and Deputy Coordinators do not serve as advocates for either the complainant or the respondent. The Title IX Coordinator or Deputy Coordinators will explain to both parties the informal and formal processes outlined below and the provisions for confidentiality. Where appropriate, the Title IX Coordinator or Deputy Coordinators will provide to both parties information on options for obtaining advocacy, medical and counseling services, and making criminal reports, and will assist with providing information on other resources. The Title IX Coordinator and Deputy Coordinators will coordinate with other campus officials to take appropriate interim actions such as no contact orders, academic accommodations, and rearrangement of classroom or work assignments.

A complainant may choose to file a complaint with the U.S. Department of Education, Office for Civil Rights at 1-800-421-3481.

**Discrimination in Employment Prohibited**

**Policy 4206 (6/20/18)**

**A. Title VII of the Civil Rights Act of 1964 (Title VII).**

Title VII is a federal law that prohibits employers from discriminating against employees on the basis of sex (including gender identity and sexual orientation), race, color, national origin, and religion. Title VII provides, in pertinent part, that it is an unlawful employment practice for an employer:

1. to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin; or
2. to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s race, color, religion, sex, or national origin.
B. Age Discrimination in Employment Act of 1967, as amended (ADEA).

The ADEA protects individuals who are 40 years of age and older from discrimination in employment that is based on the individual's age. Under this Act, it is unlawful for an employer to discriminate against an employee or applicant for employment who is 40 years of age or older because of the person's age with respect to any term, condition, or privilege of employment, such as hiring, promotion, demotion, firing, pay, or fringe benefits. The ADEA provides, in pertinent part, that it is unlawful for an employer:

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

C. Harassment

Harassment is discriminatory conduct which includes verbal, physical and visual conduct that is severe or pervasive enough to create a work environment for an employee that a reasonable person would consider intimidating, hostile, offensive or abusive. Harassment is a form of discrimination made unlawful by Title VI when 1) the offensive conduct is directed against an employee based on the employee's sex (including gender identity and sexual orientation), race, color, national origin, and religion; and 2) enduring the offensive conduct becomes a condition of continued employment for the employee. This offensive conduct is also a form of discrimination made unlawful by the ADEA when 1) the offensive conduct is directed against an employee who is 40 years of age or older based on the employee's age; and 2) enduring the offensive conduct becomes a condition of continued employment for the employee.

D. Retaliation

Title VII contains anti-retaliation provisions which provide that it is unlawful for an employer to discriminate against any employee or applicant for employment because such individual has opposed any practice made unlawful by Title VII, or because such individual, has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, hearing or litigation under Title VII.

The ADEA contains anti-retaliation provisions which provide that it is unlawful for an employer to discriminate against any employee or applicant for employment because such individual has opposed any practice made unlawful by the ADEA, or because such individual, has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, hearing or litigation under the ADEA.

E. Discrimination in Employment Prohibited

The South Texas College is committed to complying with Title VII and the ADEA, and prohibits its employees from engaging in any discriminatory conduct made unlawful by Title VII or by the ADEA.

The College disapproves of and will not tolerate discrimination against any employee or applicant for employment. It is the policy of the College that any practice or behavior that constitutes discrimination in violation of Title VII or of the ADEA will be subject to disciplinary action, including dismissal from employment.

F. Discrimination Complaint Procedure

Any employee who believes that she or he has been discriminated against with respect to any term, condition, or privilege of employment in violation of this policy, Title VII, and/or the ADEA should promptly report the matter, in writing, to the attention of the Director of Human Resources for South Texas College.
Each complaint filed shall be taken seriously and promptly investigation. The investigation shall be conducted by the Director of Human Resources or her/his designee. Employees are expected to fully cooperate with any internal investigation of complaints filed under this policy. Written findings of the results of any investigation of a discrimination complaint and of the remedial actions proposed and/or taken, if any, shall be provided to the complainant and the respondent, and shall be placed in their respective personnel files.

Regardless of the outcome of the investigation, no employee who participated or assisted in any manner in the investigation of a complaint under this policy shall be subject to harassment or retaliation from the College for participating or assisting in the investigation.

G. Remedies Cumulative
An employee shall not be required to file a complaint under this policy or to exhaust the complaint procedure under this policy prior to filing a complaint with the U.S. Equal Employment Commission. An employee who files a complaint under this policy and obtains the desired relief shall not be precluded from filing a timely complaint regarding the same or other matter with the U.S. Equal Employment Commission.

Nothing in this policy shall be construed as extending the time period provided by law for an employee to file any charge or complaint of discrimination with the U.S. Equal Employment Commission.

The “Whistle Blower” Act
Policy 4209 (as amended 03/31/15)

South Texas College complies with the provisions of the “Whistle Blower Act.” Texas Government Code, Chapter 554 protects employees who report in good faith to an appropriate law enforcement authority a violation of the law from retaliation, such as being fired, put on leave or otherwise discriminated against, by a government employer.

Texas Government Code, Chapter 554, Protection for Reporting Violation of Law, is commonly referred to as the “Whistle Blower Act.”
Release of Student Information

Student records are considered to be the property of STC to be used exclusively for the purpose of advisement, guidance, and to officially document credit earned with the College. It is the policy of STC to regard student scholastic records as confidential information. Information contained in these records will be released to persons or agencies outside South Texas College only upon receipt of proper legal authorization or with the written consent of the student concerned. The Office of Admissions and Records is the only office authorized to release copies of student scholastic records.

Faculty and staff members who have legitimate need for information in a student’s file, for purposes of advising, counseling, or conducting authorized institutional studies, may have access to student scholastic records as required for these purposes.

Information Resources Security Electronic Communications
Policy 4712 (12/17/09)

Information resources at South Texas College are strategic and vital assets that must be available and protected commensurate with their value and administered in conformance with federal and state law.

Measures shall be taken to protect these assets against unauthorized access, disclosure, modification or destruction, whether accidental or deliberate, as well as to assure the availability, integrity, utility, authenticity, and confidentiality of information.

Information Security Standards for institutions of higher education are specified in Texas Administrative Code. The College maintains and makes available guidelines that define and implement an Information Security Program in accordance with these state standards and other regulatory requirements pertaining to Information Resources Security.

Any person violating this policy or related guidelines is subject to immediate disciplinary action, which may include termination, expulsion or termination of a contract. In addition, there may be cases in which a person may be subject to civil or criminal liability.

Acceptable Use of Information Resources
Policy 4714 (3/27/18)

PURPOSE
The purpose of this policy is to protect the College network and information resources. Inappropriate use exposes South Texas College to risks including virus attacks, compromise of network systems and services, and legal issues. The intent of this policy is not to impose restrictions that are contrary to the institutions established culture of openness, trust and integrity. South Texas College endeavors to protect employees, students and the institution from illegal or damaging actions by individuals, either knowingly or unknowingly. Effective security is a team effort involving the participation and support of everyone at the college who deals with information resources.

SCOPE
This policy applies to all users of information resources, including but not limited to: students, employees, contractors, consultants, temporaries and guests, including all personnel affiliated with third parties, whether on campus or from remote locations.
Passwords for college information resources are considered as a type of key to access an information resource. For this reason, passwords are considered as an extension of an information resource that are a direct responsibility of the assigned individual.

DEFINITIONS

Information Resources
Any and all computer printouts, online display devices, mass storage media, and all computer related activities involving any device capable of receiving email, browsing Web sites, or otherwise capable of receiving, storing, managing, or transmitting data including, but not limited to, mainframes, servers, Network Infrastructure, personal computers, notebook computers, handheld computers, pagers, distributed processing systems, network attached and computer controlled medical and laboratory equipment (i.e. embedded technology), telecommunication resources, network environments, telephones, fax machines, and printers. Additionally, it is the procedures, equipment, facilities, software, and Data that are designed, built, operated, and maintained to create, collect, record, process, store, retrieve, display, and transmit information.

User
A person or entity which has been given the privilege to access the College’s Information Resources.

ACCEPTABLE USE
State law provides protection against abuse of information resources or against unauthorized use. In the same manner, the College shall define activities that are not acceptable and that might break the law, impact operations or create a negative environment.

1. Responsibilities of User of College Information Resources
   a) Protect information that is classified as confidential or protected by law.
   b) Protect the user identification and password that is assigned
   c) Adhere to the Information Security Mobile Device Security Standard when connecting personal devices to college information resources.
   d) Immediately report lost or stolen devices that are owned by the College or personal devices that contain College data.
   e) Respect intellectual property rights.
   f) Adhere to the terms of software licensed by the College or installed on College information resources.
   g) Use information resources in a manner that complies with State and Federal law.

2. Prohibited Used of College Information Resources
   a) Sharing the password for your College user accounts.
   b) Attempting to gain or gaining unauthorized access to information resources.
   c) Sending unsolicited email messages unrelated to College functions.
   d) Intercepting electronic communications.
   e) Disabling or tampering with the security controls applied to information resources.
   f) Performing actions on information resources that result in disruption or performance degradation.
   g) Transmitting or displaying media content in a manner that violates the College’s policy, including, but not limited to, Policy 4216 Harassment, Discrimination, and Sexual Misconduct.
   h) Copyright infringement by illegally downloading, streaming, or sharing protected material.
   i) Use of information resources for personal profit, commercial reasons, non-College fundraising, political campaigning or any illegal activity, with the exception of activities sponsored by the College.
   j) Intentionally or knowingly installing, executing, or providing to another user, a program or file that could result in the damage or unauthorized modification of an information resource.
   k) Personally owned devices can only connect via our wireless network.
ADMINISTRATIVE DISCRETION
The Board of Trustees grants the President and the Administration of the College the authority to develop and adopt guidelines implementing this policy and assuring that Users are advised of the guidelines and the penalties for their violation.

ENFORCEMENT
Any User violating this policy or related guidelines is subject to immediate disciplinary action, which may include loss of privileges, termination of employment, student expulsion or termination of a contract. Notwithstanding the foregoing, a User violating this policy may be subject to civil damages and criminal liability.

To ensure compliance with College policies and laws related to the use and security of information resources, information security personnel have the authority and responsibility to monitor network traffic and use of information resources.

Use of Administrative Computer System

All users of the STC Administrative Computer System should be aware that unauthorized access to information is a serious violation of STC policy and Chapter 33 of the Computer Crimes Act, passed by 69th Texas Legislature in 1985, making it a crime to:

· Use the computer system without proper authorization.
· Gain access to data stored in the system without proper authorization.
· Knowingly give out passwords or other confidential information concerning the computer security system without proper authorization.
· Knowingly interfere with the proper operation of the system or alter or destroy data without proper authorization.
**Telephone Use**
(Refer also to Policy #5930)

South Texas College is part of the state of Texas Tex-An Network. This network is designed to provide economical intrastate telephone service. The use of the Tex-An telephone services must be limited to official state or STC business only.

Employees of South Texas College, or any other persons, shall not use or access the long distance telephone system for personal purposes and charge such use or access to the College.

**Use of STC Owned Property**
(Refer to Policy 6330)

To avoid misuse or misapplication of property, equipment, or personnel of South Texas College, unless specifically authorized by the Board of Trustees, administration, faculty, staff, and students shall be restricted from:

- Making personal use of any college-owned or leased vehicles, equipment, materials, or services.
- Rendering services for any other person, firm, or corporation during duty hours.
- Using College facilities for any work or business that may directly or indirectly lead to personal gain.

The use of STC property, equipment, and supplies for personal work or projects is forbidden. STC vehicles may not be used for personal business.

**Key Control**

Keys to building locks may not be issued, made, or duplicated without approval of the Director of Facilities Operations and Maintenance. All requests for keys must be directed through your supervisor and division dean or director.

**Authorization to Drive College Vehicles**
(Refer to Policy 6426)

It is the policy of STC to comply with the provisions of the Texas Drivers License Law (Section 37, Article 6687B, TCS) as it pertains to hiring employees specifically required to drive STC vehicles in the performance of their routine duties. Any position that requires the operation of a STC vehicle will be advertised as requiring a valid Texas driver’s license and the applicant/employee being insurable under the STC Liability Insurance Program.

The Office of Human Resources will obtain a motor vehicle report from the Department of Public Safety prior to any employee driving a College vehicle.

For employees required to drive in the performance of their routine duties, failure to maintain a valid Texas license and insurability under the STC Liability Insurance Program may be grounds for termination of employment with STC.
Purchasing Authority
Policy 5200 (10/15/09)

Governing Law

South Texas College procures, supplies, materials, equipment and services in a manner consistent with applicable governing rules of the State of Texas as contained in the Texas Education Code, Government Code, Local Government Code, Texas Revised Civil Statutes and the Texas Attorney General’s Opinions relating to Purchasing. In instances where purchases are funded by the United States Federal Government, or a subunit thereof, applicable procurement rules and procedures shall be applied.

Authorization to Conduct Purchasing

The Director of Purchasing is delegated the authority to act as an agent for the College in carrying out the purchasing activities of the College. The Director of Purchasing and other Purchasing Department employees are the only employees authorized to conduct purchasing duties under established guidelines.

Unauthorized Purchases

Purchases made in violation of College policies and procedures shall be considered unauthorized. Any employee of the College may be held personally responsible for payment of any unauthorized purchases made in the name of the College.

The College will not enter into any contract with an employee to purchase supplies, materials, equipment or vendor services from the employee, nor will the College enter into any vendor contract with a former employee within a one-year period from the date of employment termination. The College will not knowingly do business with a firm in which an employee of the College is acting as partner, sole proprietor, officer, agent, employee or director of any firm.

Official Travel of Employees
(Also refer to Policy 5700)

It is the policy of South Texas College to establish employee travel procedures which are in compliance with the state of Texas Travel Allowance Guide, the travel regulations published in the State Appropriations Travel Section, and the State Management Program administered by the Travel and Transportation Division of General Services Commission.

All official travel on STC business shall have prior approval of an appropriate supervisor. Travel expenses shall be paid for STC employee(s) in accordance with the official State of Texas Travel Allowance Guide.

Mileage is reimbursed for College business travel in a personal vehicle with distance calculated each year in the official State Mileage Guide. The rate of reimbursement is established by the state comptroller.
An employee staying overnight in Texas on business travel will be reimbursed for lodging and meals up to the established maximums. Coordination of travel must occur when two or more STC employees are traveling to the same place within the same time period. College employees traveling on state business within Texas are exempt from the state occupancy tax charged by commercial lodging establishments.

All requests to travel at STC’s expense must be submitted through the head of the individual's department. Such requests should be submitted in sufficient time to receive approval prior to the commencement of travel.

The Employee Travel Guideline can be found on the Business Office Webpage at:

https://finance.southtexascollege.edu/businessoffice/travel.html

Participation in Professional Conferences and Workshops are authorized for the primary purpose of increasing the value of the recipient’s sustained contribution to the college by providing the individual a significant opportunity for professional growth and will be of benefit to South Texas College in fulfilling its mission and purpose. Employees eligible for this benefit are benefit eligible full-time College faculty or staff members.

Each participant must initiate the process with his/her dean, director or immediate supervisor. For faculty, decisions must be based on faculty loads and curriculum needs. A budget will be developed to fund such activities. A promissory note must be sustained by the employee if the cost of the conferences or workshops exceeds $1500.00. Please contact your dean, director or immediate supervisor for more information. You can also contact a Benefits Specialist in the Office of Human Resources.

As set forth in section 1.08 within this Policy Guideline it is the responsibility of STC employees to “ensure that the employee’s travel complies with this guide. Failure to comply will result in rejection of the employee’s travel request or delayed reimbursement.”

All employees are responsible for adhering to the following safety and security precepts at South Texas College:

1. Each employee is expected to wear a college ID badge.
2. Follow approved policies and procedures.
3. Inspect tools and equipment before each use.
5. Report injuries and accidents.
6. Alcohol, controlled substances, and weapons are not allowed on campus, except individuals who possess a Texas issued License to Carry a concealed handgun may carry a concealed handgun on college campus areas not designed as gun free zones.
7. Smoke in designated areas only (not indoors).
8. Request training if unsure of new tasks.
Emergency and Security

Emergency Procedures

1) For emergencies, contact the South Texas College Department of Public Safety (956-872-4444) or dial 911. Describe the nature of the emergency and the exact location where the first responders should arrive.

2) If it is necessary to evacuate a building, follow the procedures below:

   a) Pull the fire alarm call box lever to sound the fire alarm.

   b) All personnel should evacuate the building immediately and move to a safe location at least as far from the building as one and a half times the height of the building, avoiding overhead wires or other apparent dangers.

   c) Building responders, supervisors, instructors and custodians must ensure that all personnel have evacuated the building.

   d) Ensure if possible, determine that all personnel are accounted for. While waiting for the first responders try to prepare for their questions and help maintain calm and order among those present.

   e) When the first responders arrive, follow their instructions to help ensure your safety, and that of others around you. Answer their questions in order to help them evaluate and respond to the situation.

Faculty Employee Responsibilities include:

1. If no emergency exists and the person involved is a student, contact the Student Support Services Office and advise them of the situation.

2. If no emergency exists and the person involved is an employee of the College, contact the Office of Human Resources and advise them of the situation.

3. Request additional help and assistance as needed.

4. Act as a central point of contact for all information involving the situation.

5. Complete an Occurrence Report Form to include all pertinent details.

6. Instructors are responsible for coordinating the evacuation of all students from the building. Responders and supervisors are responsible for coordinating the evacuation of employees from the building. Custodial staff will also go through the building to make sure that everyone has evacuated.
Security

From time to time, situations arise which may threaten the security and safety of students or employees. STC Police Officers and Security Officers are authorized to request identification of any person on campus. Therefore, faculty and staff are expected to wear identification badges for identification while on campus for security and customer service purposes. If an incident occurs or seems imminent or if a condition exists which may be harmful, please contact the STC Department of Public Safety (956-872-4444) immediately, then your departmental chairperson. The security and safety of your students should be included in the day-to-day operations of the College.

South Texas College fully complies with the published mandates of the Student Right to Know and Campus Security Act (Public Law 101-542), the Higher Education Technical Amendment of 1991 (Public Law 102-26), the Higher Education Amendments of 1992 (Public Law 102-325) and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. It is also the practice of South Texas College that:

1. Anyone observing a crime committed on campus or at any College function shall report such crime to the College Department of Public Safety (956-872-4444).

