PREFACE

The Administrative Policies and Procedure Manual applies to all full time and part-time employees of Lamar State College-Port Arthur. This manual is not a contract, and the policies and procedures outlined in this document may be amended at any time. In the case of conflict between this handbook and The Texas State University System™ Rules and Regulations shall prevail.

The Administrative Policies and Procedure Manual is available on the Lamar State College-Port Arthur website.

Lamar State College-Port Arthur is an equal opportunity/affirmative action educational institution and employer. Students, faculty, and staff members are selected without regard to their race, color, creed, gender, age, disability or national origin, consistent with the Assurance of Compliance with Title VII of the Civil Rights Act of 1964; Executive Order 11246 as issued and amended; Title IX of the Education Amendments of 1972, as amended; Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Civil Rights Act of 1991; and Family Medical Leave Act of 1993.
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SECTION I: INTRODUCTION

POLICY: 1.0 ADMINISTRATIVE POLICY AND PROCEDURE MANUAL
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 1.0
APPROVED: September 2005
REVISED: 


The Administrative Policies and Procedures Manual is the official Lamar State College-Port Arthur human resources policies. Many policies cover both faculty and staff; some include student employees. The defined scope of each policy defines which employees are covered. There may be additional faculty policies which are beyond the scope of this manual.

The Administrative Policy and Procedure Manual is an effort to create a better understanding of the policies of the College. It should enhance personnel decisions, protect the rights of all employees and assure uniformity of action throughout the College. Each member of management is responsible for administering these policies in a consistent and impartial manner.

Nothing in the Administrative Policy and Procedure Manual creates an expressed or implied contract of employment. Employment is terminable at will so that both the College and its staff employees remain free to choose to terminate their work relationship at any time. The Administrative Policy and Procedure Manual cannot be construed as a contract express or implied, for any purpose whatsoever, in the event of conflict between the provision(s) of the Administrative Policy and Procedure Manual and The Texas State University System™ Rules and Regulations or other System policies, the System rules, regulations, and policies shall govern.

Policies in the field of Human Resources are subject to modification and further development in the light of experience. The Administrative Policy and Procedure Manual is subject to review and change by the President without notice.

2. Distribution of Policies and Procedures: The Administrative Policy and Procedure Manual will be issued to appropriate management and supervisory officials. Each department shall have at least one (1) copy. Employees shall have access to the department copy or may review the manual in the Human Resources Office. The person to whom the manual is issued shall be responsible for its safekeeping and maintenance. It is the responsibility of each employee to be familiar with the information contained in the Policies and Procedures Manual and any amendments. The Administrative Policy and Procedure Manual must remain on the premises and in the department at all times. These policies and procedures may be found on the Human Resources web site. The Texas State University System™ Rules and Regulations may be found in administrative offices.

3. Authority for Administrative Policies: The Administrative Policy and Procedure Manual has been approved by the President by the authority delegated by the Board of Regents and are hereby established as official policy for Lamar State College-Port Arthur.

4. Establishing New or Revised Policies: Standard policies concerning the relationship between the College and its employees will be written and made available to all concerned through inclusion in the Administrative Policies and Procedures. The President may direct that the policy be issued and administered as he/she directs.

5. The Office of Human Resources is responsible for disseminating all new or revised personnel policies. Each management official and supervisor who is furnished an Administrative Policy and Procedure Manual is responsible for keeping that manual current by including all changes as they are issued.
POLICY: 1.1  EQUAL OPPORTUNITY POLICY
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 1.1
APPROVED: September 2009; June 2015
REVISED: September 2009; June 2015

1. Institutional Policy Statement

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

POLICY: 1.2  MISSION STATEMENT
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 1.2
APPROVED: November 2001; June 2011
REVISED: November 2001; June 2011

1. Mission

Lamar State College-Port Arthur, a member of The Texas State University System™, is an open-access, comprehensive public two-year college offering quality and affordable instruction leading to associate degrees and a variety of certificates. The College embraces the premise that education is an ongoing process that enhances career potential, broadens intellectual horizons, and enriches life.

2. Core Values

2.1. Shared commitment by faculty, staff and administration to a mission characterized by student learning, diversity, and community involvement.

2.2. General education/core curriculum that develops the values and concepts that allow the student to make a meaningful contribution in the workplace or community.

2.3. Academic and technical programs designed to fulfill our commitment to accommodate students with diverse goals and backgrounds, using a variety of delivery methods, on and off campus.

2.4. Technical education programs that provide for the acquisition of knowledge, skills and behavior necessary for initial and continued employment.

2.5. Student achievement characterized by attainment of individual goals and measured by successful accomplishments and completion of curriculum.

2.6. Co-curricular opportunities that develop social, financial and civic acuity.

3. Principles

Lamar State College-Port Arthur operates in the belief that all individuals should be:

3.1. treated with dignity and respect;

3.2. afforded equal opportunity to acquire a complete educational experience;

3.3. given an opportunity to discover and develop their special aptitudes and insights;

3.4. provided an opportunity to equip themselves for a fulfilling life and responsible citizenship in a world characterized by change.
1. **Accreditation**

1.1. Institutional Accreditation

Lamar State College Port Arthur is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) to award degrees at the associate level. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call (404) 679-4500, at http://www.sacs.org for questions about the accreditation of Lamar State College Port Arthur.

1.2. Program Accreditation

The College is also accredited by the:

1.2.1. American Bar Association.

1.2.2. Commission on Accreditation of Allied Health Education Programs (CAAHEP).

1.2.3. Accreditation Review Council on Education in Surgical Technology and Surgical Assisting (ARC/SSTSA).

2. **Approved by:**

2.1. Texas Education Agency for training veterans under all classifications.

2.2. Texas Board of Nursing.

2.3. Texas Department of Aging and Disability Services.

2.4. Texas Certification Board of Addiction Professionals.

2.5. Texas Department of Licensing and Regulation.


3. **Publication of Accreditation Statements**

All publications must reflect accreditation notices prescribed by the accrediting agency.