2. Traffic and suspicious activities on campus shall be monitored by STC Police Officers and Security Guards to ensure the safety and security of our students, staff, faculty, and visitors.

3. Campus security procedures shall be defined and communicated clearly to students and employees, including encouraging students to be responsible for their own security. Criminal activity occurring at off-campus College functions shall be monitored and recorded through communications with the STC Department of Public Safety (956-872-4444).

<table>
<thead>
<tr>
<th>Emergency Contact Numbers:</th>
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<tr>
<td><strong>STC Police</strong></td>
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<tr>
<td><strong>Fire / EMS</strong></td>
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Campus Parking and Traffic Controls

(Refer to Policy 6410)

**Texas Education Code 51.207**
Enforcement of all College traffic and parking matters shall be the responsibility of the Department of Public Safety.

**Texas Education Code 51.206**
Individuals are responsible for the payment of each citation issued to them. The payment may be made at the Cashiers Department or mailed to the Cashiers Department using the citation envelope. If a student fails for a citation, a hold will be placed on their record. If an employee fails to adhere to the rules and regulations the employee is subject to adverse personnel actions as referenced in Policy No. 4920.
Individuals are permitted to submit a written appeal for a citation. An independent College committee will review the appeal and respond in writing. The decision of the Committee will be final and the individual shall abide by the Committee’s decision.

Smoke/Tobacco Free Environment

Policy 6322 (01/26/16)

South Texas College, including all its facilities and grounds, is a smoke/tobacco/e-cigarette free environment except in designated areas and parking lots. Persons violating this policy shall be subject to appropriate disciplinary action.

Drug-Free Workplace and Campuses

Policy 4213 (11/09/95)

The policy of South Texas College is to maintain a drug-free workplace and campus. For the purposes of this policy “workplace and campus” is defined as College property, any College-sponsored activity, or any other site for the performance of work for the College. Activities prohibited by this policy shall be considered good cause, as that term is used in policies, for discipline, including but not limited to suspension, non-renewal or immediate termination of employment, if the activities occur on College property or at College-sponsored activities or at any other site for the performance of the work of the College. The provisions of policies shall apply to violations of this policy. Prohibited activities under this policy include unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, as defined in schedules I through V of section 202 of 21 U.S.C. S 812, 21 C.F.R. Sections 1308.11-1308.15, as amended from time to time, in the workplace, as defined by this policy.

To implement this policy, the administration shall establish a program to inform employees of the following:

1. Standards of Conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of drugs and alcohol by students and employees on the property of the College or at any part of the College’s activities;

2. College policy of maintaining a drug-free workplace and campus;

3. Any available drug counseling, rehabilitation, and employee assistance programs; and

4. A clear statement that South Texas College will impose sanctions on students and employees (consistent with local, state and federal law) and a description of these sanctions, up to and including expulsion or termination of employment and referral for prosecution for violations of the standards of conduct.

All College employees shall be provided a copy of this policy. As a condition of employment, all College employees must comply with this policy. Any College employee who has been convicted under any criminal drug statute for a violation occurring in the workplace, as defined by this policy, must report that conviction to the College no later than 5 days after the conviction. If the convicted employee was performing work pursuant to a federal grant or to a federal contract for the procurement of goods or services valued at $25,000 or more, the administration shall notify the federal contracting or granting agency of the conviction from the employee or otherwise. Within 30 days after receiving notice of the conviction described in this policy, the College shall impose discipline on, or require satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is convicted of a violation of a criminal drug statute if the violation occurred in the workplace.
Concealed Carry and Weapons on Campus

Policy 6326 (04/24/17)

This policy applies to all students, employees, college affiliates, and visitors of the college while on land or in buildings owned or leased by South Texas College. This policy does not apply to those individuals exempted by law. License holders carrying a handgun on campus must carry it on or about their person at all times or secure their handgun in a locked, privately-owned or leased motor vehicle. No handgun storage shall be provided for license holders.

At all times, the responsibility of maintaining ownership and control of a concealed handgun rests with the holder. A license holder is responsible for complying with the applicable state and federal laws.

State law strictly prohibits open carry of a handgun or other prohibited weapons on the campuses of an institution of higher education. Open carry of a handgun or unlicensed individuals carrying a handgun are not permitted on South Texas College campuses.

Policy Exclusion Zones

A license holder is prohibited from carrying a concealed handgun on the following premises.

Temporary Exclusion:

a) Polling Locations - State law prohibits license holders of handguns from carrying a handgun on premises of a polling place on the day of an election or while early voting is in process. A sign shall be posted at any polling place located on campus from early voting through Election Day that reads either “Polling Place” or “Vote Here”.

Permanent Exclusions:

a) Achieve Early College High School - The concealed carry of handguns is prohibited on the premises of the Pecan Campus Achieve Early College High School to ensure safety to minors.

b) Board Room - State law excludes license holders of handguns from carrying a handgun in room or rooms where a meeting of a governmental entity is held if the meeting is an open meeting subject to Chapter 551, Government Code, and the entity provided notice as required by that chapter.

c) Mid-Valley Child Development Center - The concealed carry of handguns is prohibited on the premises of the day care facilities to ensure safety to minors.

d) Testing Center Pecan Plaza - The concealed carry of handguns is prohibited on the premises where by state or federal law or contract, at the sole discretion of the state or federal government or organization with whom the contract is entered, requires exclusion of a handgun in a specific location.

e) Other areas where contractual obligations prohibit concealed carry of handguns.

f) Other areas prohibited by state or federal law.

Effective notice under Section 30.06, Penal Code shall be provided for each of these premises.
Campus and Workplace Violence Prevention

Policy 4214 (as amended 05/26/15)

South Texas College does not tolerate acts of violence or hostility committed by or against employees, students, contractual workers, temporary employment agency workers, volunteers, visitors, or other third parties on/in College facilities or on College grounds or during any College related or sponsored activity. College employees and students are responsible for reporting either to the Office of Human Resources, the Title IX Coordinator, Deputy Title IX Coordinator, or to the South Texas College Department of Public Safety instances of violent behavior. A person reporting such behavior shall be protected from any acts of retaliation for reporting such behavior.

“Prohibited Conduct,” for purposes of this policy, is any Violent Act committed by a student or employee whether on College grounds or at a College-related, sponsored or sanctioned event.

A “Violent Act,” includes, regardless of the medium used which could be telephonic or through any form of transmission, any physical assault, including any unwanted touching, or threatening or intimidating physical or abusive verbal behavior, engaging in unwanted pursuit or attention, or intentional damage to or destruction of property.

“Prohibited Conduct” shall subject the student or employee to disciplinary action, including, termination from employment for an employee and suspension, for a student. Any disciplinary action shall be separate and apart from any criminal penalty.

“Prohibited Conduct” also includes the use of any method of communication such as email, comments posted on websites, or other paper or electronic media. Use of any College automated systems for these purposes may violate other policies, laws, and regulations regarding the use of computers and the internet.

A violation of this policy shall be considered unacceptable conduct and subject to disciplinary actions under the appropriate faculty, staff, and student policies, up to and including dismissal or expulsion.

Individuals who violate this policy may also be subject to arrest for trespassing and violation of the appropriate state criminal statute and be barred from the campus.

The College Behavioral Intervention Team shall evaluate threats of violence and assess a threat level for those individuals who display behaviors of concern.

Office Safety

In order to prevent accidents, avoid overloading circuits or using extension cords. Never disconnect electrical appliances by the cord rather than the plug. Report any bad electrical connections to the Maintenance Department by using the Maintenance Work Request For located on the STC Web Page. Use all equipment as directed by the manufacturer. Take care in lifting heavy objects. Call the custodial staff at (956) 872-6464 or (956) 872-2553 if you need help, or submit a custodial job request to the Custodial Department.


Campus Access

STC campuses are open approximately one-hour prior to the first class. All facilities close within one hour of the last class and remain closed during breaks and holidays.

Whenever classes are in session, a custodian is on duty.

<table>
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<tr>
<th>Day</th>
<th>Hours</th>
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<tr>
<td>Monday - Friday</td>
<td>6:30 a.m. - 12:00 a.m.</td>
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<tr>
<td>Saturday</td>
<td>8:00 a.m. - 8:00 p.m.</td>
</tr>
<tr>
<td>Sunday</td>
<td>1:00 p.m. - 6:00 p.m.</td>
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</tbody>
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Campus Coordinators

Campus Coordinators provide leadership and coordination of all activities conducted at the site. The Campus Coordinators oversee and safeguard facilities, equipment and parking areas. They supervise and evaluate personnel assigned directly to them and other personnel as requested by respective dean/ administrators. The Campus Coordinators represent the College in the community and with other education institutions. The Campus Coordinators provide orientation to faculty, full time and adjunct, and to students on the services and operational procedures of the particular sites. They make recommendations for facility improvement and/or expansions to accommodate future growth. The Campus Coordinators promote cultural and intellectually stimulating activities at the sites.

Campus Hours

Most College offices are open from 8:00 a.m. - 5:00 p.m., Monday through Friday. The Offices of Admissions, Student Financial Services, and Student Affairs have extended hours. The Office of Human Resources is open until 7:00 p.m. each Wednesday evening. A drop box is available outside the Cashiers Office on the Pecan Campus for after-hours payments.

Bad Weather Days

It is the policy of South Texas College to cancel classes in the event that inclement weather poses a threat to travel for students, faculty, and staff. Notification of class cancellations is made through local radio and television announcements. In compliance with the Texas Higher Education Coordinating Board Rules and Regulations, regularly scheduled class days missed due to bad weather are to be rescheduled during the semester in progress by the President.

School Cancellations/Delays

Only the President has the authority to call for school to be closed or delayed.
Student Affairs Hours of Operation

A campus telephone operator is on duty Monday through Thursday, 8:00 a.m. to 7:00 p.m., Friday from 8:00 a.m. to 5:00 p.m. and Saturday from 9:00 a.m. to 12:00 p.m. at the numbers listed below. An operator is not on duty on Sunday.

**Pecan Campus**

Mon - Thurs: 8:00 a.m. - 7:00 p.m.
Fri: 8:00 a.m. - 5:00 p.m.
Sat: 9:00 a.m. - 12:00 p.m.

(956) 872-8311 or dial “0”

**Technology Campus**

Mon - Fri: 8:00 a.m. - 5:00 p.m.

The *Technology Campus* offers extended hours during peak registration. Call for schedule.

(956) 872-6100 or dial “0”

**Mid-Valley Campus**

Mon, Wed: 8:00 a.m. - 6:00 p.m.
Tues, Thurs, Fri: 8:00 a.m. - 5:00 p.m.
Sat: 9:00 a.m. - 12:00 p.m.

(956) 447-6600 or dial “0”

**Starr County Campus**

Mon, Wed: 8:00 a.m. - 6:00 p.m.
Tues, Thurs, Fri: 8:00 a.m. - 5:00 p.m.
Sat: 9:00 a.m. - 12:00 p.m.

The *Starr County Campus* offers extended hours during peak registration. Call for schedule.

(956) 488-8181 or dial “0”

**Dr. Ramiro R. Casso**

**Nursing Allied Health Campus**

Mon - Fri: 8:00 a.m. - 5:00 p.m.

The *Nursing Allied Health Campus* offers extended hours during peak registration. Call for schedule.
(956) 872-3100 or dial “0”

Please refer to the Student Services webpage for Hours of Operation: https://studentservices.southtexascollege.edu/hours.html

- STC Web Address: http://www.southtexascollege.edu/
- STC Mailing Address: P.O. Box 9701, McAllen, TX 78502-9701
- STC Operator: (956) 872-4922
**Remember….There is a duty to report!**

The law requires any person who believes that a child or person 65 years or older or an adult with disabilities is being abused, neglected, or exploited to report the circumstances to the Texas Department of Family and Protective Services (DFPS) Abuse Hotline. A person making a report is immune from civil or criminal liability, and the name of the person making the report is kept confidential. Any person who suspects abuse and does not report it can be held liable for a Class-A misdemeanor.

Additional reporting requirements apply to teachers and other professionals. A professional must report suspected abuse or neglect of a child within 48 hours of suspecting the child has been or may be abused or neglected. (TFC 261.101 (b)* A professional cannot delegate this duty to another person to make the report. Reporting suspected child abuse makes it possible to protect the child and for a family to get help.

For life threatening or emergency situations, call your local law enforcement agency or 911 immediately, and then make a report to DFPS.

By Phone: Call the Abuse Hotline, 24 hours a day, 7 days a week, toll-free 1-800-252-5400 from anywhere in the US to report abuse or neglect that occurred in Texas.

Go To Page 33 for more details! By

Secure Internet Website: From your internet browser, go to:

https://www.babusehotline.org. When you get to the web site, there will be directions to the links to report abuse or neglect against children or to report abuse against elderly or disabled adults. Recent improvements to the site include a registration page, ability for the user to print the report, left side navigation, and spell check. If you have trouble or questions about making a report on the website, call (512) 929-6784 or 1-800-252-5400 for help. (You MUST include the “s” in “https://” to access the site.)

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**PERSONNEL AND PAYROLL**

Every employee who joins the ranks of South Texas College should be made to feel welcome and a part of the team from the very first day on the job. Doing everything in our power to make the new employee’s adjustment to the job and the work environment as rapid and pleasant as possible can reduce turnover and help develop realistic job expectations and positive attitudes. Toward this end, the STC orientation program is being designed to:

- Let each person who is selected for employment know that we are glad to have him/her as an employee and colleague.
- Provide every new employee with all the information he/she needs to be acquainted with his/her associates.
Establish channels of communication through which new employees can obtain information, get answers to their questions, and discuss their problems openly with supervisors and others responsible for orientation.

In addition to the other training issues addressed at new employee orientations, each employee will be instructed on the emergency and security plan of South Texas College.

**Personnel Appointments**

**Policy 4115 (as amended 06/27/17)**

The President of the College or the President’s designee(s) is (are) authorized to employ, set the terms of employment, terminate, suspend, and otherwise make personnel decisions concerning personnel for Board approved Staffing Plan and temporary positions. No employee of the College other than the President has any authority to make oral or written representations or agreements with any employee for employment for any specified length of time or for employee benefits.

Employees whose positions fall within the Executive, Administrative, or full-time regular Faculty job classifications, with the exception of the College President, are employed on a one (1) year or less employment contract basis with no expectation of continued employment or property rights beyond the length of appointment. The letter of appointment must be electronically or manually signed by the President and by the respective employee and returned to the Office of Human Resources by stated deadline.

Adjunct, lecturer, and dual credit faculty are employed on an as needed, non-contractual, at will, basis with no expectation of continued employment or property rights beyond the assignment.

Grant funded employees, not employed under a letter of appointment, are employed on an as needed, non-contractual, at-will basis with no expectation of continued employment or property rights beyond the assignment, or timeline of the grant.

All non-faculty employees whose positions fall within the Full Time Temporary category, including Professional/Technical Support, Classified, Direct Wage, or Workstudy job classifications are employed on a non-contractual, at-will basis with no expectation of continued employment or property rights beyond the assignment term.

All full-time regular faculty and non-faculty employees are employees whose positions are included in the Staffing Plan adopted by the Board of Trustees in conjunction with the College’s fiscal year budget.

All new hires are considered to be officially employed after they have completed the required hiring documents. Each individual shall report to the Office of Human Resources, provide the necessary documents required by the Immigration Naturalization Service, present his/her social security document for the College payroll system and complete all other new hire paperwork. When the orientation process is concluded, an Authorization to Work form will be given to the new employee authorizing him/her to report to their respective Department and Supervisor.

Personnel appointments are graded and compensated per the Board approved Employee Pay Plan and Staffing Plan. Employees may not earn additional compensation for work/projects for the college which requires the same skills or consists of the same responsibilities inherent in their position with the college and included in the position’s job description.
College Staffing Plan
Policy 4100 (11/09/95)

The Staffing Plan is the official document listing position titles, employees, and salaries for each fiscal year. It is prepared annually by the staff of the Office of Human Resources during the budget process and is presented for approval to the Board of Trustees with the budget. The Staffing Plan is compatible with Board-approved Wage and Salary Administration policies.

The Staffing Plan is not a contract between the College and any person listed on it, and neither the Staffing Plan nor any action taken by the Board of Trustees concerning it should be considered creating contract rights, expectations of continued employment, or a property interest for any person listed in the Staffing Plan.

Reduction in Force
(Refer to Policy 4912)

If and when circumstances require or make advisable a reduction in the employee work force, an equitable system for selection of employees to be separated or dismissed will be utilized. In making reductions, the College will consider skills, competence, formal education, job performance, academic credentials and seniority. The primary goal of any reduction in force is to retain those employees whose retention will best suit the continued accomplishment of the mission of the College and have the least adverse impact on such mission.

Notice and Information on Job Opportunities
(Refer to Policy 4152)

The Office of Human Resources is responsible for ensuring that the procedures for recruitment, interview, selection, and hiring are consistent with established STC policy and Equal Employment Opportunity laws and regulations. All STC positions will be posted internally and advertised externally as specified in the Faculty/Staff Position and Hiring Request Form.

STC employees will be considered for any vacant positions after successful completion of application requirements.

It is the sole responsibility of each employee to request his/her official transcripts be sent directly from the issuing institution to the College’s Office of Human Resources to document compliance with Southern Association for Colleges and Schools (SACS) requirements and for placement on the College’s faculty salary scale. This requirement applies to all faculty, full and part-time, and must be met BEFORE the faculty member, whether full or part-time, is considered officially employed by the College.

Administration, professional support staff, and classified staff must comply with the same requirements to document all education listed on the employee’s application and to satisfy requirements of the job.
Filling of Vacancies  
(Refer to Policy 4110)

South Texas College seeks to fill each vacant position with the best qualified person available without regard to race, color, national origin, religion, age, sex, sexual orientation, gender, gender identity, disability, genetic information or veteran status and to comply with all statutory requirements relating to filling such vacant positions.

The hiring department will be responsible for initiating and preparing a Personnel Requisition Form for any vacant position. The Office of Human Resources will review the requisition for compliance with provisions of the College Compensation Program.

Once a position is approved by the appropriate management personnel, the Office of Human Resources will coordinate the placement of all advertising of such position(s).

Search committees are selected to follow the procedures in accordance to the Faculty and Staff Hiring Manuals of Procedures and Board Policies to ensure fair and consistent hiring practices. (Hiring Manuals can be viewed on the Office of Human Resources website.)