4. **Inquiries**

Normal inquiries about the institution, such as admission requirements, financial aid, educational programs, etc., should be addressed directly to Lamar State College-Port Arthur and not to the Commission’s office.

The Commission should be contacted only if there is evidence that appears to support an institution’s significant non-compliance with a requirement or standard of *The Principles of Accreditation: Foundations for Quality Enhancement*. 

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**POLICY: 1.4 ADMINISTRATIVE OFFICERS**

**SCOPE:** FACULTY AND STAFF

**POLICY NUMBER:** 1.4

**APPROVED:****

**REVISED:** November 2001; December 2012; June 2015
1. **President**

The President is the chief executive officer of Lamar State College-Port Arthur and is appointed by the Board of Regents. The President reports to and is responsible to the Chancellor of the Texas State University System™. Within the policies and regulations of the Board of Regents, and under the supervision and direction of the Chancellor, the President has general authority and responsibility for the administration of Lamar State College-Port Arthur. The President designates an executive officer to act for him/her in his absence from the campus.

2. **Vice President For Academic Affairs**

The Vice President of Academic Affairs is the chief academic officer. The VPAA reports directly to the President and exercises broad leadership and administrative responsibilities over the administration of all academic programs, faculty development, and academic personnel issues. Position responsibilities include the library, planning and assessment, institutional research and reporting, Information Technology Services, inmate instruction programs, small business development center, and developmental education and student success center. These responsibilities include planning, development, evaluation, policy initiation and implementation, and budget administration for all academic areas and support services. The VPAA supervises promotion and tenure review, academic standards reviews, faculty evaluation and development, faculty committee appointments and elections, faculty recognition, instructional support services, curriculum development and review, course inventory management, the academic calendar, and appeals concerning academic matters or personnel. The VPAA is the primary liaison with the Texas Higher Education Coordinating Board regarding academic matters and with accrediting organizations such as the Southern Association of Colleges and Schools. The VPAA assumes such other duties and responsibilities assigned by the President.

3. **Vice President For Finance**

The Vice President for Finance is the chief financial and operating officer. The VP for Finance reports directly to the President and exercises broad leadership and administrative responsibility over the college’s financial operations. The Vice President is the chief accounting officer responsible for all financial activities includes appropriations requests, disbursements, tuition and fee collection, accounting, budget development, budget control, payroll, purchasing, inventory control, investment, and financial reporting. The Vice President works in coordination with appropriate system and state agencies with regard to fiscal matters. The Vice President assumes such other duties and responsibilities assigned by the President.

4. **Dean of Student Services**

The Dean of Student Services is the chief student personnel officer. The Dean of Student Services reports directly to the President and is responsible for Financial Aid, Admissions and Records, Advising, Public Information, Student Activities, and Campus Security. The Dean coordinates media promotion for the college. The Dean coordinates the use of facilities, in relation to classes, curricular, and extra-curricular activities. The Dean is responsible for residency certification, certifying enrollment, and other appropriate reporting functions required by the Texas Higher Education Coordinating Board. The Dean assumes such other duties and responsibilities assigned by the President.

5. **Director of The Physical Plant**

The Director of the Physical Plant is responsible for the day to day operation of the facility maintenance, housekeeping, lawn care, supply center, fleet management and construction contract services. The Director provides administrative and management leadership in the development, use, maintenance, and operation of the physical environment of the campus. The Director is responsible for shipping and receiving of materials, equipment, and capital expenditure items. The Director of the Physical Plant assumes such other duties and responsibilities assigned by the President.
6. **Dean of Workforce Training and Continuing Education**

The Dean of Workforce Training and Continuing Education is responsible for actively developing, implementing, and promoting workforce training programs and continuing education programs. The Dean is responsible for every aspect of non-credit programs including development, advertising, budget development, budget control, payroll, reporting, space utilization, scheduling, and other duties associated with non-credit courses and programs. The Dean assumes such other duties and responsibilities assigned by the President.

7. **Dean of Technical Programs**

The Dean reports directly to the Vice President for Academic Affairs. The Dean is responsible for all activities in the Technical Division, which includes the supervision of Business and Technology Department, Allied Health Department, Commercial Music Department, Career Development and Placement, and Special Populations. The Dean is responsible for the maintenance and enforcement of academic standards and policies, program development, and budget and salary administration within the division. The Dean is the campus liaison with those state and federal agencies involved in technical education and administers federally funded programs associated with technical programs. The Dean assumes such other duties and responsibilities assigned by the President.

8. **Dean of Library Services**

The Dean reports directly to the Vice President for Academic Affairs. The Dean is responsible for library services and the day to day operation of the library. The Dean is responsible for the administration of the library program, including the development of library policies and practices, budget management, and supervision of personnel. The Dean will develop appropriate special collections and displays as needed. The Dean assumes such other duties and responsibilities assigned by the President.

9. **Department Chairs/Program Coordinators**

The Department Chairs and Program Coordinators assist their respective Deans and the VPAA in maintaining the standards and policies of the college. They are responsible to their Deans in the discharge of their duties. They coordinate courses that have multiple sections, and make recommendation concerning promotion, tenure, salary administration, scheduling of classes, maintenance of course inventories in their areas, program development, budget building, and other appropriate academic matters.

10. **Appointment and Term of Appointment of Administrative Officers**

By affirmative vote of a majority of the Board of Regents, the Board shall elect the president. The president shall hold office without a fixed term and at the pleasure of the Board. The president shall not have tenure as president, but may hold tenure as member of the faculty when such tenure has been approved by the Board.

The Board has delegated to the Chancellor and the Chancellor has delegated to the President the responsibility for the appointment and dismissal of all other administrative officers of the College, including vice presidents, deans, directors, department chairpersons, and their equivalents. All administrative officers serve without fixed terms and subject to the will of the President.

### POLICY: 1.5 OFFICE OF HUMAN RESOURCES

**SCOPE:** FACULTY AND STAFF

**POLICY NUMBER:** 1.5

**APPROVED:**
1. **Organization and Jurisdiction.** The Office of Human Resources provides human resource administrative and support services to all offices and departments of Lamar State College–Port Arthur. The activities of the Office of Human Resources are supervised by the Director of Human Resources. The Office of Human Resources reports to the Vice President for Finance.