**LANGUAGE PROFICIENCY**

To ensure that all faculty members are proficient in oral and written communications in the language in which assigned courses will be taught, the hiring procedures have been designed to have all candidates complete a written and oral presentation during the interview process.

Questions during this process are asked in the language in which the assigned courses will be taught. The search committee chair will make arrangements to have the final candidates complete a written sample on a subject related to their field of study. This written sample will be shared with the search committee. The Primary Spoken Language Form includes the written component.

**GRANT POSITIONS**

The same procedures for hiring grant employees are followed as for hiring regular employees, plus the following additional steps:

Procedures:

- Ensure adequate funding is available for a position.
- Inform hired employee that all grant positions are for the term provided by the applicable grants.
- Inform hired employee that upon completion of project, when the grant funding closes or other extenuating circumstance occurs, the position may no longer exist and therefore, employee will no longer be employed.
- If another grant is awarded, implement the hiring process for all applicants applying for the position funded by the new grant.
- Extension of employment from one grant to another is unacceptable, unless the president has given special approval (under special circumstances).
Grant salaries will be determined by the responsibilities outlined on job descriptions, which correlate to regular full-time positions in our approved salary plan. Each individual grant salary will be determined by:

1) Salary range for position.
2) Education and experience of qualified candidate.

**Employment in Security Sensitive Positions**
(Refer to Policy 4113)

It is the policy of South Texas College to do a criminal history records check on all applicants/employees being considered for employment/transfer to a “security sensitive” position. Security sensitive positions shall be restricted to employees who handle currency, have access to a computer terminal, have access to a master key, or who work in an area of the College which has been designated as a security sensitive area.

**Employment of Non-Exempt Employees As Adjunct Faculty**
(Refer to Policy 4820)

Non-exempt employees of South Texas College may not be hired by South Texas College as adjunct faculty. This policy applies to all non-exempt employees which includes: full time, part time, regular, temporary and part time temporary employees. Adjunct faculty may not be hired as non-exempt employees of the College with a start date prior to the end of their adjunct contract.

**Authorization to Conduct Background Checks**
(Refer to Policy 4114)

All applicants shall be required to sign an authorization form authorizing the College to conduct a background check including all credit, employment, and other relevant information pertaining to the applicant. STC complies with state law, Texas Education Code Section 51.215, which requires the College to obtain criminal history information.

**Personnel Records**
(Refer to Policy 4700)

It is the policy of South Texas College to maintain an official personnel file on each employee and to ensure that all files are maintained in conformance with the provisions of the Texas Open Records Act of 1973, established South Texas College Guidelines, and standards established by the Southern Association of Colleges and Schools and the Texas Higher Education Coordinating Board.

It is each employee’s responsibility to assist the Office of Human Resources by providing pertinent information and/or required documents.

South Texas College employees have access to their own personnel file and may request an appointment with the Director of Human Resources to review his/her personnel file in the Office of Human Resources during normal working hours.
STC’s Supervisory Personnel also have access to employee personnel files on a need to know basis. The Office of Human Resources shall have the responsibility to ensure the following required data/documents are maintained in each individual employee’s personnel file:

1) Name  
2) Social Security Number (confidential file)  
3) Position/Classification Title  
4) Job Description  
5) Skill and Education Record (up-to-date information provided by the employee)  
6) Data Necessary to Verify Payrolls  
7) Employee Emergency Information  
8) Medical Records (confidential file)  
9) All personnel actions to include:
   a) Appointments  
   b) Promotions  
   c) Transfers  
   d) Reassignments  
   e) Removals/Terminations  
   f) Suspensions  
   g) Demotions  
   h) Salary Changes  
   i) Notice  
10) Certifications of Enrollment in Teacher’s Retirement System or in Optional Retirement Plan (confidential file)  
11) Current withholding documents to include:
   a) W-2  
   b) Voluntary Deductions Forms  
12) Performance Evaluation  
13) Leave Records (medical in confidential file)  
14) Training Records  
15) Background Material and Justification for Disciplinary Actions  
16) Reprimands  
17) Commendations  
18) Employee Affidavit  
19) Prior State Service Verification  
20) License, registration, certifications, and educational attainment beyond high school as required of the position held.  
21) Worker’s Compensation Injury Reports (confidential file)  
22) New Employee Orientation Checklist  
23) Employment Application  
24) Documentation Requirements of Texas House Bill 638-71  
25) Legislature Assistance to Faculty whose Primary Language is not English  
26) Direct Deposit Authorization Form  
27) I-9 Form (maintained in separate file)  
28) Authorization to Conduct Background Check

EMPLOYEES SHALL PROVIDE REQUIRED DOCUMENTS AS REQUESTED
Documentation of Official Transcripts
(Refer to Policy 4152)

The Office of Human Resources will ensure (in addition to personnel file requirements noted previously) that the originals of the following information are maintained in each employee’s file:

- Official college transcript.
- Copies of licenses, special certifications, or training certificates that apply to the teaching field.
- Verification of professional experience or specialized training.

Personal Status Change
Policy 4702 (01/17/02)

Any personal status changes affecting record-keeping, mailing address, emergency contact phone numbers, or employee benefits must be reported to the Office of Human Resources.

The College is not liable if the employee does not report changes in a timely fashion.

Employee Identification

The employee identification card issued to you serves to identify you to campus security officers, other personnel, and to students. After completing the new hire paperwork in the Office of Human Resources, this ID badge may be obtained by presenting the Authorization to Work Form as directed. For security purposes, this procedure must be followed. Employees are expected to wear ID badges at all times while on College property.

Nepotism
(Refer to Policy 4211)

No member of the Board of Trustees or President shall appoint, or vote for, or confirm the appointment to any office, position, or employment of any person related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to the person appointing or voting, or to any other member of the Board when the salary, fees, or compensation of the employee is paid from public funds.

Members of the same family (spouse, siblings, or parents, and children) or immediate household members may be employed by the College except under the following circumstances:

1) When one member of a family would be responsible for institutional decisions involving possible direct benefit (including initial appointment, retention, promotion, salary, leave of absence, etc.) to another member of the same family; or

2) When one member of a family would be responsible for supervising, evaluation, or auditing the work of another member of the same family.
Outside Employment

(Refer to Policy 4800)

An employee of South Texas College may engage in outside employment, operate a business, or hold elective or non-elective office when such is in compliance with the following applicable state statutes and regulations and when:

- The outside job/activity does not interfere with performance of assigned duties and responsibilities.
- There is no conflict of interest.
- The provisions of the Procedure on Dual Employment are met if involving employment with a state agency.
- Restrictions on holding elective office are complied with.
- The outside employment is not undertaken with the claim that the individual is an official representative of South Texas College.
- No resources of the College are used in conjunction with the outside employment. Immediate supervisor is notified of activity, including scheduled times, place, and telephone or other contact source.

Conflict of Interest

In 1973, the Legislature passed a bill entitled “Standards of Conduct of State Officers and Employees.” This legislation, in its amended, current form, spells out standards of conduct and disclosure requirements which must be observed by all “persons owing responsibility to the people of Texas and the government of the state of Texas in the performance of their official duties.”

Generally, STC employees may not have any interest in or engage in any business or professional activity or incur any obligation which is in substantial conflict with the proper discharge of duties in the public interest. Specifically, STC employees are prohibited from:

- Accepting or soliciting any gift, favor, or service that might reasonably tend to influence the employee’s discharge of official duties or is offered with the intent to influence official conduct.
- Accepting employment or engaging in any business or professional activity in which the employee might reasonably expect, would require, or would induce the employee to disclose confidential information acquired by reason of an official position.
- Accepting employment or compensation which would reasonably tend to impair independent judgment in the performance of official duties.
- Making personal investments which would reasonably be expected to create a substantial conflict between the employee’s private interest and the public interest.
- Intentionally or knowingly soliciting, accepting, or agreeing to accept any benefit for having exercised official powers or performed official duties in favor of another.

LIMITATIONS ON CONSULTANT CONTRACTS WITH PREVIOUS EMPLOYEES
None of the funds appropriated to the College may be used to enter into a consultant contract with any individual who has been previously employed by the College within the past twelve months unless the contract has been approved by the Board.

Equal Employment Opportunity/Affirmative Action

South Texas College is an equal employment opportunity/affirmative action employer. As an equal opportunity employer, the College shall not discriminate on the basis of race, color, creed, national origin, religion, age, sex, political affiliation, or physical disability. Discrimination is prohibited and the College will comply with all applicable College policies, and state and federal legislation.

The Federal Equal Employment Opportunity Act of 1972 extended the federal prohibitions against discrimination to state and local governments. Under the Act, the United States Attorney General is authorized to prosecute governments for violations and the Equal Employment Opportunity Commission is required to issue regulations concerning the Act’s application and enforcement. Employees who feel that they have been discriminated against may contact the Texas Commission on Human Rights in Austin. A discrimination complaint must be filed within 180 days after the alleged discriminatory action took place.

You and all other South Texas College employees share in the responsibility to improve the College’s posture and to undertake steps to meet our stated commitment to equal employment opportunity. We must continue to adhere to the following guidelines:

- To recruit, hire, promote, and transfer all persons on the basis of valid job-related criteria and without discrimination.
- To administer all personnel policies, procedures, and programs for each employee on a non-discriminatory basis.

As an affirmative action employer, the College will appoint employees in full compliance with existing laws. Qualification guidelines for all positions will be published by the Office of Human Resources and shall be applied consistently and fairly to all applicants. “Qualified” is defined as having the requisite education, training, and/or skills required of the position as defined in the approved job announcement.

The College shall actively seek to increase the number of minority personnel through recruiting and other similar activities. Procedures for advertising vacancies, recruitment, hiring, promotion, compensation, fringe benefits, resolution of grievance, and separations from the College shall be monitored by the Office of Human Resources.

Discrimination

Article I, Section 3 of the Texas Constitution provides:

“All free men, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive separate public emoluments, or privileges, but in consideration of public services.”
With respect to state human resource practices, the statute most important to the prevention of discriminatory practices, Article 5221k (Texas Commission on Human Rights Act), deems it an unlawful employment practice for an employer:

- To fail or refuse to hire or discharge an individual or otherwise to discriminate against an individual with respect to compensation or the terms, conditions, or privileges of employment because of race, color, disability, sex, national origin, or age.
- To limit, segregate, or classify an employee or applicant for employment in a way that would deprive an individual of employment opportunities or otherwise adversely affect the status of an employee because of race, color, disability, religion, sex, national origin, or age.

Americans with Disabilities Act

On July 26, 1990, the Americans with Disabilities Act (ADA) was signed into law. This federal law seeks “… to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities.”

The ADA prohibits a wide array of discriminatory practices, but one particular standard is noteworthy because it extends to individuals with disabilities an important new tool to enhance their employment opportunities. The federal law makes it illegal to deny employment opportunities to a job applicant or employee who is an otherwise qualified individual with a disability if such denial is based on the need of the employer to make reasonable accommodation to the physical or mental impairments of the employee or applicant.

The term “qualified individual with a disability” means an individual with a disability who, with or without reasonable accommodation, has the qualifications and ability to perform the essential functions of the employment position. Within this definition, the term “reasonable accommodation” means altering existing facilities, perhaps through the acquisition or modification of equipment or devices, to make the workplace readily accessible to and usable by individuals with disabilities. However, this requirement of reasonable accommodation may involve less tangible and obvious means of accommodation, such as job restructuring, part-time or modified work schedules, reassignment to a vacant position, the appropriate adjustment or modification of examinations, training materials, or policies; or the provision of qualified readers or interpreters.

Thus, under the terms of the ADA, the employer cannot deny an otherwise qualified candidate employment because that employer does not want to adjust the workplace to accommodate the person with a disability. The employer is responsible for making reasonable accommodation for the person with a disability and cannot deny that person employment because of an unwillingness to provide reasonable accommodation, unless the employer can prove that the law is an undue hardship which imposes on the employer significant difficulty or expense.

All employee requests for a reasonable ADA accommodation shall be submitted to the Office of Human Resources for consideration and/or approval.

Communicable Diseases

(Refer to Policy 4400)

Communicable disease means an illness due to an infectious agent or its toxic product that arises
through transmission of that agent or its products from a reservoir to a susceptible host and as further defined in the Texas Health and Safety Code, Section 81.001.

Communicable diseases include, but are not limited to measles, influenza, hepatitis, human immunodeficiency virus (HIV), acquired immunodeficiency syndrome (AIDS), AIDS-related complex (ARC), meningitis, meningococcal infections, and tuberculosis.

Any decision of South Texas College concerning a person who has a communicable disease shall be based on current and well-informed medical judgment, which includes the nature of the disease, risk of transmission to others, symptoms and special circumstances of the person, balancing identifiable virus and available alternatives to respond to a student or employee with a communicable disease.

The decision that a person poses a threat will be based solely on knowledge about:

a) The duration of the risk
b) The nature and severity of the potential harm.
c) The likelihood that potential harm will occur.
d) The imminence of the potential harm.

College faculty, staff, and students participating in clinical and laboratory programs that require the handling of blood, blood products, or body fluids are required to observe the universal precautions and safety guideline prescribed by the U.S. Public Health Service.

College faculty and staff members who supervise students in clinical and laboratory programs will monitor compliance with the precautions and guidelines prescribed by the U.S. Public Health Service.

The medical history or records of any employee or student are considered confidential information and may not be released without the individual’s written consent except as otherwise provided by law. All employee medical records are kept in a confidential file, separate from the personnel file.

**HIV/AIDS Workplace Guidelines**

(Refer to Policy 4401)

The 71st Texas Legislature determined that the creation of workplace guidelines is necessary to assure that the rights and privileges of individuals infected with HIV are protected.

Current scientific and medical technology has determined that there is no risk of HIV/AIDS transmission in the normal work setting. Routine daily encounters with co-workers or students pose no risk of transmitting the fragile, blood-borne virus.

Because modes of transmitting HIV do not involve environmental factors, but rather particular behaviors, HIV/AIDS infected individuals should not only be allowed, but encouraged to remain contributing members of the workforce. STC employees, as long as they are reasonably able to function in the job duties assigned, have the right under the law to continue working.

Based on the Federal Privacy Act, the Texas Commission on Human Rights Act, and the Texas Communicable Disease Prevention and Control Act, any medical documentation or information provided by an HIV infected employee to medical or management personnel must be considered confidential and private information. As such, STC officials are forbidden by law to disclose this information without the employee’s knowledge and consent, except as provided by law.
**Immigration Reform and Control Act of 1986**

**Policy 4210 (01/18/01)**

It is the policy of the College to fully comply with the Immigration Reform and Control Act of 1986. As such, the College is committed to employ only U.S. citizens and aliens authorized to work in the United States. College administrators or supervisors shall not discharge present employees or refuse to hire new employees based on foreign appearance or language. All applicants will be advised that if they are selected for employment, they will be required to present documents that will verify identity and eligibility to work in the United States in order to complete the required form I-9.

The original documents must be presented to the Office of Human Resources within three working days of employment. The requirements are the same for U.S. citizens and nationals as well as aliens authorized to work in the U.S.

The Office of Human Resources shall be responsible to review and verify the authenticity of the required documents in order to comply with the Immigration Act. The department shall retain these documents as required by law. The College shall not be a petitioner for any applicant or employee in obtaining a work permit unless otherwise bound by law to do so.

If an alien applicant has been petitioned to work for another educational institution or a private company only, the College will comply with the Immigration Act, thus disallowing the applicant to work at the College, unless they obtain their own documents from the Immigration and Naturalization Service. The ability to provide the required documents remains solely within the responsibility of the applicant.

**Age Limitations**

The Commission on Human Rights Act (Article 5221k, VACS) prohibits discrimination on the basis of age. The Federal Age Discrimination in Employment Act Amendments of 1986 lifted the mandatory retirement age. The net effect is that employees are not required to retire at any specific age and employees age 40 and over are protected from age discrimination. The College does not employ persons under the age of 18.

**Unauthorized Absence**

**Policy 4511 (11/25/96)**

In the case of an unauthorized absence being an unexcused absence or an absence where the employee has not notified the supervisor in accordance with established procedures, the employee’s pay will be docked for the amount of time absent. Disciplinary action may be initiated when necessary. An unauthorized absence of greater than two days may be treated as a voluntary resignation from employment with the College.
Employee Conduct Subject to Disciplinary Action

Policy 4911 (01/31/17)

Purpose

This policy establishes a procedure for guiding supervisors in disciplining employees under their supervision who engage in conduct that fails to conform to the College’s employee standards of conduct.

Disciplinary Action Concerning Employees:

Disciplinary action against an employee shall be initiated by the immediate supervisor or other supervisor within the chain of command. The severity of the disciplinary action should match the corresponding conduct of the employee taking into consideration the following:

1. Severity of the offense;
2. Frequency of the offense, if appropriate;
3. Duration of employment;
4. Conduct of the employee;
5. Effect of the action of the employee on the general public, fellow workers, and the College; and
6. All other extenuating circumstances relating to the particular facts of the situation.

The decision to discipline an employee should be made within a reasonable time after the occurrence of conduct or incident warranting disciplinary action. Supervisory personnel shall consult the Director of Human Resources for assistance and guidance in disciplinary actions other than verbal reprimands.

Disciplinary Action: Verbal Warning

A verbal warning is a basic disciplinary action where an employee is verbally informed by an immediate supervisor, or other supervisor within the chain of command, that the employee has engaged in conduct which fails to conform to the standards of conduct for College employees, and is admonished about the possible adverse consequences of engaging in the non-conforming conduct. In addition to a verbal warning, an employee may be counseled by a supervisor, or other supervisor within the chain of command, about how the employee may improve his/her conduct. A verbal warning or counseling session may be noted by the immediate supervisor, or other supervisor within the chain of command, maintained internally by the immediate supervisor.

Disciplinary Action: Written Reprimand

An immediate supervisor and/or department head may issue a written reprimand to an employee whose conduct fails to conform to the College’s standard of conduct for employees. A written reprimand need not be preceded by a verbal warning. But, a written reprimand shall be issued if
the employee fails to correct his or her conduct after having received a verbal warning. A written reprimand shall identify the employee’s non-conforming conduct and admonishes the employee about the possible adverse consequences for engaging in the same or other non-conforming conduct. Written reprimands shall be discussed with the employee and be placed in the employee’s personnel file at the Office of Human Resources. An employee may file a written response to the disciplinary action within 3 business days after receipt which response will be filed with the Office of Human Resources to be placed in the employee’s file. Procedures and guidance for the written reprimand may be obtained from the Office of Human Resources.

**Disciplinary Action: Conduct and Performance Improvement Plan**

Where an employee’s conduct fails to conform to the College’s standard of conduct after having received a verbal warning and/or a written reprimand, the immediate supervisor and/or department head may, in lieu of recommending termination, place the employee on a written Conduct and Performance Improvement Plan. This plan should be developed with the assistance of the Director of Human Resources or the Employee Relations Officer. The Conduct and Performance Improvement Plan may be for no more than three (3) months, and should follow the procedures established and maintained at the Office of Human Resources. A Conduct and Performance Improvement Plan may be modified, as needed, to assist the employee in conduct improvement. A Conduct and Performance Improvement Plan is to be placed in the employee’s personnel file. An employee who fails to satisfactorily complete a Conduct and Performance Improvement Plan is subject to termination from employment for such failure and for the conduct precipitating the improvement plan.

**Disciplinary Action: Suspension Without Pay**

An at-will employee may be suspended without pay to discipline the employee for engaging in conduct that fails to conform to the College’s standards of conduct for employees. This disciplinary action may be taken to impress upon an employee the serious nature of the employee’s non-conforming conduct. An employee should consider this disciplinary action as a notice that the employee is facing possible termination if his/her conduct does not immediately improve. The supervisor will consult the department head and the Director of Human Resources before administering this disciplinary action. A suspension without pay shall not exceed 10 business days. Suspension without pay of an employee employed under a letter of appointment shall conform to the notice and hearing provisions of Policy 4118: Provision of Letter of Appointment: Faculty, Administrative, or Executive Employees. In addition to this disciplinary action, an employee may be issued a Written Reprimand and the employee placed on an Improvement Plan.

**Disciplinary Action: Termination**

An employee may be recommended for termination for disciplinary reasons, based on documented acts or omissions. Prior to recommending termination of an employee for disciplinary reasons, the employee’s immediate supervisor and any other appropriate administrator will meet with the employee to inform the employee of the reason(s) the employee is being recommended for termination. The employee may attend the meeting and respond to the reasons or the employee may submit a written response in lieu of attending the pre-termination meeting. This is not a due process hearing. The President shall receive the recommendation for termination and shall review the disciplinary action to determine whether additional information needs to be presented and if the disciplinary action is an appropriate management response to the employee conduct. The President may modify, approve or disapprove such action. The decision of the President shall be final on all such action. A copy of the decision shall be delivered by the Office of the President to the employee. The final action shall be placed in the employee’s personnel file.

**Administrative/Executive and Faculty Employed under a Letter of Appointment**

Termination of an employee employed under a letter of appointment shall conform to Policy 4118: Provision of Letter of Appointment: Faculty, Administrative, or Executive Employees.
This policy is only a guide and is not intended to require progressive discipline procedure prior to recommending termination of an employee for disciplinary or other legitimate reasons. Nothing in this policy is intended to prohibit administrative suspension with pay of an employee.

**Suspension With Pay**

An employee may be suspended with pay pending investigation of allegations of the employee engaging in conduct that fails to conform to the College’s standards of conduct for employees. Suspension pending investigation is considered when:

a. an employee’s continued attendance in the workplace may hinder the investigation;

b. the employee’s continued attendance presents a risk to the employee or others; or

c. when the alleged actions interfere with the mandate of the College, either by damage to reputation or otherwise.

The supervisor will consult the department head and the Director of Human Resources before administering this action. The department head may suspend the employee with pay for up to 30 calendar days. The department head may extend the suspension for an additional 30 calendar days if further investigation is necessary. The total period of suspension with pay pending investigation may not exceed 60 calendar days.

An employee on suspension pending investigation must be available for in-person interviews throughout the entire suspension period. The employee is responsible for providing current contact information to the Office of Human Resources.

This policy does not preclude an employee from filing a grievance, under Policy 4904 Employee Complaint Procedure, after a disciplinary action, other than termination, becomes final, or from placing a written response in his/her personnel file to any disciplinary action.

This policy is not intended to create any property interest in continued employment.

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**Employee Complaint Procedures**

**Policy 4904 (11/22/16)**

College employees have the right to present grievances concerning their wages, hours of employment, or conditions of work, either individually or through a representative that does not claim the right to strike. An employee having a grievance regarding his/her wages, hours of employment, or conditions of work may seek redress of such grievance by filing a complaint in accordance with this policy.

In this policy, the terms “complaint” and “grievance” shall have the same meaning. A complaint or grievance is defined as an unresolved issue concerning the application of College policy, practice, or regulation.

**OTHER COMPLAINT PROCESSES**

This policy will be followed except where the employee believes there has been discrimination, harassment, retaliation, a sexual harassment or other harassment or illegal activity by a co-worker or supervisor or prohibited conduct as defined in Policy 4216 Harassment, Discrimination, And Sexual Misconduct; Policy 4204 Reporting Suspected or Known Fraud, 4204 Abuse and Other Improprieties, Policy 4205 Equal Education and Employment Opportunities or Policy 4209 The Whistleblower Act. In accordance with Policy 4216 Harassment, Discrimination, And Sexual Misconduct, if the employee’s immediate supervisor is the source of the complaint, the employee may present the initial complaint to the next level administrator with supervisory authority over the employee. Every College employee, except for licensed Counselors, must promptly report
incidents of prohibited conduct that come to their attention to either the Office of Human Resources, the Title IX Coordinator, Deputy Title IX Coordinator, or to the South Texas College Police Department.

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

Complaints arising out of an event or a series of related events that occurred prior to the filing of the complaint shall be addressed in one complaint. Employees shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

No employee shall be penalized, disciplined or prejudiced for exercising the right to file and pursue a complaint under this policy.

INFORMAL COMPLAINT PROCESS

Employees are encouraged to seek resolution of their employment-related grievances as soon as possible, at the lowest administrative level, by discussing their concerns or complaints through informal conferences with their supervisor or other supervisor within the chain of command.

FORMAL COMPLAINT PROCESS

If an employee’s complaint is not resolved through an informal conference, the employee may initiate the formal complaint process, as provided by this policy.

The steps to the procedure are as follows:

**LEVEL ONE**

1. An employee or the employee’s representative shall present the complaint, in writing, to the employee’s own immediate supervisor within 20 working days from the date the employee becomes aware or should have been aware of the action which is the subject of the complaint.

   A written complaint must provide:
   1. A clear explanation of the employee’s specific concern;
   2. A description of how the employee’s employment has been affected.
   3. A description of the relief the employee is seeking.

2. The employee’s immediate supervisor shall review the complaint in consultation with the Director of Human Resources or Employee Relations officer, and any other administrator who has supervisory authority over the employee, including the respective division Vice-President.

3. The employee’s immediate supervisor will meet with the employee to discuss the complaint and the remedy requested, not later than 20 working days from date the complaint is filed. Any other administrator who has supervisory authority over the employee, including the appropriate Vice-President, may attend this meeting with the employee.

4. The employee’s immediate supervisor will provide written notice to the employee, within 10 working days after the meeting, whether the remedy being requested by the employee is being granted or denied, or offer an alternative resolution. If the employee does not receive
the written notice within the prescribed time period, it shall be deemed a denial of the employee’s grievance.

**LEVEL TWO**

1. If the complaint is not resolved to the employee’s satisfaction at Level One, the employee may present the complaint to the respective division Vice-President, except that a complaint concerning the proposed termination of an at-will employee may be presented to the President, if the employee has alleged unlawful retaliation, harassment, or discrimination in the complaint. The complaint must be submitted to the Vice-President or the President, as the case may be, not later than 10 working days from the date of the decision at Level One. The employee shall provide a clear and concise statement detailing the reason(s) why the Level One decision was not acceptable to the employee.

2. The Vice-President, or President, as the case may be, may consult with the Director of Human Resources or Employee Relations Officer and may, not later than 20 working days following receipt of the complaint, issue a written decision, which shall be mailed to the employee. The decision of the Vice-President may grant or deny the remedy being requested by the employee, or offer an alternative resolution. If the employee does not receive the written notice within the prescribed time period, it shall be deemed a denial of the employee’s grievance. The decision of the Vice-President, or President as the case may be, is final and not appealable under this policy.

**Retaliation**

The College prohibits retaliation against an employee who files a complaint or grievance under this policy, serves as a witness, or otherwise participates in an investigation. The provisions of this policy do not extend into a due process procedure. The policy is an internal procedure designed to provide employees with the opportunity to address complaints.

**Student Complaints**

In accordance with Board Policy 3313, Students at South Texas College have the right to file a complaint when they believe that they were unjustly or improperly treated by the College, College employees, or other students.

The College will not retaliate against any student for filing a complaint in “good faith.” The college does not require students to follow the chain of command prior to filing a complaint with the Office of Human Resources.

A student wishing to file a complaint may complete the Complaint Form on the File A Report page located at [https://www.southtexascollege.edu/info/eyewitness/index.html](https://www.southtexascollege.edu/info/eyewitness/index.html)

Complaints pertaining to employees (Faculty and Staff), vendors, and visitors will be forwarded directly to the Office of Human Resources for review and investigation. All questions or concerns pertaining to complaints against employees (Faculty and Staff), vendors, and visitors, should be referred to the Employee Relations Office at 872-3646 or 872-3805, including questions about the steps in the complaint process.

A student wishing to file a complaint against a student may complete the form by clicking on the following link: [https://www.southtexascollege.edu/info/eyewitness/index.html](https://www.southtexascollege.edu/info/eyewitness/index.html). The procedures for filing a complaint against a student are outlined under the Complaint Procedures section in the Student Handbook. All questions or concerns pertaining to complaints against students please call the Office of Student Rights and Responsibilities and request to speak to a student conduct representative at 956-872-2180.
Please see the complaint process flowchart at the following link:
https://www.southtexascollege.edu/about/notices/graphics/complaint_process_flowchart.jpg

A separate procedure is in place for students who wish to appeal a course grade or other academic issue. These procedures were developed in accordance with Board Policy 3312 and may also be found in the Student Handbook.

Title IX Complaint & Grievance procedures may be found at:
https://www.southtexascollege.edu/about/notices/title-ix.html

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**TITLE IX Complaint and Grievance Procedures**

Associated Policy 4216 Harassment, Discrimination, And Sexual Misconduct

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**Purpose**

South Texas College is committed to providing an environment that respects the dignity and worth of every member of its community. Members of the campus community are entitled to an educational, learning, and working environment free of harassment, discrimination, sexual misconduct, and retaliation. To ensure compliance with federal and state civil rights laws and College policies, the College has developed internal policies that will provide a supportive process for individuals who report harassment, discrimination, sexual misconduct, and retaliation.

**Informal and Formal Complaint Intake**

**OFFICE OF STUDENT RIGHTS AND RESPONSIBILITIES AND/OR TITLE IX COORDINATOR**
- Complaints Against Student(s)
- Non-Complaints Incidents Against Student(s)

**OFFICE OF HUMAN RESOURCES and/or TITLE IX COORDINATOR**
- Complaints Against Employee(s), Visitor(s), or Vendor
- Non-Complaint Incidents Against Employee(s), Visitor(s), or Vendor

**SOUTH TEXAS COLLEGE DEPARTMENT OF PUBLIC SAFETY and/or TITLE IX COORDINATOR**
- Complaints Against Student(s), Employee(s) or Community Member(s)
- Non-Complaints Against Student(s), Employee(s), or Community Member(s)

**Procedures**

This process involves a prompt preliminary inquiry to determine if the case falls under Title IX. If so, the College will initiate an investigation that is thorough, reliable, impartial, prompt and fair. This investigation determines whether the College nondiscrimination policy has been violated. If so, the College will promptly implement an effective remedy designed to end the discrimination, prevent its recurrence and address its effects. The College aims to bring all allegations to a resolution as promptly as possible.

The Title IX Coordinator or Title IX Deputy Coordinator engages in a preliminary inquiry, with notice to the parties. Immediate interim actions may be considered and be granted as deemed necessary. The investigation may lead to informal and formal resolution options. In some cases, the allegation can lead to a formal investigation. Investigations are conducted in a reasonable timeframe, depending on the nature and complexity of the allegations. The parties are regularly apprised of the status as the investigation unfolds.

**Procedures for Students**

A. [Informal Resolution Procedures for Students]
Informal resolution is an alternative to the formal complaint resolution process. The Title IX Coordinator or Title IX Deputy Coordinator will determine if informal resolution is appropriate, based on the willingness of all parties and the nature of the alleged conduct.

If a decision on the allegation is made and the finding is that the responding party is not responsible for violating the Code of Student Conduct, the Administrative Student Conduct Process will end. The reporting party may request that the Dean of Students, Office of Student Conduct and/or the Title IX Coordinator reopen the investigation and/or grant a hearing. This decision will be at the discretion of the Dean of Students, Office of Student Conduct and/or the Title IX Coordinator and will only be granted for extraordinary cause. If the College’s finding is that the responding party is in violation, and the responding party accepts this finding, the College considers this an “uncontested allegation.” The administrator conducting the Initial Inquiry and Informal Resolution Conference will then determine the sanction(s) for the misconduct, which the responding party may accept or reject. If accepted, the process ends. For Conduct Sanction Review Appeal Panel, refer to Appeal/ Sanctions Review Process.

If the administrator conducting the Initial Inquiry and Formal Resolution Conference determines that it is more likely than not that the alleged student is in violation, and the alleged student rejects that finding in whole or in part, then it is considered a contested allegation and the process moves to the next phase of the Administrative Student Conduct Process.

B. Informal Resolution Procedures for Students

a. Complaint Intake
Following receipt of notice or a complaint, the Title IX Coordinator or Deputy Coordinator will make an initial determination as to whether the information has merit to reasonably indicate there may have been a violation of College policy.

The following are recommended elements of a report:

- Detailed explanation of the alleged incidents(s) (e.g.: who, what, when, where, and how it occurred);
- Any supporting documentation and evidence;
- The desired remedy (interim sanction) sought;
- Name and all contact information for the reporting party;
- Clear demonstration of all informal efforts, if any, to resolve the issue(s) with the person involved and the person’s supervisor;
- This includes names, dates and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort;
- If the investigator cannot contact the person involved and/or the supervisor, the reporting party should state the reasons why.

The Office of Student Rights and Responsibilities has primary authority and responsibility for the administration of student discipline.

Title IX complaints refer to Policy 4216 Harassment, Discrimination, and Sexual Misconduct. Non-Title IX complaints will follow Policy 3313 Student Grievance and Complaint.

b. Notice of Allegations
Once an investigator has been assigned, written notice of the allegations will be provided to the parties involved.

c. Interim Action
The College may implement interim actions upon notice of alleged harassment, discrimination, sexual misconduct, and/or retaliation and will take additional prompt remedial action with respect to any member of the South Texas College Community (employee, student, guest, vendor, or visitor) who has violated this policy. Interim actions include (but are not limited to: no contact directives, no
trespass notices, providing counseling and/or medical services, academic support, providing a campus escort, academic or work schedule and assignment accommodations, safety planning, and referral to campus and community resources.

The College may suspend, on an interim basis, a student or student organization by imposing restrictions (Code of Student Conduct) pending the completion of the investigation and procedures. In cases in which an interim suspension is imposed, student or student organization, will be given the opportunity to meet with an appropriate administrator prior to such action being imposed, or as soon thereafter as reasonably possible, to show cause why the action should not be implemented. Violation of interim provisions will be grounds for disciplinary action.

d. Investigation Process

Investigations will be thorough, reliable, and impartial. The Student Rights and Responsibilities Investigator/Title IX Investigator will take the following steps, as applicable:

- Initiate any necessary remedial action, when appropriate, on behalf of the parties, in consultation with the Director of Student Rights and Responsibilities;
- Determine the identity and contact information of the parties;
- Conduct an immediate preliminary inquiry to identify an initial list of all policies that may have been violated, to review the history of the parties; the context of the incident(s), any potential patterns and the nature of the allegation;
  - If the reporting party is reluctant to pursue the allegation, determine whether the allegations should still be pursued and whether sufficient independent evidence could support the allegations without the participation of the reporting party in the investigation;
  - Notify the reporting party of whether the College intends to pursue the allegations regardless of their rights in the process and option to become involved if they so choose;
  - The preliminary inquiry shall be completed in reasonable amount of time.
- If indicated by the preliminary inquiry and authorized by the title IX Deputy Coordinator or the Director of Student Rights and Responsibilities, conduct a comprehensive investigation to determine if there is reasonable cause to believe that the responding party violated the South Texas College code of Student Conduct or other College policy, and to determine what specific policy violations should be addressed;
  - If there is insufficient evidence through the investigation to support reasonable cause, the investigation will be closed with no further action;
  - If reasonable cause is found, the process will continue.
- Meet with the reporting party to take or finalize a statement, which will be drawn up by the investigator as a results of this meeting, or submitted electronically by the reporting party if they do not wish to be interviewed;
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party. The responding party will usually be given at least 48 hours advance notice of an investigation interview, unless an exigency requires less notice or no notice, as in the case of potential destruction of evidence.
  - Prepare the notice of alleged policy violation(s) and a summary of the allegation, on the basis of the reasonable cause determination. This notice may be delivered prior to, during, or after the responding party is interviewed, at the discretion of the investigator(s), but with a preference for delivery prior to the interview, where possible.
- Interview all relevant witnesses, summarize the information they are able to share, and have each witness sign the summary to verify its accuracy or submit their statement electronically;
- Obtain all documentary evidence and information that is available;
- Obtain all physical evidence that is available;
- Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline;
- Make recommended finding, based on the Preponderance of the Evidence whether a policy violation is More Likely Than Not;
• Draft a comprehensive report of the investigation;
• Share the report with the parties, typically giving them 48 hours to respond in person or in writing to the information in the report;
• The investigator may include all information pertaining to the investigation and allow all parties to respond, incorporating all responses into the final report;
• Once finalized, present the investigation report and recommended findings to the responding party, who may:
  o accept the recommended findings,
  o accept the recommended findings in part and reject them in part, or
  o reject all recommended findings;
• If the recommended findings are accepted, they become final. If the findings are fully or partially rejected, the procedures for a hearing, below, will commence;
• A reporting party may make a request that the Director of Student Rights and Responsibilities or Title IX Coordinator require a hearing if a finding of no violation has been recommended, but that request will only be granted under extraordinary circumstances at the sole discretion of the appropriate administrator. Otherwise, the determination of the investigation that there is no violation is final;
• Share the recommended findings and update the reporting party on the status of the investigation and the outcome;
• If the findings are accepted, and a policy violation(s) has been found, the investigator will recommend sanctions(s). If the sanctions are accepted, they become final, subject to any appeal of sanctions that may be requested;
• If the recommended sanctions are rejected fully or in part, a sanction hearing will be held in accordance with the procedure outlined, below;
• The investigator will provide the investigative summary report to the Title IX Coordinator for review and evaluation. The Dean of Student Affairs, Student Conduct Panel or designee will determine policy violations based on a preponderance of the evidence standard (whether a policy violation is more likely than not) and sanctions.

e. Investigation Party Withdrawal
Should a responding student(s) decide to withdraw from the College and/or not participate in the investigation and/or hearing, the process will nonetheless proceed in the student’s absence to a reasonable resolution and that student(s) will not be permitted to return to the College unless any and all sanctions have been completed. The Title IX Coordinator or Title IX Deputy Coordinator will continue to monitor and evaluate the effects of the remedied conduct upon the victim and the community.

f. Investigation Findings
Upon of the competition of the investigative report, Director of Students Rights and Responsibilities will forward it to the Dean of Student Affairs or designee for an appropriate hearing per Code of Student Conduct procedures. Following the hearing, the decision of whether a policy violation has occurred will be determined by using a preponderance of the evidence standard. A finding of a policy violation by a preponderance of the evidence means that it is more likely than not that the policy violation occurred. If, following the hearing, the decision is that no policy violation has occurred the process will end.