2. **Responsibilities.** The Office of Human Resources has responsibilities in the following areas:

   2.1. Recruitment and Employment: Human Resources is responsible for maintaining a centralized employment office. The recruitment and employment functions of Human Resources include, but are not restricted to, the following:

      2.1.1. Accepting requests from all offices and departments of the College for employment of staff personnel, both supervisory and non-supervisory and faculty.

      2.1.2. Recruiting and screening applicants for vacant positions.

      2.1.3. Referring qualified applicants to the hiring department.

      2.1.4. Review screening/selection procedures used by departments prior to hiring approval and process all new employees.

   2.2. Administrative Policies and Procedures: Human Resources is responsible for the formulation of new or revised policies and/or procedures within the scope of existing statutes and regulations.

   2.3. Job Classification and Compensation Administration: Human Resources is responsible for the development and maintenance of the institution’s Classification System/Pay Plan. They will monitor classification and compensation of positions in order to insure standardization and consistency in the system, internal equity of positions within the College, and salary relationship to market pricing. Human Resources will attempt to maintain uniform salary treatment of employees engaged in comparable work, recognizing the variable of market pricing. For purposes of recruitment, testing, orientation, training, transfer and promotion of employees, Human Resources will verify, by written descriptions and job analysis, the requirements of all classified positions.

   2.4. Equal Employment Opportunity Program: Human Resources will assist with the equal employment efforts outlined in the Lamar State College Port Arthur EEO Program.

   2.5. Employee Relations: The Office of Human Resources shall strive to maintain good staff-management relationships and promote a problem-solving work environment by administering the college policies, provide counseling for supervisors and employees, provide mediation services and Employee Assistance Program referral, and oversee the Appeal and Grievance Policy/Procedure. See POLICY: 5.9 GRIEVANCE, page 90.

   2.6. Staff Performance Evaluation Program: The Office of Human Resources is responsible for the development and maintenance of procedures for evaluating the performance of staff members. It assists other College offices and departments in the evaluation process, particularly in encouraging standardization of evaluation areas and uniformity of interpretation; investigating the relation of such appraisals to wage and salary administration; and submitting appropriate recommendations. This program is offered for the purpose of staff development and communication only and shall not be construed as limiting in any way the College’s authority to terminate employees “at will”.

3. **General Responsibilities to Faculty and Staff:** Human Resources is responsible for faculty and staff members in the following areas:
3.1. Personnel Records: Human Resources is responsible for the development and maintenance of a centralized personnel records file. All requests from outside sources for employee information, employee reference checks, and verification of employment, are the direct responsibility of Human Resources.

3.2. Training Programs: Human Resources is responsible for developing and conducting training programs for the improvement of job performance of managers, supervisors, and employees.

3.3. Employee Benefits (Insurance and Retirement Programs): Human Resources is responsible for administering the College’s Group Insurance and Retirement programs, making these programs available to employees, and assisting employees in the resolution of problems. Human Resources will provide assistance with the completion of retirement forms for employees.

3.4. Unemployment Compensation: Human Resources is responsible for compliance with the Texas Unemployment Compensation Act, handling all unemployment compensation claims, and developing procedures to insure that claims are minimal.

3.5. Workers’ Compensation: Human Resources is responsible for administering the State Workers’ Compensation Program, processing claims, and maintaining required records.

3.6. Family Medical Leave: Human Resources is responsible for counseling employees, approving and administering the Family Medical Leave Act and the associated benefits.

3.7. Compliance with State and Federal Regulations: Human Resources is responsible for insuring that the College and its offices and departments comply with State and Federal regulations regarding human resource procedures.

3.8. New Faculty/Staff Orientation: Human Resources is responsible for providing New Employee Orientation which includes the mandatory distribution of policies and an explanation and enrollment in the College’s benefit programs. Orientation sessions are scheduled regularly to insure that new employees are familiar with the College and enrolled in insurance and retirement programs.

3.9. Exit Interview: Human Resources is responsible for administering the exit interview process for employees that are terminating employment. Terminating employees will be advised regarding withdrawal of their retirement contributions, processing retirement forms if they are terminating due to retirement, canceling insurance, or converting from group to individual coverage, etc. At the time of the exit interview, Human Resources will record the reason(s) for the employee’s termination.

POLICY: 1.6 POLICY ON COMPLIANCE
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 1.6
APPROVED: March 2016
REVISED:

1. Policy

1. Existing Policies. Lamar State College Port Arthur will regularly review campus policies.

2. Establishing New or Revised Policies: Standard policies concerning the relationship between the College and its employees will be written and made available through inclusion in the policy manual. The President may direct that policies be created, modified, and eliminated at the president’s discretion.
3. Certification Statement

The Policy on Compliance has been approved by the following individuals in their official capacities and represents Lamar State College Port Arthur policy and procedure from the date of this document until superseded.

President
Vice President for Academic Affairs
Vice President for Finance
Dean of Student Services
Director, Human Resources

POLICY: 1.7 PUBLICATION POLICY
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 1.7
APPROVED: June 2015
REVISED: October 2015

1. Policy

All official publications of Lamar State College Port Arthur must be approved prior to publication by the President or a designee. Official publications include, but are not limited to:

1.1. Annual Report
1.2. Brochures and advertisements
1.3. Catalog/student handbook
1.4. Class Schedule
1.5. Master Plan
1.6. Personnel manual
1.7. Staff or student newsletters
1.8. Webpage
1.9. Advertisements

2. Publications of LSCPA that refer to LSCPA’s Southern Association of Colleges and Schools accreditation status MUST use only the exact wording and punctuation, as follows:

   Lamar State College-Port Arthur is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award degrees at the associate level. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call (404) 679-4500, at http://www.sacs.org for questions about the accreditation of Lamar State College-Port Arthur.