Regardless of the outcome, the complainant, the respondent, and the Title IX Coordinator or Title IX Deputy Coordinator will be notified of the finding in writing. If, following a hearing, the student(s) is found to have violated College policy, appropriate disciplinary sanctions will be determined after consultation with the Title IX Coordinator. The Dean of Student Affairs (or designee) will notify the respondent, the complainant, and the Title IX Coordinator in writing of the Dean of Student Affairs’ decision. Appropriate administration officials along the proper chain-of-command will also be notified.

g. Notification of Investigative Findings
If it is found there is a violation of College policy, the Office of Student Rights and Responsibilities will impose appropriate sanctions for the violation, after consultation with the Title IX Coordinator and or Title IX Deputy Coordinator. The College will act to end the sexual misconduct, gender discrimination or retaliation, prevent its recurrence, and remedy its effects on the victim and the College community. In the event that the accused individual rejects the findings in part or entirely, the Office of Student Rights and Responsibilities will convene a hearing under its respective procedures to determine whether the accused individual is in violation of the contested aspects of the complaint. At the hearing, the findings of the investigation will be admitted, but are not binding on the decider(s) of fact.

The investigatory officer(s) may give evidence. The hearing will determine whether it is more likely than not that the accused individual violated the policies forming the basis of the charge. The goal of the hearing is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants. The Office of Student Rights and Responsibilities has final decision-making authority with regard to formal complaints, subject to appeal. Where an accused individual is found in violation, preferably in the form of a recommendation of finding and sanction to the Dean of Students Affairs, the Office of Student Rights and Responsibilities will impose appropriate sanctions for the violation, after consultation with the Title IX Coordinator and Title IX Deputy Coordinators. The College will act to end the sexual misconduct, gender discrimination, retaliation or harassment, prevent its recurrence, and remedy its effects on the victim and the College community. Appeal proceedings will apply to all parties to the complaint.

h. Sanctions
Sanctions will be reviewed by the Title IX Committee after meeting with the appropriate administration officials along the chain-of-command.

Sanctions for student(s) who has violated this policy may include: verbal or written warning, restitution, probation, community service, loss of privileges, confiscation of prohibited property, behavioral requirement, educational program, campus or academic reassignment, suspension, expulsion, eligibility restriction, delayed conferral of degree, strike or ban, mental health assessment and/or mandatory treatment, withholding of official transcript, degree, or certificate, withdrawal from a course, and supervision plan or Case Management Plan in accordance with the following student code:

- Code of Student Conduct (refer to Code of Conduct for definition of sanctions)
- Policy 3650 Student Code and Discipline

i. Failure to Complete Sanctions
All respondents are expected to comply with sanctions within the timeframe specified in their written notice. Failure to follow through on sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and/or suspension, expulsion, and/or termination from the College. Failure to comply may result in a hold being placed on their records to prevent registration and graduation.

j. Additional Remedial Actions
In addition to the interim actions outlined above, the Title IX Coordinator or Title IX Deputy Coordinator may provide remedial actions intended to address the short or long-term effects of sexual misconduct, gender discrimination, and/or retaliation. That is, remedial actions may be taken at the conclusion of the process in addition to any actions that may have been taken on an interim basis, in order to redress harm to the complainant and the community and to prevent further harassment or violations. Remedial actions may also be used when, in the judgment of the Title IX Coordinator or Title IX Deputy Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on campus of the respondent or the ongoing activity of a student organization whose behavior is in question. These remedies may include, but are not limited to, referral to counseling and health services, education to the community, altering work arrangements, providing campus escorts, implementing contact limitations between the parties, or offering adjustments to academic deadlines and/or course schedules.
k. Participation of Advisors

All parties may select to have an advisor(s) of their choice to guide and accompany them throughout the campus resolution process. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is both eligible and available. People who will be called as witnesses may not serve as advisors.

The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews, hearings and appeals. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The College cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide one.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not present on behalf of their advisee in a meeting, interview or hearing and should request or wait for a break in the proceeding if they wish to interact with campus officials. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given a timely opportunity to meet in advance of any interview or hearing with the administrative officials conducting that interview or meeting. This pre-meeting will allow advocates to clarify any questions they may have, and allows the College an opportunity to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with the College investigation and resolution. Any advisor who steps out of their role in any meeting under the campus resolution process will be warned. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator or a Title IX Deputy Coordinator will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The College provides the documentation related to the allegations and a consent form that authorizes such sharing. The parties must complete this form before the College is able to share records with an advisor. The parties are not otherwise restricted from discussing and sharing information relating to allegations with others who may support them or assist them in preparing and presenting. Advisors are expected to maintain the privacy of the records shared with them by the College. These records may not be shared with 3rd parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the College’s privacy expectations.

The College expects an advisor to adjust their schedule to allow them to attend College meetings when scheduled. The College does not change scheduled meetings to accommodate an advisor’s inability to attend. The College will, however make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process, and is not locked into using the same advisor throughout.

1. Appeals

All sanctions originally imposed will be in effect during the appeal.

Requests for appeal considerations must be submitted in writing to the Vice President for Student Affairs and Enrollment Management or designee as stipulated under the Code of Student Conduct.
m. False Complaints, Testimony, and/or Evidence
Any person who knowingly and intentionally files a false complaint, testimony and/or evidence is subject to disciplinary action up to and including dismissal or expulsion from the College, in accordance with existing policies.

**Procedures for Employee (Faculty and Staff)**

**A. Informal Resolution Procedures for Employees**

Informal resolution is an alternative to the formal complaint resolution process. The Title IX Coordinator or Title IX Deputy Coordinator will determine if informal resolution is appropriate, based on the willingness of all parties and the nature of the alleged conduct.

If an allegation includes actions that involve criminal activity and/or sexual assault, reports will be coordinated by the Title IX Coordinator or Title IX Deputy Coordinator; these types of allegations would not be mediated. Individuals are strongly encouraged to also file a report with South Texas College Department of Public Safety. An employee who is aware of a possible criminal violation, including sexual assault, must submit the information to South Texas College Department of Public Safety.

Informal resolution is provided only at the election and agreement of both parties. It is not necessary to pursue informal resolution first in order to make a formal complaint, and anyone participating in informal resolution can stop that process at any time and request to continue through the formal process.

Examples of informal resolution could be:

- **Informal Meetings**
  - Informal unstructured discussion between parties (complainant/respondent) with an HR representative, or other third party representation, if requested
- **Mediation**
  - Formal structured discussion between parties (complainant/respondent) conducted by a Mediator

**B. Formal Resolution Procedures for Employees**

a. **Complaint Intake**
Following receipt of notice or a complaint, the Title IX Coordinator or Deputy Coordinator will make an initial determination as to whether the information has merit to reasonably indicate there may have been a violation of College policy.

The following are recommended elements of a report:

- Detailed explanation of the alleged incident(s) (e.g.: who, what, when, where, and how it occurred);
- Any supporting documentation and evidence;
- The desired remedy (interim sanction) sought;
- Name and all contact information for the reporting party;
- Clear demonstration of all informal efforts, if any, to resolve the issue(s) with the person involved and the person’s supervisor;
- This includes names, dates and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort;
- If the investigator cannot contact the person involved and/or the supervisor, the reporting party should state the reasons why.
Upon receipt of a complaint, the Office of Human Resources will open a formal case file and assign a Title IX Investigator or Title IX Deputy Coordinator who will direct the investigation. The Title IX Coordinator or Title IX Deputy Coordinator may impose interim actions, provide resources for the parties involved, or other necessary remedies.

Title IX complaints refer to Policy 4216 Harassment, Discrimination, and Sexual Misconduct. Non-Title IX complaints will follow Policy 4904 Employee Complaint Procedure.

b. Notice of Allegations
   Once an investigator has been assigned, written notice of the allegations will be provided to the parties involved. If the respondent is an employee, the written notice will be copied to the employee's Supervisor, Director, or Dean.

c. Interim Action
   The College may implement interim actions upon notice of alleged harassment, discrimination, sexual misconduct, and/or retaliation and will take additional prompt remedial action with respect to any member of the South Texas College Community (employee, student, guest, vendor, or visitor) who has violated this policy. Interim actions include but are not limited to: no contact directives, no trespass notices, providing counseling and/or medical services, academic support, providing a campus escort, academic or work schedule and assignment accommodations, safety planning, and referral to campus and community resources.

   The College may suspend, or place an employee on administrative leave as per Policy 4911 Disciplinary Action Procedures pending the completion of the investigation. Violation of interim provisions will be grounds for disciplinary action.

d. Investigation Process
   Investigations will be thorough, reliable, and impartial. The investigator takes the following steps as applicable:

   - Determine the identity and contact information of the relevant parties;
   - Conduct an immediate preliminary inquiry to determine if there is reasonable cause to support a potential policy violation;
   - Upon preliminary inquiry, case is staffed with Title IX Committee for review;
   - Commence a thorough, reliable and impartial investigation if indicated by the preliminary inquiry and as authorized by the Title IX Coordinator and/or the Title IX Deputy Coordinator;
   - Prepare the notice of allegations on the basis of the initial investigation;
   - Interview the complainant(s) and respondent(s);
   - Interview the witness(es) if available and as necessary;
   - Request written statements from complainant(s), respondent(s), and witness(es);
   - Obtain any documentary or physical evidence and information that is available;
   - Make a recommended finding, based on the Preponderance of the Evidence;
   - The investigator will provide the investigative summary report to the Title IX Coordinator or Title IX Deputy Coordinator who will then meet with the appropriate administration officials along the chain-of-command to determine policy violations based on a preponderance of the evidence standard (whether a policy violation is more likely than not) and sanctions;
   - Provide the findings and outcome to the complainant and the respondent.

   If employee (staff/faculty) is found in violation of Policy 4216 Harassment, Discrimination, and Sexual Misconduct, refer to Policy 4911 Disciplinary Action Procedures. If there is insufficient evidence to support reasonable cause, the complaint will be closed. If the respondent is found not responsible for the alleged violation(s), the investigation will be closed.

e. Resignation During Investigation Process
Should a responding employee resign while investigation is pending, the investigation report will reflect that status. Should an employee elect not to participate in the investigation and/or hearing, the process will nonetheless proceed in the employee’s absence to a reasonable resolution based on the Preponderance of the Evidence.

**f. Investigation Findings**
Upon receipt of the investigative report, the Title IX Coordinator or Title IX Deputy Coordinator will determine if policy has been violated by using a preponderance of the evidence standard. Regardless of the outcome, the complainant and the respondent will be notified of the finding in writing. Appropriate administration officials along the proper chain-of-command will also be notified.

**g. Notification of Investigative Findings**
If it is found there is a violation of College policy, the Office of Human Resources and the appropriate chain of command, including Title IX Coordinator, will impose appropriate sanctions for the violation. The College will act to end the sexual misconduct, gender discrimination, harassment, or retaliation, prevent its recurrence, and remedy its effects on the victim and the College community.

**h. Sanctions**
Sanctions will be reviewed by the Title IX Committee after meeting with the appropriate administration officials along the chain-of-command.

Sanctions for an employee who has violated this policy may include, but are not limited to: counseling, verbal warning, required training, written reprimand, conduct and performance improvement plan, reassignment, suspension with or without pay, and termination in accordance with the following policies:

- Policy 4118 Provision of Letter of Appointment: Faculty, Administrative, or Executive Employee
- Policy 4901 Standards of Conduct
- Policy 4911 Disciplinary Action Procedures

**i. Failure to Complete Sanctions**
All respondents are expected to comply with sanctions within the timeframe specified in their written notice. Failure to follow through on sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and/or suspension, expulsion, and/or termination from the College.

**j. Additional Remedial Actions**
In addition to the interim actions outlined above, the Title IX Coordinator or Title IX Deputy Coordinator may provide remedial actions intended to address the short or long-term effects of sexual misconduct, gender discrimination, and/or retaliation. That is, remedial actions may be taken at the conclusion of the process in addition to any actions that may have been taken on an interim basis, in order to redress harm to the complainant and the community and to prevent further harassment or violations. Remedial actions may also be used when, in the judgment of the Title IX Coordinator or Title IX Deputy Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on campus of the respondent or the ongoing activity of a student organization whose behavior is in question. These remedies may include, but are not limited to, referral to counseling and health services, education to the community, altering work arrangements, providing campus escorts, implementing contact limitations between the parties, or offering adjustments to academic deadlines and/or course schedules.

**k. Participation of Advisors**
All parties may select to have an advisor(s) of their choice to guide and accompany them throughout the campus resolution process. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is both eligible and available. People who will be called as witnesses may not serve as advisors.
The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews, hearings and appeals. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The College cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide one.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not present on behalf of their advisee in a meeting, interview or hearing and should request or wait for a break in the proceeding if they wish to interact with campus officials. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given a timely opportunity to meet in advance of any interview or hearing with the administrative officials conducting that interview or meeting. This pre-meeting will allow advocates to clarify any questions they may have, and allows the College an opportunity to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with the College investigation and resolution. Any advisor who steps out of their role in any meeting under the campus resolution process will be warned. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator or a Title IX Deputy Coordinator will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The College provides the documentation related to the allegations and a consent form that authorizes such sharing. The parties must complete this form before the College is able to share records with an advisor. The parties are not otherwise restricted from discussing and sharing information relating to allegations with others who may support them or assist them in preparing and presenting. Advisors are expected to maintain the privacy of the records shared with them by the College. These records may not be shared with 3rd parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the College’s privacy expectations.

The College expects an advisor to adjust their schedule to allow them to attend College meetings when scheduled. The College does not change scheduled meetings to accommodate an advisor’s inability to attend. The College will, however make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process, and is not locked into using the same advisor throughout.

1. Appeals
All sanctions originally imposed will be in effect during the appeal.

Requests for appeal considerations must be submitted in writing as stipulated under Policy 4904 Employee Complaint Procedures, Policy 4118 Provisions of Letter of Appointment: Faculty, Administrative, or Executive Employees, Policy 4911 Disciplinary Action Procedures and as below.

The following are grounds for appeal:

- A substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
• To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this evidence and its potential impact must be included;
• The sanctions imposed fall outside the range of sanctions designated for this offense and the cumulative conduct history of the responding party.

m. False Complaints, Testimony, and/or Evidence
   Any person who knowingly and intentionally files a false complaint, testimony and/or evidence is subject to disciplinary action up to and including dismissal or expulsion from the College, in accordance with existing policies.

Criminal Complaints

For criminal complaints, the complainant may elect to press charges against the perpetrator.

CONTACT INFORMATION

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Office of Civil Rights (OCR)
Separation of Employment and Re-Employment

Policy 4922 (as amended 6/28/16)

Separation of Employment

Employees voluntarily separating from employment with the College are expected to give advance written notice to their supervisor and the Office of Human Resources to allow for an orderly transition of work activities and to be eligible for consideration of re-employment with the College.

Executive and Administrative staff are required to continue employment for the duration specified in their letter of appointment.

To remain in good standing at the end of the appointment period, an Executive or Administrative staff member employed under a Letter of Appointment, shall be required to submit a written notice of separation of employment with the Office of Human Resources and the appropriate supervisor not later than the 45th day before the last effective date of appointment, not including vacation days and scheduled non-working days as listed on the Academic Calendar approved by the Board of Trustees.

Executive and Administrative staff may submit advance written notice requesting to be released from their appointment. Approval of release of appointment must be obtained from the appropriate supervisor (s), the Director of Human Resources, and the President.

Faculty

To resign in good standing, a Faculty Member employed under a Letter of Appointment shall be required to file a written resignation with the Office of Human Resources or the President's designee not later than the 45th day before the first day of instruction of the following academic year. A written resignation mailed by prepaid certified or registered mail to the Office of Human Resources, the President or the President’s designee at the post office address of the College is considered filed at the time of mailing.

A Faculty Member employed under a Letter of Appointment may request a release from the Letter of Appointment in good standing at any other time with the consent of the President or the President’s designee.

A Faculty Member who does not resign in good standing shall not be eligible for re-employment.

Professional/Technical Support employees are expected to provide advance written notice of at least thirty (30) calendar days, not including vacation days and scheduled non-working days as listed on the Board-approved Academic Calendar, prior to the effective date of separation. A reduced minimum notice of not less than fifteen (15) calendar days may be approved by the immediate supervisor and appropriate financial manager.

Classified employees are expected to provide notice of at least ten (10) calendar days, not including vacation days and scheduled non-working days as listed on the Board-approved Academic Calendar, prior to the effective date of separation.
Part Time Direct Wage employees are expected to provide a notice of at least five (5) calendar days, prior to the effective date of separation. Employees planning to retire with the College must provide advance written notice of at least forty-five (45) calendar days, not including vacation days and scheduled non-working days as listed on the Board-approved Academic Calendar, prior to the effective date of separation.