3. All publications of LSCPA are subject to Texas State University System guidelines and must include LSCPA is a “Member Texas State University System” and use official Texas State University System standards.
SECTION 2: HIRING PRACTICES

POLICY: 2.0 NONDISCRIMINATION / EQUAL EMPLOYMENT OPPORTUNITY AND WORKFORCE DIVERSITY

SCOPE: FACULTY AND STAFF

POLICY NUMBER: 2.0

APPROVED: November 2009; August 2015

1. Nondiscrimination / Equal Employment Opportunity

Lamar State College Port Arthur is an equal opportunity employer. No person is excluded from consideration for employment because of their age, color, gender or gender identity, marital status, national origin, mental or physical ability, race, religion, sexual orientation, or veteran status.

The Nondiscrimination / Equal Employment Opportunity and Workforce Diversity Policy applies to recruiting and hiring practices and affirmative action in placement, promotion, transfer, rate of pay and termination.

Furthermore, any form of discrimination or harassment of employees by co-workers, supervisors, customers, or vendors will not be tolerated. This commitment extends to policies on recruiting, advertising, hiring, placement, promotion, training, transfer, wages, benefits, termination and all other privileges, terms, and conditions of employment.

1.1. Placement, promotion, rate of pay, termination.

1.2. Promotion to a higher position must be based upon the individual’s qualification for the position for which he/she is to be considered.

1.3. Administer equitably programs involving salary and benefits for employees without regard to protected categories.

1.4. Genetic Information Nondiscrimination Act of 2008

The Genetic Information Nondiscrimination Act of 2008 (GINA) is a federal law that prohibits discrimination in health coverage and employment based on genetic information. GINA prohibits group health plans and health insurers from denying health insurance coverage or charging higher premiums based solely on a genetic predisposition. GINA also prohibits employers from using an individual’s genetic information when making hiring, firing, job placement, or promotion decisions.

1.4.1. Effective date. The sections relating to employment (Title II) will be effective on November 21, 2009.

1.5. Enforcement

1.5.1. Executive staff and supervisors have the responsibility to further the implementation of this policy and ensure conformance by subordinates.

1.5.2. The Director of Human Resources shall serve as Access and Diversity officer for the campus.

1.5.3. Decisions of the Director of Human Resources may be appealed to the President.

1.6. Complaint

1.6.1. Any individual who is the target of discrimination is encouraged to discuss the matter with their supervisor or the Director of Human Resources.
1.6.2. Any individual who feels such a discussion would be or has been futile, unsatisfactory or counterproductive should contact the Human Resources Department.

1.6.3. A member of the Human Resource staff will be designated to investigate the claim.

1.6.4. The accused individual may be suspended pending the outcome of the investigation.

1.7. Consequences of discrimination or harassment

1.7.1. Lamar State College Port Arthur employees who engages in discrimination will be subject to disciplinary action, suspension or termination.

1.7.2. Any supervisory or managerial employee who knows of such behavior and fails to take immediate and appropriate corrective action will also be subject to disciplinary action.

1.7.3. Retaliation against claimants will not be tolerated.

2. Access and Diversity Employment Practices

2.1. Lamar State College Port Arthur supports a program of access and diversity. Good faith efforts are made to achieve the following:

2.1.1. Determine the extent to which minorities and women are under-utilized in all job categories.

2.1.2. Identify and eliminate employment practices that have an adverse effect on minorities, women and other protected categories.

2.1.3. Develop applicant pools of qualified minorities, women, physically challenged, and veterans sufficient to assist in reducing their representation in the employee population.

3. Certification Statement

The Nondiscrimination / Equal Employment Opportunity and Workforce Diversity Policy has been approved by the following individuals in their official capacities and represents Lamar State College Port Arthur policy and procedure from the date of this document until superseded.

President
Director, Human Resources

| POLICY:              | 2.1 EMPLOYMENT OF PERSONS WITH DISABILITIES |
| SCOPE:              | FACULTY AND STAFF                           |
| POLICY NUMBER:      | 2.1                                         |
| APPROVED:           | September 2009                              |
| REVISED:            |                                              |

1. Policy

Lamar State College Port Arthur will not discriminate against any employee or applicant for employment because of physical or mental disabilities in regard to the position for which the employee or applicant is qualified to perform the essential duties of the position with or without reasonable accommodations. Lamar State College-Port Arthur shall recruit, employ, and promote
qualified disabled individuals and comply with the rules and regulations pursuant to the Rehabilitation Act of 1973, as amended, the American with Disabilities Act of 1990, and the Texas Commission on Human Rights Act, as amended. The American with Disabilities Act Amendments Act of 2008 (ADAAA) clarifies and broadens the definition of disability and expands the population eligible for protections under the Americans with Disabilities Act of 1990. Among the clarifications and changes, the ADAAA: 1) broadens the definition of a disability, including what it means to be “substantially limited in a major life activity”; creates a non-exhaustive list of “major life activities”; clarifies that accommodations are not required if an individual is merely “regarded as” having a disability; prohibits the consideration of mitigating measure, such as medication, prosthetics, and assistive technology, in determining whether an individual has a disability.

2. Definition

2.1. A qualified individual with a disability is a person who has:

2.1.1. A physical or mental impairment that substantially limits one (1) or more major life activities;

2.1.2. A record of such an impairment; or

2.1.3. Is regarded as having such an impairment.

2.1.4. “Qualified individual” is a person who “satisfies the requisite skill, experience, education and other job related requirements of the employment position, and who with or without reasonable accommodation, can perform the essential functions of such position.

2.2. “Undue hardship” is defined as an action that requires significant difficulty or expense.

3. Responsibility

Lamar State College-Port Arthur’s policy on Nondiscrimination/Equal Employment Opportunity and Workforce Diversity outlines the administrative responsibility for implementation of nondiscrimination as regards to disabled and protected class workers.

4. Requesting Accommodation

Persons with disabilities may make their need for accommodation known to their supervisor or to the Director of Human Resources. The request may be in writing. A medical certification that contains a diagnosis, prognosis and major life function that is substantially limited and the effect that the impairment has on the employee’s ability to perform his/her job must be attached to the request. Lamar State College-Port Arthur will attempt to provide reasonable accommodation for all disabilities which meet the standards established by the American with Disabilities Act, the Texas Commission on Human Rights Act, and the definitions established by judicial review. Lamar State College-Port Arthur maintains the right to review the requested accommodation and determine if the request can be facilitated. If the accommodation will enable the qualified individual to attain the same level of performance or enjoy equal benefits and privileges as are available to similarly situated employees without disability, or if the request would impose an undue hardship upon Lamar State College-Port Arthur.

Disapproval based on “undue hardship” include (a) impact on operations and business; (b) cost factors involved; and (3) the effect on the safety of the requestor or other individuals.
1. Policy

Lamar State College-Port Arthur reaffirms its policy of giving preference in employment opportunities to qualified veterans in accordance with S.B. 646, as amended by the 74th Legislature.

1.1. Preference Criteria for veterans. Veterans qualify for preference in hiring if the veteran:

1.1.1. Served in the military for not less than 90 consecutive days during a national emergency declared in accordance with federal law or was discharged from military service for an established service-connected disability.
1.1.2. Was honorably discharged
1.1.3. Is competent.

1.2. Preference Criteria for hiring a veteran’s orphan or surviving spouse:

1.2.1. A veteran's orphan or surviving spouse who has not remarried
1.2.2. The veteran was killed on active duty
1.2.3. The veteran served in the military for no less than 90 consecutive days during a national emergency in accordance with federal law
1.2.4. The spouse or orphan is competent.

1.3. Reporting Requirements

1.3.1. File a quarterly report with the Comptroller stating hiring percentages and the current percentage of employees that are eligible for a veterans preference.
1.3.2. Must provide the Texas Workforce Commission information regarding open positions that may be subject to the hiring preference law.

POLICY: 2.3 NEPOTISM
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 2.3
APPROVED: March 2002
REVISED: March 2002

State law prohibits a State Officer from appointing, voting for, or confirming the appointment to any office, position, employment, or duty of any person related to such officer within the third degree by consanguinity (blood) or within the second degree by affinity (marriage).

The Board of Regents of the Texas State University System™ possesses the appointive power, but since executive and administrative officers have been given considerable latitude in making appointments and submitting them to the Board for confirmation, it is necessary to apply the policy to all personnel exercising the appointive power in whole or in part. Where doubt exists as to whether such power is being exercised, advice should be sought through administrative channels prior to making the appointment final.

The relationships prohibited by statute as interpreted by Attorney General Opinions are summarized below.

<table>
<thead>
<tr>
<th>Degrees of Relationship</th>
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<tbody>
<tr>
<td>Employee &amp; Spouse</td>
</tr>
<tr>
<td>1st</td>
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<td>2nd</td>
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<td>3rd</td>
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<td>4th</td>
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<table>
<thead>
<tr>
<th>Relationship</th>
<th>Degree of Relationship</th>
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<tbody>
<tr>
<td>Child</td>
<td>Grandchild</td>
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<tr>
<td>Grandchild</td>
<td>Great-Grandchild</td>
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<tr>
<td>Great-Grandchild</td>
<td>Great, Great-grandchild</td>
</tr>
<tr>
<td>Parent</td>
<td>Sister/Brother</td>
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<tr>
<td>Sister/Brother</td>
<td>Niece/nephew</td>
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<td>Niece/nephew</td>
<td>Grandniece/nephew</td>
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<td>Grandparent</td>
<td>Aunt/uncle</td>
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<tr>
<td>Aunt/uncle</td>
<td>First cousin</td>
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<td>First cousin</td>
<td>Great-Grandparent</td>
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<td>Great-Grandparent</td>
<td>Great aunt/uncle</td>
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<tr>
<td>Great aunt/uncle</td>
<td>Great, great-grandparent</td>
</tr>
</tbody>
</table>

Departments or comparable administrative units may employ individuals who are related within the degrees of relationships detailed above provided such employment does not cause one (1) relative to (a) have responsibility for the direct or indirect supervision of the other, or (b) have authority over the salary or other terms and conditions of employment of the other. Employment under either of these conditions may only be granted by the President.

Where a supervisory relationship exists or would exist if an appointment is approved, a written request for exception to policy must be submitted through administrative channels to the President. If it is deemed in the best interests of the College to employ such related individuals in exception to normal policy, the President may grant approval.

**POLICY:** 2.4 OUTSIDE EMPLOYMENT/ACTIVITIES

**SCOPE:** FACULTY AND STAFF

**POLICY NUMBER:** 2.4

**APPROVED:**

**REVISED:**

1. **Policy Statement**

   Lamar State College Port Arthur recognizes the common practice of faculty and staff employees to hold more than one (1) employment or position due to needs, interests, or development. However, other activity interests outside Lamar State College Port Arthur are considered secondary to the employee’s Lamar duties and responsibilities and must not interfere or conflict with these duties and responsibilities.

2. **Definitions**

   2.1. **Outside employment.**

       Any compensated employment, consulting, or service performed by the employee outside of the employee’s employment relationship with Lamar State College Port Arthur for the direct or indirect benefit of the employee or the organization served.

   2.2. **Outside activity.**

       Any uncompensated employment, consulting, or service performed by the employee outside of the employee’s employment relationship with Lamar State College-Port Arthur for the direct or indirect benefit of the employee or the organization served.

       The holding of a non-elective or elective office with boards, commissions, and other state, political subdivision, or federal entities is considered an outside activity for the purposes of this policy.

   2.3. **Public employment/activity.**

       Any outside employment/activity as defined above performed for a public institution of higher education or local, state or federal government agency.
2.4. **Private employment/activity.**

Any outside employment/activity as defined above performed for an entity that is not a public institution of higher education or local, state or federal government agency.

2.5. **Conflict of interest.**

Any outside employment or activity, as determined by the President, that interferes and/or conflicts with the employee’s Lamar State College-Port Arthur duties and responsibilities, and includes as a minimum the situations described in Chapter V, Sections 2.4 and 4.(11) and Chapter VIII of the TSUS Regents’ Rules.