Re-Employment of Retirees

An employee of the College who has retired under the Teacher Retirement System (Subtitle C, Title 8, Government Code) or the Optional Retirement Program (Chapter 830, Government Code) may be re-hired if:

1) The person has been retired for at least 30 calendar days before the effective date of the employment; and
2) The person is eligible for reemployment

Eligibility for Re-Employment

Employees failing to comply with the provision of appropriate advance written notice as stated above and/or who fail to be approved for release from their appointment will not be eligible for re-employment with the College.

On the last day of work, an employee shall complete the exiting clearance procedures through the Office of Human Resources.

Campus Clearance

Policy 4923 (11/09/95)

All employees terminating employment with South Texas College must accomplish a Campus Clearance prior to the final day of departure and receipt of final pay.

It is the responsibility of the terminating faculty or staff member to obtain an Employee Clearance Form from the Office of Human Resources. The terminating employee must secure a release from the employee’s department and other departments listed on the clearance form. The final step in the clearance procedure is a meeting with an Office of Human Resources representative.
Employee Benefits

Eligibility for Employee Benefits
Policy 4300 (07/28/05)

All regular employees and full-time faculty are benefit eligible and must be employed to work at least 20 hours per week for a period of at least 4 and one-half (4.5) months excluding students employed in positions which require student status as a condition of employment.

Full-time faculty members are benefit eligible for the fiscal year; however, sick leave accrual is limited to the duration of their appointment to work.

Full-time faculty members who have been granted appointments for nine (9) months and have gained approval from the Vice President for Academic Affairs for payment over nine (9) months are responsible to provide payment for their medical benefits for the remaining three (3) months. This arrangement must be coordinated with the Human Resources Benefits Coordinator prior to the end of the nine (9) month appointment.

Adjunct faculty members are not eligible for benefits.

Employee Leave, Spring Break, Semester Break and Holidays
Policy 4305 (05/24/01)

Holidays, Spring Break and Semester Break which the College observes for employees and students will be listed in the Board approved academic calendar of the current College Catalog.

Paid holidays, Spring Break and Semester Break are applicable only to regular employees holding staffing plan positions and limited to only those days listed on the academic calendar. Employees must be on an active payroll status for the entire pay period(s) during which a paid holiday, Spring break or semester break falls in order to be entitled to the paid days as approved on the academic calendar by the Board.

Staffing plan employees, excluding students employed in positions which require student status as a condition of employment, are entitled to the established employee benefits which include leaves and holidays. A "regular employee" means one who is employed to work at least 20 hours per week for a period of at least four and one-half (4.5) months.

Entitlements under Employee Leave include:

- Vacation Leave
- Sick Leave
- Personal Leave
- Funeral Leave
Employee Benefits

- Family and Medical Leave
- Jury and Witness Duty
- Leave Without Pay
- Military Leave
Employee Benefits

- Professional Leave

The following information clarifies the intent of Board Policy 4305:

- If an employee has enough paid leave to be on active payroll status (physically working or utilizing paid leave) for the entire pay period, the employee is entitled to holiday pay.

- Holiday pay will be paid only during active periods of employment, and will not be paid if an employee is out on unpaid FMLA, leave of absence, or leave without pay of five days or more in the month during which the holiday occurs.

- An employee terminating or resigning from employment must be actively employed or have accrued paid leave on the day before and the day after a holiday occurs in order to be entitled to holiday pay.

Vacation Leave Accrual
Policy 4306 (12/18/03)

With the exception of faculty members who have appointments of less than 12 months, full-time regular employees accrue vacation leave time at the rate of 8 hours per month of employment. Employment of less than one month will accrue on a pro-rated basis. Part-time employees with regular weekly schedules of 20 hours or more accrue vacation on a prorated basis. An employee is eligible to take vacation on or after the first day of the month following the first full month of employment.

All vacation leave requests must be approved by the immediate supervisor and the leave will be granted according to the staffing needs and availability.

Leave time for holidays, spring break and semester break are not charged against vacation time. All hours of unused accumulated vacation leave must be used by March 1 following the fiscal year in which it was accumulated. Any vacation leave not used by that date will be forfeited unless a time extension has been approved by the supervising administrator, Vice President/Executive Director, and President. A time extension of not more than 60 days may be granted for extenuating circumstances.

An employee terminating employment, will be expected to utilize accrued vacation prior to the last day of employment. In extenuating circumstances, a lump sum payment may be paid for unused accrued vacation with the approval of the supervising administrator, Vice President/Executive Director, and President.

Sick Leave Accrual
Policy 4308 (02/15/01)

Regular full-time (40 hours/week) non-faculty employees shall accrue eight (8) hours sick leave per month to be used for the purposes of personal illness. Sick leave benefits will accrue only during active periods of employment, and may not accrue while an employee is on academic leave, sick leave, or any other extended absence from official duty for 30 days or more. An employee on active status for less than one month will accrue sick leave on a prorated basis.
An employee may take earned sick leave as needed. Illness must be reported by the employee to the immediate supervisor within one hour after the usual time to begin work. An employee’s supervisor retains the option to request a doctor’s statement for day(s) missed due to illness.

Part-time employees will accrue sick leave as follows:

- 1-19 hours/week - 0 hours accrual
- 20-30 hours/week - 4 hours accrual/month
- 39 hours/week - 6 hours accrual/month

Accrued sick leave may also be used for personal illness in the employee’s immediate family. Immediate family is defined as a son, daughter, parent, or spouse of employee.

In the event of a workers’ compensation injury/illness an employee may use their sick leave for the initial State mandated waiting period of seven (7) days before the workers’ compensation insurance begins partial payment for injury/illness. An employee may use their sick leave if the doctor requires an employee to be absent for a shorter period of time, due to work-related injury/illness.

An employee may accrue a total of not greater than 90 days of sick leave. After an employee has an accrual of 90 days sick leave, the employee will not accrue additional sick leave until the accrued amount falls below the ninety (90) day maximum accrual amount.

An employee having more than 90 days accrued sick leave in the employee’s account as of April 11, 1996, will be allowed to maintain such amount of accrued sick leave, but will accrue no further sick leave until the total amount of accrued sick leave is less than 90 days, at which point the 90 day accrual limitations shall apply.

Accrued and unused sick leave will not be paid as compensation to the employee in the event an employee voluntarily or involuntarily terminates employment with the College. However, employees retiring under the Texas Retirement System (TRS) after September 1, 2001 may have the option to use accrued sick leave towards years of service credit under TRS rules.

**Sick Leave Deductions for Faculty**

**Policy 4309 (06/11/98)**

Faculty members have schedules that vary from day to day and may include evening and weekend courses, so there is need for a consistent standard which may be applied for all faculty. Faculty members are required to use sick leave even though no classes are missed, if the absence due to illness occurs during the normal college workday. Sick leave must be taken in units of not less than one- half day (4 hours). Faculty must report all days ill, not just days on which classes are missed.

Therefore, the following standards will be applied in computing sick leave deduction for faculty members:

1. Faculty will have sick leave deducted in four-hour increments.
2. Faculty missing four hours or less will be required to submit documentation for a four-hour absence.
3. Faculty missing more than four hours will be required to submit documentation for an eight-hour absence.

Exceptions to this four-hour incremental policy may be made with appropriate documentation and approval.

Faculty members are expected to contact their immediate supervisor when absent due to illness. It is the responsibility of the faculty member requesting absence from work due to sickness to provide lesson plans and to take any necessary steps so that students do not miss an instructional day.

Division Deans may request medical verification from a licensed U.S. doctor.

Exceptions to this 4 hour incremental policy may be made with appropriate documentation and approval by both the Division Dean and the Vice President for Academic Affairs.

Adjunct faculty members (part-time) are not eligible for sick leave benefits.

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**Sick Leave Pool**

**Policy 4310 (01/18/01)**

This policy establishes a sick leave pool to provide additional sick leave for regular full-time employees who have exhausted all paid leave entitlement and suffered a loss of compensation because of a catastrophic illness or injury of the employee or the employee's immediate family. Participation in the pool is available for regular full time employees who have completed a one year waiting period from the initial date of hire and meet the eligibility requirements set by the procedures governing the pool. This is a benefit and not an entitlement.

An employee’s sick leave from the sick leave pool, which is taken because of a catastrophic illness or an injury to the employee or the employee's immediate family, will run concurrently with leave under the Family and Medical Leave Act. The employee must have already donated the minimum number of sick leave hours required to join the pool.

The Director of Human Resources, or designee, will administer the sick leave pool according to Texas Government Code, Chapter 661, Subchapter A, State Employee Sick Leave Pool.

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**Sick Leave Pool Procedure**

I. **PURPOSE**

The purpose of the Sick Leave Pool is to provide additional sick leave to eligible STC employees who experience catastrophic illness or injury. This Pool is established by Board Policy 4310 and subject to the terms outlined in this procedure.

II. **ELIGIBILITY**

Participation in the Sick Leave Pool is on a voluntarily basis. In order to be a member of the Sick Leave Pool, the STC employee must:

1) Be a full-time regular employee who accrues sick leave in accordance with STC policy.

2) Have completed twelve calendar months of employment with STC.

3) Have accrued a minimum sick leave balance of 72 hours at the time of the annual enrollment period.
Members may cancel their participation at any time by giving written notice to the Sick Leave Pool Committee; however, sick leave hours contributed to the Sick Leave Pool will not be restored to the member upon cancellation.

III. ENROLLMENT PERIOD

Enrollment periods will be held twice a calendar year:

April 1st – April 30th

And

October 1st – October 31st

Members shall be considered enrolled on the first day of the month following the end of the enrollment period.

IV. MEMBERSHIP REQUIREMENTS

Initial Enrollment: Upon initial enrollment, the employee will contribute a minimum of 24 hours of their individual accrued sick leave to the Sick Leave Pool. An employee may elect to donate more accrued sick leave hours as long as the minimum required balance of 48 hours is maintained in their individual accrued sick leave. Employees who have reached the maximum number of sick leave hours in accordance with STC Policy are encouraged to donate their annual number of accrued sick leave in lieu of forfeiture. Sick Leave Pool members who wish to continue participation will be required to donate eight hours of accrued sick leave during one of the enrollment periods in April or October of each calendar year. Once enrolled, continuing members shall not be required to maintain a minimum individual accrued sick leave balance.

Continuing Membership: Continuing Sick Leave Pool members who do not have the eight hours of sick leave needed to renew their participation shall be granted a grace period of 30 days and will donate their next eight hours of accrued sick leave. The Office of Human Resources will monitor the records of individuals who have been granted a grace period for donating the required eight hours of sick leave and will update their records automatically once the hours are accrued. A continuing member who does not have the adequate sick leave time within the 30 day grace period may donate accrued vacation leave in lieu of sick leave. If the continuing member does not have the adequate sick or vacation leave, the individual will forfeit participation for the next six months until the next enrollment period. The subsequent year the individual may donate the eight hours required for continuing members and reactivate his or her participation in the Sick Leave Pool.

Members on Approved Sick Leave: Members of the Sick Leave Pool who are on approved sick leave assistance time during the annual enrollment period shall not be required to donate to the pool for that enrollment period. However, the member shall be required to donate eight hours of accrued sick leave for all future enrollment periods if he/she wishes to continue as an active member of the Sick Leave Pool. All time contributed to the Sick Leave Pool is non-refundable.
V. ADMINISTRATION OF SICK LEAVE POOL

_Sick Leave Pool Administrator:_ The President of the College has designated the Director of Human Resources as the Sick Leave Pool Administrator. The Sick Leave Pool Administrator shall adopt forms, procedures, and regulations for the administration of this policy. The Sick Leave Pool Administrator has the authority to request an unscheduled meeting of all committee members if the need arises. After review, the Committee will make recommendations to the Sick Leave Pool Administrator for approval or denial of applications for sick leave pool hours in accordance with the provisions of this policy. The decision of the Sick Leave Pool Administrator to approve or deny a request for sick leave assistance will be final and binding.

_Sick Leave Pool Committee Membership:_ A Sick Leave Pool Committee will be established to review requests for leave and recommend awards of sick leave hours to the Sick Leave Pool Administrator. The members of the Sick Leave Pool Committee shall be appointed by the President of the College or designee, and shall serve for staggered terms. The Sick Leave Pool Committee shall consist of at least five members with a proportional representation of all eligible employee groups and will meet once a month to review requests submitted to the Office of Human Resources.

Every March, the Sick Leave Pool Committee will determine the amount of sick leave contributions it projects is necessary to maintain the bank for the coming year. The committee shall recommend an amount greater than the actual number of sick leave hours awarded to employees in the previous year. If the number of projected sick leave hours is less than the total hours donated from new and continuing members, the Sick Leave Pool Administrator will assess members a minimum of eight hours of sick leave to a maximum of 16 hours of sick leave. This time will be deducted automatically from the member’s individual accrued sick leave or vacation leave (if available) with proper notification being provided to the member. The Sick Leave Pool shall strive to maintain a minimum balance of 7000 hours and may be revised depending upon the employee census or employee’s needs.

PROCESSING REQUESTS FOR SICK LEAVE POOL TIME

The following procedures shall be used to request sick leave pool time:

1. A member shall complete a Sick Leave Pool Application Form available in the Office of Human Resources. A participating member may request sick leave assistance when he/she has experienced a catastrophic illness or injury, has exhausted all their paid leave entitlement, and is not eligible to apply for benefits under STC’s group long-term disability plan. The member’s catastrophic illness or injury must be supported by a physician’s statement that certifies that member’s inability to work, provides a prognosis for recovery, and provides a projected time for return to work. The member must agree to provide any relevant information in the event verification is required by the Sick Leave Pool Committee.

2. The completed request form should be returned to the Sick Leave Pool Administrator in the Office of Human Resources. The Sick Leave Pool Administrator or the designee shall verify the eligibility of the requestor and forward all requests to the Sick Leave Pool Committee.

3. The Sick Leave Pool Committee shall submit a recommendation on a member’s request to the Sick Leave Pool Administrator. In the event that one or more of the Committee members are not available to participate in the review, a quorum of the committee may decide upon a
recommendation. The recommendation to the Sick Leave Pool Administrator shall be made and delivered within five (5) working days from the date the committee meets and reviews the request(s).

4. The Sick Leave Pool Administrator will notify the employee of his/her decision to approve or to deny the request within seven working days from the date the recommendation is received.

5. A member’s request for sick leave assistance will not be denied on the basis of existing conditions or reapplication as long as the eligibility criteria are met at the date of each application. The Sick Leave Committee may request recertification of the medical condition by a licensed physician as required by this procedure.

A member who applies for sick leave assistance may request sick leave hours in an amount of up to 90 calendar days or 480 hours (based on a 40-hour work week) in any rolling 12 month period. The rolling period is defined as the month the member requests sick leave assistance and the 11 months immediately preceding the member’s request. Subject to the rolling year maximum, sick leave assistance, if approved, may be requested all at one time or it may be requested intermittently if medically necessary. If requested intermittently, a separate request must be made each time sick leave is withdrawn from the Sick Leave Pool and each separate request must meet the eligibility requirements specified, including medical certification.

If a member withdraws sick leave hours from the Sick Leave Pool and is certified by his/her physician to return to work before all the sick leave hours have been used, the remaining balance of awarded and unused sick leave hours will be returned to the Sick Leave Pool. If a member is not able to return to work following utilization of his/her rolling year maximum sick leave assistance time, the member may request an unpaid leave of absence in accordance with STC Policy 4316 if total absences have not exceeded 12 months. If an employee’s request is approved for an unpaid leave of absence following utilization of his/her rolling year maximum, the time of unpaid leave of absence will not count toward the member’s new rolling year period. That member’s new rolling year period will begin in the month that he/ she actively returns to work on a full-time regular basis.

PROCESSING APPROVED REQUEST
The Sick Leave Pool Administrator shall provide written notification to the employee informing him/her of their approved request and the amount of sick leave hours to be awarded within seven workdays from receipt of the recommendation submitted by the Sick Leave Pool Committee.

EMPLOYEE TERMINATIONS
Terminated employees with unused sick leave hours will have their balance reduced to zero.

CHANGE OF EMPLOYMENT STATUS
If a member of the Sick Leave Pool experiences a change in employment from a full-time regular position to a non-qualifying position, he/she will be treated as an employee termination with the unused sick leave hours reduced to zero and donated to the Sick Leave Pool. The employee’s membership in the Sick Leave Pool will be terminated effective as of the date of the change in employment status and the employee forfeits any benefits under the Sick Leave Pool. If the employee status change occurs during a time the member has been approved for sick leave assistance, any unused hours from the date of the change in employment status will be returned to the Sick Leave Pool.
EXCLUSIONS

The Sick Leave Pool is not intended to be used for short-term leave due to routine and non-extraordinary illnesses, nor is it for time off covered by job-related injuries or illnesses (Worker’s Compensation). Rather, it is intended to be used for prolonged catastrophic illnesses or injuries such as medically necessary surgery, illness, or disability which requires hospitalization and/or convalescence or recuperation in an extended care facility or at home while under the care of a licensed physician.

In order to request sick leave assistance from the Sick Leave Pool, the member must have exhausted all of his/her own individual sick and vacation leave (if applicable). Sick leave assistance may only be used for a member’s own catastrophic illness or injury or for an immediate family member as defined under STC Policy 4308, which includes a son, daughter, parent, or spouse of the employee.

REVISIONS OF PROCEDURES

The Sick Leave Pool Administrator reserves the right to make changes to the procedures when a situation or event not addressed in the procedures proves necessary. Any revisions will be communicated to all existing members of the Sick Leave Pool in the month that the revision is made. The revision will also be communicated to all eligible employees on or before the next scheduled enrollment period. The revision shall be included in the College’s Benefit Handbook and issued to each full-time regular employee at the start of the next fiscal year.

Notation only for the first year implementation of the Sick Leave Pool: The Director of Human Resources recommends that the Sick Leave Pool task force members serve as the Sick Leave Pool committee members for the first fiscal year term (September 1st – Aug31st). Thereafter, the Sick Leave Pool committee members will be on a voluntary basis to serve one fiscal year terms with the final approval of the Director of Human Resources.

DEFINITIONS

A regular employee is defined as one who is employed to work at least 20 hours per week for a period of at least 4 ¼ months.