3. **Background**

3.1. The Texas Constitution and Texas law have special provisions for holding public offices with the State of Texas and the United States. These provisions cover individuals such as elected and appointed judges, members of city councils and public school boards, mayors, and county commissioners. Such individuals are not required to comply with section on outside activities, but are required to obtain approval from their vice president or president to hold office.

3.2. **NOTE:** Examples of participants in outside activities include individuals appointed to city/county boards, committees, commission, and the like.

3.2.1. **Non-elective office.**

Employees may hold non-elective offices with boards, commissions, and other state, political subdivision, or federal entities if the holding of such office benefits the state or political subdivision or is required by state or federal law. The holding of such office must not conflict with the employee’s duties at Lamar State College-Port Arthur and must be approved by the employee’s supervisor.

3.2.2. **Elective office.**

Employees may serve as members of governing bodies of school districts, cities, towns, or other governmental districts if their holding such positions does not conflict with their duties at Lamar Port Arthur. Prior to seeking election, the employee should consult with his/her supervisor about how duties will be fulfilled and how time will be managed.

3.3. **Public Employment/Activity**

**General.**

The TSUS *Rules and Regulations* provide that staff employees should not be discouraged from accepting outside employment or participating in other outside activities provided such employment and/or participation do not conflict with the staff employee’s work at Lamar State College-Port Arthur. Similarly, faculty are encouraged to accept appropriate appointments of a consultative or advisory capacity with governmental agencies, industry, and other educational institutions, but are discouraged from accepting regular employment. (TSUS *Rules and Regulations*, Chapter V, Sections 4.73 and 5.4)

The TSUS *Rules and Regulations* also provide that no full time employee shall be employed in any outside work or activity or receive from an outside source a regular retainer fee or salary during the period of employment by Lamar State College-Port Arthur until a description of the nature and extent of the employment has been filed with the President. The *Rules and Regulations* further direct the President to approve policies governing outside employment/activities and incorporate such policies into the *Administrative Policy and Procedures Manual*. (TSUS *Rules and Regulations*, Chapter V,
Section 4). The President has delegated authority to approve and disapprove requests for participation in outside employment/activity to the vice presidents.

The Appropriations Act requires that all state employees must inform their state agencies or institutions of higher education before accepting an additional employment with another agency or institution. Furthermore, they are to be informed that:

3.3.1. Completely separate leave records will be maintained for each employment;
3.3.2. Time worked in one (1) position may not be used as additional service credit for purposes of longevity or annual leave accrual for the other positions;
3.3.3. Upon termination of one (1) employment, the leave balances accrued under one (1) employment may not be transferred to the remaining employment;
3.3.4. The state contribution towards the employee’s benefit replacement pay will be subject to the overall individual limit, meaning that the employee will be treated as if he or she holds only one (1) position with the state;
3.3.5. The total state contribution towards the employee’s group insurance will be limited to no more than the amount specified in the Appropriations Act for full-time active employees;
3.3.6. The employee will be entitled to receive state longevity payment for no more than one (1) employment; and
3.3.7. Overtime compensation will accrue to each employment independent of the other except in those instances in which the employee is subject to the overtime provisions of the Fair Labor Standards Act (FLSA). When the employee is subject to FLSA provisions, the employing state entities must consider all combined time worked in excess of forty (40) hours per week as overtime and compensate the employee in accordance with the FLSA provisions applicable to joint employment relationships. The two (2) entities shall coordinate in order to determine which entity will have the responsibility for ensuring that the employee is properly compensated.

3.4. Employment with System Components

The Texas State University System™ may establish policies defining a person’s employment within components of the System.

4. Procedures for Approval of Outside Employment/Activities

4.1. Public Employment

4.1.1. Hiring a Public Employee.

The following steps will be taken prior to hiring when Lamar State College-Port Arthur wants the services of a person already employed by another public Texas institution of higher education or a state, federal, or local agency.

1) The prospective employee and Department Head of the department offering employment will complete the request for public outside employment/activity form. If the other public employer is a state entity, the employee will also complete the additional State of Texas employment/activity acknowledgment form. The department head will submit the completed request form, and acknowledgment form if applicable, through the appropriate administrative channels to the employee’s vice president for decision. The vice president will approve/disapprove the request and return all paperwork to the department head.
2) If the Vice President approves the request, the Department Head will submit the prospective employee’s appointment form through normal processing channels. The department head will attach the approved request form and the acknowledgment form, if applicable, to the personnel action request form (F3.2). The request and acknowledgment forms will be retained in Human Resources in the new employee’s personnel file.

4.1.2. Lamar State College-Port Arthur Employee Desiring Other Public Employment.

The following steps will be taken prior to the acceptance of the outside employment when a Lamar State College-Port Arthur employee desires to accept another non-elective position with a public Texas institution of higher education or with a state, federal, or local agency.

4.1.2.1. The employee will complete the *Request for Public Outside Employment/Activity Form* and submit it to the employee’s department head. If the other public employer is a state entity, the employee will also complete the additional State of Texas Employment/Activity Acknowledgment Form and attach it to the request form. The department head will review the request form and submit the form(s) through the appropriate administrative channels to the employee’s vice president for decision. The Vice President will approve/disapprove the request and return all paperwork to the Department Head.

4.1.2.2. If the outside private employment is approved, the department head will forward the original of the approved request form to the Human Resources Office to be retained in the individual’s personnel file.

4.2. Private Employment

The following steps will be taken at any time a current or prospective employee desires to hold both Lamar State College-Port Arthur and other outside employment with an entity that is not a public institution of higher education or a state, federal, or local agency. If the person is a current Lamar State College-Port Arthur employee, the steps will be taken prior to acceptance of the outside employment. If the individual is a prospective Lamar State College-Port Arthur employee the steps will be taken prior to the individual’s employment with Lamar State College Port Arthur.

4.2.1. The individual will complete sections I through V of the *Request for Private Employment/Activity Form* and submit it to his or her department head for approval. The department head will approve the request if the outside employment/activity appears not to conflict with the employee’s Lamar State College-Port Arthur duties and responsibilities.

4.2.2. If the department head feels the outside employment may conflict with the employee’s Lamar State College-Port Arthur duties and responsibilities, he/she will state in writing the basis of the conflict and forward the request form to the dean/division vice-president through appropriate administrative channels for decision. The dean/vice president will approve/disapprove the request and return the form to the department head.

4.2.3. If the outside private employment is approved, the department head will forward the original of the approved request form to Human Resources to be retained in the individual’s personnel file.

4.3. Outside Activities

4.3.1. Outside activities are not required to be submitted for approval unless (1) the outside activity is a public outside activity as defined in Section 2.3, (2) the
employee participating in the outside activity feels such participation may conflict with the employee’s Lamar State College-Port Arthur duties and responsibilities, and requires a request for approval to be submitted to ensure such activity is not in conflict with the employee’s Lamar State College Port Arthur duties and responsibilities.

4.3.2. Requests for approval of outside activities will be handled in the same manner as noted above for public or private employment/activity as appropriate.

4.4. Approval for outside employment/activities for staff is required for each such event and is good for the duration of the employment/activity. For faculty, annual approval is required.

5. Responsibility for Identification and Notification

5.1. The Human Resources will report to the President, the names of those Lamar State College-Port Arthur employees who are also employed by other State of Texas Institutions of higher education.

6. Reviewers of the Outside Employment / Activities Policy

6.1. Reviewer of the Administrative Policy and Procedure Manual include the following:

   6.1.1. President
   6.1.2. Vice President for Academic Affairs
   6.1.3. Director of Human Resources

7. Certification Statement

The Outside Employment / Activities Policy has been approved by the following individuals in their official capacities and represents Lamar State College-Port Arthur policy and procedure from the date of this document until superseded.

President
Vice President for Academic Affairs
Director of Human Resources

POLICY: 2.5 NOMINATIONS AND APPOINTMENTS
SCOPE: FACULTY
POLICY NUMBER: 2.5
APPROVED:
REVISED: March 2002

1. Appointments

Appointments to the faculty of Lamar State College-Port Arthur are made by the Board of Regents, pursuant to legal authority as granted in Chapters 95 and 96 of the Texas Education Code.

The President of the College is designated by the Board of Regents both to offer employment and accept resignation of faculty. Authority is vested in the President of the College to designate ranks, titles and salaries of those appointed members of the faculty.

2. Nominations

The President will recommend to the Board the employment or re-employment of faculty members to be awarded term or annual appointments, advising the Board in writing as to the tenure status, proposed academic rank, and highest degree of each nominee.
POLICY: 2.6 LIMITATION ON CONTRACTS WITH PREVIOUS EMPLOYEES
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 2.6
APPROVED: 
REVISED: March 2002

1. Policy
None of the funds appropriated by the Appropriations Act, 75th Legislative Session, may be used to enter into a contract for consulting or professional services or into an employment contract, with any individual who has been previously employed by the department or agency within the past twelve months. For the purpose of this section, the term “employment contract” shall include a personal services contract regardless of whether the performance of such a contract involves the traditional relationship of employer and employee.

POLICY: 2.7 CREDENTIAL EVALUATION
SCOPE: FACULTY
POLICY NUMBER: 2.7
APPROVED: December 2001
REVISED:

1. Policy
When employing new faculty, Lamar State College-Port Arthur must determine if the prospective faculty member has appropriate academic preparation before the applicant is hired. At some point a situation may occur in which an applicant whose highest earned degree presented as the credential qualifying the applicant to teach at the College was earned at a non-regionally accredited institution within the United States or an institution outside the United States. In this case the College, if it decides to consider the applicant for employment, would utilize an approved credential evaluation service to evaluate that person’s academic preparation. The College reserves the right to require an individual with this background, regardless of the outcome of the credential evaluation, to complete additional courses, or obtain a graduate degree, as a condition of continued employment.

POLICY: 2.8 CLEAR ENGLISH REQUIREMENT
SCOPE: FACULTY
POLICY NUMBER: 2.8
APPROVED: December 2001
REVISED:

1. House Bill 638, as enacted by the 71st Legislature of the State of Texas (V.T.C.A.) Education Code, Section 51.917) requires that each public institution of higher education will ensure that all courses (with the exception of foreign languages) will be clearly taught in the English language. House Bill 638 reads (in part) as follows:

1.1. Faculty member means a person who teaches a course offered for academic credit by an institution of higher education, including instructors, lab assistants, lecturers, assistant professors, associate professors, and full professors.

1.2. A faculty member may use a foreign language to conduct foreign language courses designed to be taught in a foreign language.
1.3. A faculty member may provide individual assistance during course instruction to a non-English speaking student in the native language of the student.

1.4. Faculty members whose primary language is not English must earn a satisfactory grade on the “Test of Spoken English” of the Educational Testing Service.

1.5. Faculty members who do not earn a satisfactory score on the “Test of Spoken English” will enroll in a program or short course the purpose of which is to

1.5.1. Assist faculty members to become proficient in the use of English; and

1.5.2. Ensure that courses offered for credit are taught in the English language.

1.6. The cost of such English proficiency course shall be paid by the faculty member lacking proficiency in English. The faculty member must take the course until deemed proficiency in English by his or her supervisor. The cost will be deducted from said faculty member’s salary.

1.7. Individuals being interviewed for an instructional position at Lamar State College-Port Arthur will be carefully evaluated prior to being employed to ensure that they possess effective communications skills in the English language.

1.8. The following clause will be added to the contract of any faculty member whose primary language is not English.

“In accordance with a requirement of Texas law, Lamar State College-Port Arthur has created a special assessment procedure and a program to ensure that all courses (with the exception of foreign languages) will be clearly taught in the English language. As a condition of your employment, you must be assessed, and you may be required to complete this program satisfactorily. Costs with providing English language proficiency instruction as required under the provisions of Education Code Section 51:917 will be paid by instructional personnel receiving such instruction.”