Catastrophic illness or injury refers to a severe condition or combination of conditions affecting the mental or physical health of an employee or the employee’s immediate family. The catastrophic illness or injury shall require the services of a licensed practitioner for a prolonged period of time and shall require the employee to exhaust accrued sick and vacation leave and to lose compensation.

Immediate family refers to those persons living in the same household with the employee who are either related to the employee by kinship, adoption, or marriage or are certified by the Texas Department of Protective and Regulatory Services as foster children of the employee. The immediate family member includes a son, daughter, parent, or spouse of the employee. Immediate family members that are living in the same household shall be totally dependent upon the employee for personal care services on a continuing basis.

Licensed practitioner refers to a person who is licensed to practice in one of the health professions set forth in Paragraph 8 of Article 3.70.2 of the Texas Insurance Code.
Sick Leave Pool Administrator refers to the Director of Human Resources who is responsible for administering the Sick Leave Pool.

Sick Leave Pool or Pool refers to the accumulated sick leave donated by employees for utilization in accordance with this policy.

Sick Leave Pool Committee refers to the employees serving in a committee of at least five members representative of all eligible employee groups who meet regularly to review applications and Recommend awards, serving for two fiscal year terms (September 1st – August 31st)

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**Donation of Sick Leave**

**Policy 4322 (10/27/15)**

The College complies with House Bill 1771, 84th Legislature, effective September 1, 2015. The employees may voluntarily donate sick leave hours to another employee. A sick leave donation made specifically to benefit another employee should not be confused with an employee’s donation of accrued sick leave hours to the sick leave pool.

The sick leave donation policy is intended to benefit those employees who have exhausted all accrued sick leave entitlement including any amounts from the College’s sick leave pool. The additional donation granted by one employee to another allows the employee on sick leave to remain on paid leave status during a recovery from an illness or injury. Employees may also use donated sick leave in order to care for eligible immediate family members.

The employee may not provide or receive remuneration or a gift in exchange for sick leave donation. Donated sick leave will be used in accordance with Policy 4308 Sick Leave, with the exception that donated sick leave hours cannot be used for Employee Retirement System of Texas credit.

The President or designee has the authority and responsibility, with the appropriate participation of the faculty and staff, to develop and administer guidelines and procedures for the donation of sick leave, which is maintained by the Office of Human Resources.

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**Personal Leave**

**Policy 4311 (as amended, 7/29/14)**

Employees may use up to a maximum of 3 days of accrued sick leave during any fiscal year as personal leave to be used for funerals not covered by bereavement leave, religious observances or for sick leave for persons outside the immediate family. Full-time faculty who do not accrue vacation leave may use two of such personal leave days to conduct essential personal business which cannot be accomplished at times outside the instructional schedule.

Personal leave is deducted from the employee’s accumulated sick leave.

All personal leave must be approved by the employee’s supervisor and the supervising Dean in advance, and the proper forms forwarded to the Office of Human Resources.

The following information clarifies the intent of Board Policy 4311:
Full-time faculty who do not accrue vacation leave may use two of such personal leave days, within the applicable academic year, to conduct essential personal business which cannot be accomplished at times outside the instructional schedule.

**Educational Activities Leave**

**Policy 4230 (11/26/13)**

In accordance with Section 661.206 of the Texas Government Code, employees may use up to eight hours of accrued sick leave each fiscal year to attend educational activities of the employee’s child who is a student attending a grade from prekindergarten through 12th grade.

An educational activity is defined as a school-sponsored activity, including a parent-teacher conference, tutoring, a volunteer program, a field trip, a classroom program, a school committee meeting, an academic competition, and an athletic, music, or theater program. Parent means a person standing in parental relation.

Employee shall give reasonable advanced notice of intention to use the sick leave to attend an educational activity.

**Family and Medical Leave**

**Policy 4313 (as amended 1/27/15)**

The college complies with the Family and Medical Leave Act of 1993. 29 CFR § 825. The Family and Medical Leave Act (FMLA) covers only certain employers; affects only those employees eligible for the protections of the law; involves entitlement to leave, maintenance of health benefits during leave, and job restoration after leave; sets requirements for notice and certification of the need for FMLA leave; and protects employees who request or take FMLA leave.

**Eligibility For Leave.** To be eligible for FMLA leave, an employee **must work for a covered employer and:**

1. have worked for that employer for at least 12 months; and

2. have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave; and,

3. work at a location where at least 50 employees are employed at the location or within 75 miles of the location.

The 1,250 hours refers to hours actually worked and does not include any paid time off. **Entitlement To Leave.** Eligible College employees are entitled, to job-protected leave under the Family and Medical Leave Act (FMLA) for a total of 12 weeks of leave during a “rolling” 12-month period measured backward from the date an employee uses any FMLA leave, except in the case of leave to care for a covered service member with a serious injury or illness, for one or more of the following:

1. for incapacity due to pregnancy, prenatal medical care, or child birth;
2. to care for the employee’s child after birth, or the placement for adoption or foster care;
3. to care for the employee’s spouse, son, daughter, or parent with a serious health condition;
4. because of a serious health condition that makes the employee unable to perform the functions of the employee’s job.
5. Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty or call to covered active duty status may use their 12 week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative child care, 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:

1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

2) 2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness.

Expiration of Entitlement. The entitlement to leave for a birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement.

Intermittent Leave or Reduced Leave Schedule. Leave taken after the birth, or for the adoption, or foster care of son or daughter shall not be taken by an employee intermittently or on a reduced leave schedule unless the employee and College agree otherwise. Subject to certification requirements under the FMLA, leave taken for purposes of a serious health condition or a serious injury or illness of a covered service member may be taken by an employee intermittently or on a reduced leave schedule when medically necessary. Subject to certification requirements under the FMLA, leave taken for purposes of a qualifying exigency may be taken by an employee intermittently or on a reduced leave schedule. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations. Leave due to qualifying exigencies may also be taken on an intermittent basis. Only the amount of leave actually taken while on intermittent/reduced schedule leave may be charged as FMLA leave. Employees may not be required to take more FMLA leave than necessary to address the circumstances that cause the need for leave. (CFR Section 203)

Substitution of Paid Leave.

(1) In General. The College requires the employee, to substitute applicable accrued paid leave of the employee for leave taken with respect to the birth, adoption, or foster care of a child or for a qualifying exigency for any part of the 12-week period.
(2) **Serious Health Condition.** The College requires the employee, to substitute applicable accrued paid leave of the employee for leave taken with respect to a serious health condition or taking care of a qualifying relative with a serious health condition for any part of the 12-week period of such leave, except that the College is not required to provide paid leave in any situation in which such employer would not normally provide any such paid leave.

(3) **Service Member Family Leave.** The College requires the employee, to substitute any of the accrued paid leave of the employee for leave taken for a serious injury or illness of a covered service member for any part of the 26-week period, except that the College shall not be required to provide paid leave in any situation in which the College would not normally provide any such paid leave.

**Unpaid Leave.** If an employee exceeds available paid leave for fewer than 12 workweeks or 26 workweeks in the case of service member family leave, the additional weeks of leave necessary, up to 12 workweeks or 26 workweeks, as appropriate, of the leave will be taken as leave without compensation.

An employee’s application shall specify the period and purpose of the leave requested. The application must include the required medical certification from the health care provider of the eligible employee, child, spouse or parent as appropriate. All requests for Family and Medical Leave will be forwarded to the Office of Human Resources and will be retained in the Employee Benefits Record file.

**Requirement of Notice.** Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days’ notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer’s normal call-in procedures. In any case in which the necessity for leave for the employee’s serious health condition or to care for a qualifying relative with a serious health condition or for service member family leave is foreseeable based on planned medical treatment, the employee—

(A) shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the College, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse, or parent of the employee, as appropriate; and

(B) shall provide the College with not less than 30 days’ notice, before the date the leave is to begin, of the employee’s intention to take such leave, except that if the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

(2) **Notice For Leave Due To Qualifying Exigency.** In any case in which the necessity for leave for a qualifying exigency is foreseeable, whether because the spouse, or a son, daughter, or parent, of the employee is on active duty, or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as is reasonable and practicable.

**Spouses Employed By The College.**
Employee Benefits

(1) In General Spouses employed by the same employer may be limited to a **combined** total of 12 workweeks of family leave for the following reasons:

The birth and care of a child, for the placement of a child for adoption or foster care and to care for the newly placed child and to care for an employee's parent with a serious health condition.

(2) Service member Family Leave. The aggregate number of workweeks of leave to which both that husband and wife may be entitled to care for a covered service member with a serious injury or illness may be limited to 26 workweeks during the single 12-month period prescribed by the FMLA if the leave is Service member Family Leave or a combination of Service member Family Leave and other leave provided under the FMLA. However, when leave is combined, leave other than Service member Family Leave shall be limited to not more than 12 weeks.

**Certification Requirements.**

(1) The College may require that a request for leave for a serious health condition or to care for the employee's immediate family member be supported by a certification issued by a health care provider. The employee shall provide a copy of such certification to the College in a timely manner. The College will allow at least 15 calendar days (additional time may be required in some circumstances).

(2) Qualifying Exigency Leave. The College may require that a request for leave because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation be supported by a certification issued The same timing requirements for certification apply to all requests for FMLA leave, including those for military family leave. Thus, an employee must provide any requested certification to the college within the time frame requested (which must allow at least 15 calendar days after the employer's request).

(3) Failure to Return From Leave. The College may recover the premium that the employer paid for maintaining coverage for the employee under the College's group health plan during any period of unpaid leave under this policy if:

(A) the employee fails to return from leave after the period of leave to which the employee is entitled has expired; and

(B) the employee fails to return to work for a reason other than--

  i) the continuation, recurrence, or onset of a serious health condition that entitles the employee to FMLA leave or Service member Family Leave; or

  (ii) other circumstances beyond the control of the employee.

In addition to certification required for failure to return to work from other FMLA leave, the College may require that a claim that an employee is unable to return to work because of the continuation, recurrence, or onset of the serious injury or illness of a covered service member be
supported by a certification issued by the health care provider of the service member being cared for by the employee, in the case of an employee unable to return to work.

**Maintenance of Health Benefits/Job Restoration after Leave.**

During FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

**Definitions.**

“**Active Duty**” means:

1. in the case of a member of the Regular Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and,

2. in the case of a member of the Reserve components of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of Title 10, United States Code. See also § 828.126(a).

“**Contingency Operation**” means a military operation that:

1. is designated by the Secretary of Defense as an operation in which members of the Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

2. results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of Title 10 of the United States Code, chapter 15 of Title 10 of the United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress. See also § 828.126(a)(2).

“**Covered Service Member**” means:

1. a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or

2. a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

“**Next of Kin**”, means the nearest blood relative other than the covered service member’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member’s next of kin and
may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member’s only next of kin. See also § 825.127(d)(3).

“Outpatient Status” with respect to a covered service member, means the status of a member of the Armed Forces assigned to—

(A) a military medical treatment facility as an outpatient; or

(B) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

“Parent” means a covered service member’s biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents “in law.”

“Qualifying Exigency” is one of the two new military family leave provisions. It may be taken for any qualifying exigency arising out of the fact that a covered military member is on active duty or call to active duty status. The Department’s new regulations include a broad list of activities that are considered qualifying exigencies and will permit eligible employees who are family members of a covered military member to take FMLA leave to address the most common issues that arise when a covered military member is deployed, such as attending military-sponsored functions, making appropriate financial and legal arrangements, and arranging for alternative childcare.

“Serious Health Condition” means an illness, injury, impairment, or physical or mental condition that involves:

- any period of incapacity or treatment connected with inpatient care (i.e., and overnight stay) in a hospital, hospice, or residential medical care facility; or
- any period of incapacity requiring absence of more than three consecutive days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider.
- any period of incapacity due to pregnancy, or for prenatal care; or
- any period of incapacity (or treatment therefor) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or
- a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer’s, stroke, terminal diseases, etc.); or,
- any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity
- of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

“Serious Injury or Illness”, In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the covered service member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the service member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and
In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:

1. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member’s office, grade, rank, or rating; or

2. A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50% or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

3. A physical or mental condition that substantially impairs the covered veteran’s ability to secure or follow a substantially gainful occupation by reason of disability or disabilities related to military service, or would do so absent treatment; or

4. An injury, including psychological injury, which is the basis on which the covered veteran has been enrolled in the Department of Veterans’ Affairs Program of Comprehensive Assistance for Family Caregivers. See also §825.127(c).

"Son or Daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is a “biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is

(A) under 18 years of age; or

(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.” See 29 C.F.R. § 825.122 (d).

The FMLA does not require that a biological or legal relationship exist between the employee and the child. See 29 C.F.R. § 825.122 (d) (3).

The FMLA definition of “son or daughter” therefore includes a child of a person standing in loco parentis—those with day-to-day responsibilities to care for or financially support a child.

A child under 18 years of age is a “son or daughter” under the FMLA without regard to whether or not the child has a disability. An eligible employee requesting FMLA leave to care for a son or daughter under 18 years of age must only show a need to care for the child due to a serious health condition.

However, in order to meet the FMLA’s definition of a “son or daughter,” an adult child (i.e., one who is 18 years of age or older) must have a mental or physical disability and be incapable of self-care because of that disability. The FMLA regulations adopt the ADA’s definition of “disability” as a physical or mental impairment that substantially limits a major life activity (as interpreted by the EEOC) to define “physical or mental disability.” 29 C.F.R. §825.122(d) (2). The FMLA regulations define “incapable of self-care because of mental or physical disability” as when an adult son or daughter “requires active assistance or supervision to provide daily self-care in three or more of the ‘activities of daily living’ (ADLs) or ‘instrumental activities of daily living’ (IADLs).”
§825.122(d) (1). A parent will be entitled to take FMLA leave to care for a son or daughter 18 years of age or older, if the adult son or daughter is “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence.

“Spouse” means a husband or wife as defined or recognized under state law for purposes of marriage in the state where the employee resides, including "common law" marriage and same-sex marriage.

Documenting relationships. For purposes of confirmation of family relationship, the College may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship. This documentation may take the form of a simple statement from the employee, or a child's birth certificate, a court document, etc. The College is entitled to examine documentation such as a birth certificate, etc., but the employee is entitled to the return of the official document submitted for this purpose.

**Funeral Leave**

**Policy 4312 (11/09/95)**

An employee shall be granted bereavement leave because of a death in the employee's family and may take a maximum of three days which are to be taken from sick leave, vacation leave or leave without pay. Under this provision, an employee's family is defined as the employee's spouse, employee's and spouse's parents, children, brothers, sisters, grandparents, and grandchildren.

**Jury and Witness Duty**

**Policy 4314 (11/09/95)**

Any employee holding a staffing plan position called to serve on a jury or as a witness in any legal proceeding is eligible to use jury and witness duty leave. The employee must submit a leave of absence request with a copy of jury notification to the immediate supervisor.

Employees subpoenaed as a witness in a legal proceeding except in one involving the employee versus the College may be eligible for witness leave with pay based on a case-by-case evaluation. Employees have the option of retaining jury duty pay if they do not claim their regular STC pay. Reimbursement for jury duty expenses is not considered jury duty pay.
Leave without Pay
Policy 4316 (11/09/95)

Leave without pay may be granted for up to 12 months subject to the following provisions:

1. Except for disciplinary suspension, parental leave, family and medical leave, workers’ compensation and military situations, all accumulated paid leave entitlement must be exhausted before granting leave without pay, with the additional provision that sick leave must be exhausted only in those cases where the employee is eligible to take sick leave under sick leave provisions.

2. Except in cases of an employee returning to employment from military leave without pay, any full calendar month in which an employee is on leave without pay will not be counted in the calculation of total service for vacation pay.

3. Employees will not accrue vacation or sick leave during the period of leave without pay.

The President is authorized to approve leaves of absences without pay for a period up to and including 12 months when it appears justifiable and beneficial to the individual and the College.

Military Leave
Policy 4317 (10/27/15)


Military Leave provides employment protection, income protection, and a means for employees to secure time off when called to uniformed U.S. military service. The College will comply with The Uniformed Services Employment and Reemployment Rights Act (USERRA), which covers all categories of military training and service, including duty performed on a voluntary or involuntary basis, in time of peace or war. It applies to the National Guard and reserve military personnel and also applies to persons serving in the active components of the Armed Forces as provided by state and federal law.

State Leave for Member of Military or Rescue Team

Short Term Military Leave
A person who is an officer or employee of the state, a municipality, a county, or another political subdivision of the state, including a college district, and who is a member of the state military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team is entitled to a paid leave of absence from the person’s duties on a day on which the person is engaged in authorized training or duty ordered or authorized by proper authority for not more than 15 workdays in a fiscal year. During a leave of absence, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time.

(1) The College shall provide written notice, to the employee, of the number of workdays of paid leave to which the employee is entitled each fiscal year.

(2) The College shall carry forward from one fiscal year to the next the net balance of unused accumulated leave under the Short Term Military Leave available not to exceed 45 workdays.
(3) The employee who is such a member of the armed forces, or a member of a state or federally authorized urban search and rescue team and who has been ordered to duty by proper authority is entitled, when relieved from duty, to be restored to the position that the employee held when ordered to duty. The College shall maintain complete and accurate records of the granted and accumulated leave in the employee’s personnel file to include the net balance of unused accumulated military leave and the net balance of unused accumulated leave that the individual is entitled to carry forward to the next fiscal year.

**Employee Request for Short Term Military Leave**

A prior written notification, provided at minimum five business days prior to leave begin date, accompanied by copy of the official military orders must be submitted to the employee’s supervisor, appropriate Vice President, and to the Office of Human Resources. Failure to provide the required notice on a timely basis may be grounds for disciplinary action, but shall not be grounds for refusal of the leave.

**Unpaid Extended Military Leave**

An employee who is drafted or otherwise called to active duty, or who leaves for extended active duty in the military services of the United States during a war or national emergency, shall be granted a military leave without pay for the duration of such war or national emergency after notifying the employee’s supervisor, appropriate Vice President, Office of Human Resources, and the President. Written notification of request for extended military leave shall be provided at minimum five business days prior to leave begin date. A copy of military orders should be submitted as supporting documentation to the military leave request. Notification of intent to return to the College must be made in accordance with guidelines established in the Uniformed Services Employment and Reemployment Rights Act (USERRA). Such leaves of absence shall not be considered a break in service; however, the employee shall not accrue leave during this period and will be responsible for payment of group health benefit premiums.

**Accommodations for Major Religious Holidays**

*Policy 4318 (as amended 7/29/14)*

South Texas College respects the diversity of religious observances and seeks to reasonably accommodate such practices and requirements.

Wherever possible, the College will make reasonable accommodations to allow employees to practice their religious observances when such requests are made in time for rescheduling hours worked, and the College and the employee agree on the conditions by which work time will be rescheduled. Employees shall submit a written request for a modified work schedule, approved by the immediate supervisor and Financial Manager, to the Office of Human Resources.

**Professional Leave**

*Policy 4319 (11/09/95)*

Professional leave may be granted for official, short-term absences for professional meetings, conferences, workshops, or seminars; service as an officer or delegate of a professional organization; presentation of speeches or papers; and participation in research, performances, or panels.

Travel expenses associated with professional leave may or may not be paid by the College, depending on the nature of the proposed activity and the availability of funds budgeted for such purposes.

*Approval must be obtained from your supervisor, prior to professional leave.*
Employee Benefits

Professional Development Plan for Eligible Regular Full-Time Faculty and Staff

Policy 4330 (04/28/05)

South Texas College offers a comprehensive Professional Development Plan which provides the opportunity for regular full-time faculty and staff to participate in meaningful professional development activities in keeping with the mission and goals for South Texas College.

The Professional Development Plan is offered subject to availability of funds. The President or designee has the authority and responsibility, with the appropriate participation of the faculty and staff, to develop and administer guidelines for the plan, which is maintained by the Office of Human Resources.

Tuition and Fee Waiver for Eligible Family Members of Regular Faculty and Staff

Policy 4334 (04/28/05)

South Texas College is committed to lifelong learning opportunities for its regular full-time faculty and staff and their eligible family members. As a result, South Texas College offers a tuition and fee waiver to eligible family members of regular full-time faculty and staff for eligible credit courses taken at the College.

These waivers are subject to the availability of funds and subject to the appropriate Professional Development Plan guidelines. The President or designee has the authority and responsibility, with the appropriate participation of the faculty and staff, to develop and administer guidelines for the Professional Development Plan, which is maintained by the Office of Human Resources.

Professional Development Plan
Regular Faculty and Staff – Revised Fall 2015

INSTITUTIONAL GRANT FOR EMPLOYEES

The College offers a tuition and fee institutional grant, subject to availability of funds, for full-time benefit eligible faculty and staff. Eligible employees may apply to take courses that comply with a specified degree plan or are directly job related. Coursework undertaken solely for self-enrichment does not qualify.

ELIGIBILITY

Effective September 1st, 2015 the employee must have completed at least one year of service without a break of employment before the program's benefits can be granted. Upon meeting eligibility requirements, a maximum of nine hours may be granted. The maximum number of hours listed are per semester consisting of three semesters- Fall, Spring, and Summer (I, II, III).

ELIGIBILITY FOR BAS- ORGANIZATIONAL LEADERSHIP PROGRAM
Effective September 1st, 2015 the employee must have completed at least 1 year of service
without break of employment before the programs benefits may be granted. Upon meeting eligibility requirements, a combined maximum total of $3000 may be granted for the Fall, Spring, and Summer (I II III).

INSTITUTIONAL GRANT FOR DEPENDENTS

The College offers an institutional tuition grant, subject to availability of funds, for active benefit-eligible full-time faculty and staff for eligible credit courses taken at the College, including courses in BAT program.

Eligible dependents may apply to take courses that comply with a specified degree plan or statement of educational purpose. Adult Continuing Education Courses ARE NOT Covered under the Tuition Grant for dependents. All guidelines related to the implementation of this policy will be maintained by the Office of Human Resources and require approval by the College President.

An Eligible dependent is defined as a legal spouse, or son/daughter of the age of 28 or younger. The Office of Human Resources reserves the right to request and obtain proof of dependency.

Promissory Notes are required to be submitted with each institutional grant application. Effective 09/01/2009, the employee is subject to reimburse the College for their dependent tuition grant benefit if the employee terminates within 2 years of receiving the benefit. The employee will receive credit for time worked within the 2 year period of receiving the benefit.

ELIGIBILITY

The institutional tuition grant eligibility is based on the number of years of service without a break of employment. Effective September 1st, 2014, the employee must have completed at least two years of service before the program’s benefits can be granted for a dependent.

At 2 years | 4 hours per semester
At 4 years | 8 hours per semester
At 6 years | 12 hours per semester

The maximum number of hours listed are per semester consisting of three semesters (Fall Spring, and Summer I II III)

ELIGIBILITY FOR BAS-ORGANIZATIONAL LEADERSHIP PROGRAM

The institutional tuition grant eligibility is based on the number of years of service without a break of employment. Effective September 1st, 2014, the employee must have completed at least two years of service before the program’s benefits can be granted for a dependent.

At 2 years | $1500 award per fiscal year
At 4 years | $2250 award per fiscal year
At 6 years | $3000 award per fiscal year
NOTE: Complete guidelines and application may be obtained from the Office of Human Resources or may be downloaded from the STC website at http://hr.southtexascollege.edu/forms.html

"Institutional Grant: a dependent verification form is being added as part of the dependent application but it is still pending approval.

EMPLOYEE TUITION AND FEE REIMBURSEMENT

The College offers a tuition and fee reimbursement of a maximum of $800 per fiscal year, subject to availability of funds, of courses taken at another regionally accredited public or private post-secondary institution within the State of Texas that comply with a specified degree plan or are directly job related. The tuition and fee reimbursement also applies to graduate distance learning courses at regionally accredited out-of-state institutions as well as for graduate and undergraduate distance learning courses at regionally accredited in-state institutions, according to the guidelines. All full-time, benefits eligible faculty and staff who have been employed in a regular full-time position at STC for a minimum of one year are eligible to participate.

NOTE: Complete guidelines and application may be obtained from the Office of Human Resources or may be downloaded from the STC website at http://hr.southtexascollege.edu/forms/benefits/benefits_tuition_reimbursement_employees.pdf

Applications for all tuition waivers and/or reimbursements must be submitted on the appropriate forms, with appropriate department approvals, and in accordance with the required timelines in order to be processed.

Employee Medical Insurance

Policy 4340 (06/16/05)

South Texas College provides group medical insurance for eligible employees and their qualified dependents in accordance with the Texas Employees Group Benefit Program as administered and implemented by the Employees Retirement System of Texas.

Optional Retirement Plan (ORP)

Policy 4351 (07/24/13)

South Texas College will distribute to eligible employees, the 1.9% optional retirement contribution to the extent local funds are available. The state and supplemental contribution rates will total 8.5% as approved by the State of Texas.

Eligible employees will be limited to those employees who first started participating in ORP at any Texas public institution of higher education prior to September 1, 1995, whether or not the participant subsequently changed ORP employers or had a break in service with the same ORP employer.

Tax Sheltered Annuities

South Texas College makes available to all eligible employees the 403(b) plan (tax sheltered annuities). The conditions and procedures necessary for an insurance carrier to be authorized to write tax sheltered annuities for eligible employees of the College, together with additional
comments concerning the Tax Sheltered Annuity Program, are provided below. To request
authorization, the President or general counsel for the insurance company must write a letter
addressed to the Vice President of Finance and Administrative Services.

TRANSFER OF CARRIERS

Active employees who are eligible to participate in the Optional Retirement Program or Tax
Sheltered Annuity Program may continue with the same carrier or choose to transfer to another
carrier during

Employees who are eligible to participate in the Optional Retirement Program or Tax Sheltered Annuity
Program and who are already participating in such programs shall be allowed the option of continuing
such participation with the same carrier whenever such employee transfers from one institution of
education to another.

Liability and Insurance

The laws governing teacher liability for injuries sustained by students are vague and the extent to
which teachers may be held liable is inconclusive. All faculty members are cautioned that the
vagueness of their legal liability status leaves them in a rather precarious position and they should
exercise all reasonable precaution to avoid the possibility of being held liable for accidental injury.

To minimize the likelihood of being held liable for damages, certain rules can be stated. Students
must never be permitted to use equipment that is unsafe or to be exposed to undue or needless
hazards or dangerous situations. Neither should they be permitted to use equipment without prior
instruction about safe operation and they must demonstrate to the instructor’s satisfaction that
they know and understand how to operate it in a safe manner.

Students should never be left unsupervised in a shop or laboratory. Adequate precautions should
be taken in those instances when students are permitted in shops or laboratories on an individual
basis to do make-up or additional work. Similarly, regulations should be established to safeguard
against unscheduled usage of equipment by students.

For more benefits information refer to Employee Benefits Handbook available from the Office of
Human Resources. It is also available at: https://hr.southtexascollege.edu/benefits.html
## IMPORTANT NUMBERS

<table>
<thead>
<tr>
<th>Office</th>
<th>Contact Information</th>
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<tr>
<td><strong>The Office of Public Relations and Marketing</strong></td>
<td></td>
</tr>
<tr>
<td>Daniel Ramirez</td>
<td>PHONE: (956) 872-2380</td>
</tr>
<tr>
<td>Director of Public Relations/Marketing</td>
<td>EMAIL: <a href="mailto:DRAMPEZ@SOUTHTEXASCOLLEGE.EDU">DRAMPEZ@SOUTHTEXASCOLLEGE.EDU</a></td>
</tr>
<tr>
<td>San Juanita Rojas</td>
<td>PHONE: (956) 872-5625</td>
</tr>
<tr>
<td>Administrative Assistant</td>
<td>EMAIL: <a href="mailto:SROJAS@SOUTHTEXASCOLLEGE.EDU">SROJAS@SOUTHTEXASCOLLEGE.EDU</a></td>
</tr>
<tr>
<td><strong>The Office of Professional Development</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Vacant</strong></td>
<td>PHONE: (956) 872-7271</td>
</tr>
<tr>
<td>Director Of Professional and Organizational Development</td>
<td>EMAIL:</td>
</tr>
<tr>
<td><strong>Sylvia Valdez</strong></td>
<td>PHONE: (956) 872-7269</td>
</tr>
<tr>
<td>Administrative Assistant</td>
<td>EMAIL: <a href="mailto:SVALDEZ@SOUTHTEXASCOLLEGE.EDU">SVALDEZ@SOUTHTEXASCOLLEGE.EDU</a></td>
</tr>
<tr>
<td><strong>The Office of Human Resources</strong></td>
<td></td>
</tr>
<tr>
<td>Brenda Balderaz</td>
<td>PHONE: (956) 872-5067</td>
</tr>
<tr>
<td>Director of Human Resources</td>
<td>EMAIL: <a href="mailto:BRENDA@SOUTHTEXASCOLLEGE.EDU">BRENDA@SOUTHTEXASCOLLEGE.EDU</a></td>
</tr>
<tr>
<td><strong>Vacant</strong></td>
<td>PHONE: (956) 872-3745</td>
</tr>
<tr>
<td>HR Administrative Assistant</td>
<td>EMAIL:</td>
</tr>
</tbody>
</table>

South Texas College  P.O. Box 9701  McAllen, TX  78502-9701

### Websites for your Reference

- **College Website:** [http://www.southtexascollege.edu/](http://www.southtexascollege.edu/)
- **STC Policy Manual:** [http://admin.southtexascollege.edu/president/policies/index.html](http://admin.southtexascollege.edu/president/policies/index.html)
- **Faculty and Staff Directory:** [http://staffdir.southtexascollege.edu/](http://staffdir.southtexascollege.edu/)
- **Employment Opportunities:** [http://hr.southtexascollege.edu/employment.aspx](http://hr.southtexascollege.edu/employment.aspx)
- **Benefits Information:** [http://hr.southtexascollege.edu/benefits.aspx](http://hr.southtexascollege.edu/benefits.aspx)
- **HR Forms and Policies:** [http://hr.southtexascollege.edu/forms.aspx](http://hr.southtexascollege.edu/forms.aspx)
- **STC Outlook Webmail:** [https://owa.southtexascollege.edu/](https://owa.southtexascollege.edu/)
Resource Guide

If Someone Tells You They Have Experienced Sexual Misconduct

Title IX of Education Amendments 1972:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."

WHAT TO DO:
1. The person’s health and safety should be the primary concern. If these are at risk, call Campus Police at (956) 872-4444 or 911.
2. If someone tells you that they have experienced such offense, offer support, listen, and encourage them to seek help as soon as possible.
3. Follow the “What To Say” section on the back of this card.
4. Tear this card at the perforation. Keep this half for your information and provide the other half to the person who has experienced the sexual misconduct.

REPORTING OPTIONS:
- Contact Title IX Coordinator or a Title IX Deputy Coordinator
- File a Report
  - www.southtexascollege.edu/go/title-ix
- Contact Office of Human Resources at (956) 872-5057, (956) 872-3637, or (956) 872-3805
- Contact Campus Police at (956) 872-4444 or 911.

If You Have Experienced Sexual Misconduct

Sexual Misconduct is a violation of Title IX.

WHAT TO DO:
If you have experienced an incident of sexual misconduct, you are strongly encouraged to:

CONTACT:
- Campus Police at (956) 872-4444 or 911.
- Title IX Coordinator or a Title IX Deputy Coordinator

SEEK SUPPORT:
- Counseling Department at (956) 872-2173
- Student Rights and Responsibilities at (956) 872-2180
- Campus Police at (956) 872-4444 or 911.

FILE A REPORT:
- www.southtexascollege.edu/go/title-ix

AFTER HOURS:
- Campus Police at (956) 872-4444 or 911.

OFF CAMPUS ASSISTANCE:
- Mujeres Unidas/Women Together at (956) 687-4715/(956) 854-4369
- Family Crisis Center, Inc. at (956) 423-9305
- Friendship of Women, Inc. at (956) 544-7412.

WHAT TO KNOW:
- You have the right to choose what resources you use, with whom you speak, what you will say, and when you will say it.
- There are many resources to help you on campus and in the community.
- It is your choice whether to name the other person(s).
- You have the right to speak to a confidential resource(s).
- Our College considers sexual misconduct to be a serious violation to the person and the community.
- Our College acts promptly and appropriately to prevent and stop any acts of retaliation.

South Texas College is an equal education and equal employment opportunity-affirmative action employer. As an equal opportunity employer, the College does not discriminate on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity, disability, genetic information, or veteran status. Discrimination is prohibited and the College will comply with all applicable College policies, state and federal legislation. This policy extends to individuals seeking employment with and admission to the College.

You do not have to choose a course of action immediately, but it is important to preserve evidence in case you choose to make a complaint or pursue charges. Possible evidence might be clothing, bedding, letters, photos, emails, text messages, etc.
If You Have Experienced Sexual Misconduct

<table>
<thead>
<tr>
<th>REPORTING OPTIONS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title IX Coordinator</td>
</tr>
<tr>
<td>Mary G. Elizondo</td>
</tr>
<tr>
<td>Vice President for Finance and Administrative Services</td>
</tr>
<tr>
<td>(956) 872-3558</td>
</tr>
<tr>
<td>Title IX Deputy Coordinators</td>
</tr>
<tr>
<td>Brenda J. Balderraz</td>
</tr>
<tr>
<td>Director of Human Resources</td>
</tr>
<tr>
<td>(956) 872-5057</td>
</tr>
<tr>
<td>Janette Garcia</td>
</tr>
<tr>
<td>Institutional Equity Manager</td>
</tr>
<tr>
<td>(956) 872-2307</td>
</tr>
<tr>
<td>Santa E. Pena</td>
</tr>
<tr>
<td>Director of Counseling</td>
</tr>
<tr>
<td>(956) 872-2140</td>
</tr>
<tr>
<td>Paul B. Vanville</td>
</tr>
<tr>
<td>Chief Administrator of the Department of Public Safety and Regional Center for Public Safety Excellence</td>
</tr>
<tr>
<td>(956) 872-2330</td>
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<td>Campus Police</td>
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<tr>
<td>(956) 872-4444</td>
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<td>Local Police</td>
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<tr>
<td>911</td>
</tr>
<tr>
<td>Medical Assistance</td>
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<tr>
<td>If you have been sexually assaulted, the Campus Police will provide transportation to a hospital to be treated by a Sexual Assault Nurse Examiner (SANE).</td>
</tr>
<tr>
<td>Confidential Resources:</td>
</tr>
<tr>
<td>South Texas College Counseling and Student Disability Services Department</td>
</tr>
<tr>
<td>(956) 872-2173</td>
</tr>
<tr>
<td>Mujeres Unidas/Women Together</td>
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<th>WHO NEEDS TO REPORT?</th>
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<tbody>
<tr>
<td>All College Faculty and Staff employees, other than Licensed Professional Counselors, are required to report sexual misconduct to the Title IX Coordinator or the Title IX Deputy Coordinators.</td>
</tr>
<tr>
<td>This responsibility should be communicated to the person reporting the sexual misconduct.</td>
</tr>
<tr>
<td>If you have any questions and/or concerns, contact the Title IX Coordinator at (956) 872-3558.</td>
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<tr>
<th>WHAT TO SAY:</th>
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<tbody>
<tr>
<td>There are many resources available to help you, both at the College and in the community. Some resources are strictly confidential.</td>
</tr>
<tr>
<td>I am required to connect you to the Title IX Coordinator or to a Title IX Deputy Coordinator who will meet with you to help you take care of your personal safety and your physical and emotional well-being, direct you to resources, and explain your options if you want the College to take action.</td>
</tr>
<tr>
<td>The Title IX Coordinator or the Title IX Deputy Coordinator will keep your information private and will only share it with those who &quot;need to know&quot;. You have the right to choose with whom you will speak, what resources you will use, what you will say, and when you will say it.</td>
</tr>
<tr>
<td>The College is obligated to provide you support services and some are confidential.</td>
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<tbody>
<tr>
<td>Policy 4216 Harassment, Discrimination, and Sexual Misconduct</td>
</tr>
<tr>
<td><a href="https://admin.southtexascollege.edu/president/policies/pdf/4200/4216.pdf">https://admin.southtexascollege.edu/president/policies/pdf/4200/4216.pdf</a></td>
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</table>

| Retaliation against any member of the South Texas College community who reports an incident of sexual misconduct is strictly prohibited. South Texas College acts promptly and appropriately to prevent and stop any acts of retaliation. |