1. POLICY: 2.9 CRIMINAL BACKGROUND CHECKS
2. SCOPE: FACULTY, STAFF, AND STUDENT EMPLOYEES
3. POLICY NUMBER: 2.9
4. APPROVED: July 2002
5. REVISED: February 2008; March 2016

1. Policy
Lamar State College-Port Arthur strives to provide a safe environment for students, visitors, faculty, and staff. In an effort to maintain a safe environment the College shall conduct criminal background checks on individuals hired.

2. Scope
Any official relationship, including employment, between the College and an individual or entity is contingent on successfully passing any background check required for that relationship. The background check must be successfully passed prior to the first day of employment or official relationship being established.

3. Definitions
3.1. Applicant is an individual who applies for an open position with Lamar State College-Port Arthur, whether the individual is an outside candidate or a current employee of the College.
3.2. Security sensitive position shall be restricted to those positions described in Texas Education Code 51.215 (c) and Texas Government Code 411.094 (a)(2), as those sections may be amended from time to time. Positions/areas determined to be security sensitive include those of executive and senior level administrators; those with responsibility for providing patient care or for providing child care in a child-care facility, as that term is defined in Texas Human Resources Code 42.002(3); and those positions designated as security sensitive.

3.3. Position is both a full time and part time position, whether the position is filled or to be filled by a regular or a temporary worker, but not including a position filled by a temporary worker provided by a temporary employment agency. The employment agency should be expected to conduct and be held responsible for conducting the criminal background check.

3.4. Criminal background check is information collected about a person by a criminal justice agency or a third party vendor.

4. Procedure

4.1. Postings for employment and official relationships with the College that require a background check will include a notification of the background check requirement.

4.2. All applicants are required to authorize reference and criminal background checks as a part of the application process.

4.3. The Director of Human Resources will conduct and obtain criminal history background checks for all positions designated as security sensitive.

4.4. All information obtained through a background check is privileged and confidential and will not be released or disclosed to any unauthorized person.

NOTE: The unauthorized release of criminal history information is a criminal offense and against College policy. Any unauthorized release of criminal history information will subject the person releasing the information to prosecution under the law and College disciplinary sanctions.

4.5. Criminal history information will be used only for the purpose of evaluating applicants for employment in security sensitive positions and shall in no way be used to discriminate on the basis of race, color, national origin, religion, gender, disability or age. This policy does not automatically exclude from consideration for employment all individuals with criminal convictions.

4.6. The Texas Department of Public Safety or a third party vendor will be used to check criminal backgrounds.

4.7. A copy of the criminal history record check is reported affirmatively, the Director of Human Resources will consult with the hiring manager to determine whether or not the employee or candidate should be disqualified from employment due to legal requirements.

4.8. Except where employment is expressly prohibited by the law, the college will use the information to disqualify an individual for employment if it is directly relevant to the position in question and is consistent with a business necessity. The severity of the individual’s offense, its relatedness to the position, and amount of time that has passed since the offense are to be considered. Additionally, knowledge of an arrest in and of itself should not necessarily be used to disqualify an individual from employment.

4.9. In the case of a disagreement on whether there are grounds for disqualification, the TSUS General Counsel will review the case and make the final decision.

4.10. In the event of a discrepancy in a criminal history record check report involving the individual’s identity, a criminal background fingerprint check may be requested.
4.11. If a candidate did not disclose a criminal history on his/her application and is found to have such a record, a job offer may be rescinded or employment terminated due to falsification.

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

4.13. The Director of Human Resources will destroy criminal history information obtained in a background check no later than 60 days after obtaining it. This information is not a part of any person’s permanent personnel file.

POLICY: 2.10 SELECTIVE SERVICE REGISTRATION OR EXEMPTION

SCOPE: FACULTY, STAFF, STUDENT

POLICY NUMBER: 2.10

APPROVED: June 1999

REVISED: November 2005

1. Policy

An agency in any branch of state government may not hire a person as an employee if the person is of the age and gender that would require a person residing in the United States to register with the selective service system, unless the person presents proof of either of the following:

1.1. Registration with the selective service system as required by federal law.

Exemption from registration with the selective service system. Individuals who are exempt from registration include:

1.1.1. Females.

1.1.2. Lawfully admitted nonimmigrant aliens.

1.1.3. Members of the armed forces on full-time active duty, including cadets and midshipmen at military academies.

2. This requirement does not apply to a person employed by a state agency before September 1, 1999, as long as the person’s employment by the agency is continuous.2

3. The Office of the Attorney General issued an opinion that requires only those males who are between the ages of 18 and 25 years, inclusive, to furnish proof of either selective service registration or exemption from selective service as a condition of state employment3.

POLICY: 2.11 VOLUNTEERS

SCOPE: FACULTY AND STAFF

POLICY NUMBER: 2.11

APPROVED: August 10, 2010

REVISED: April 1, 2014

1. Policy

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1 Texas Government Code, Section 551.005(a)
2 Texas Government Code, Section 651.005(b)
If occasion should arise where an unpaid volunteer is to be used by any College department, the following policies and procedures shall apply:

1.1. A job description detailing the task and responsibilities of the volunteer shall be developed and submitted to the Human Resources department.

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

1.3. Volunteers are responsible for maintaining the confidentiality of all appropriate or privileged information to which they are exposed while serving as volunteers, whether this information involves staff, volunteers, or other persons, or overall institutional business. Failure to maintain confidentiality could result in ending the volunteer's relationship with the institution.

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

3. Volunteer employees are asked to provide proof of insurance

4. Volunteers must complete a background check.
SECTION 3: CLASSIFICATION AND SALARY ADMINISTRATION

POLICY: 3.0 COLLEGE EMPLOYEES
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 3.0
APPROVED: June 1999
REVISED: September 2005

1. Introduction
   A college employee is any person who is under the authority and in the paid service of Lamar State College-Port Arthur which is under the jurisdiction and control of the Board of Regents of The Texas State University System™, other than independent contractors or consultants.

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

3. Unclassified Employees
   Unclassified employees are appointed without fixed terms. They are exempt from FLSA overtime provisions and usually fill one (1) of three (3) roles. They take part in the management of a department or unit. They manage a unit within a large area. Or, they perform a function that requires special expertise and/or training to a large extent.

4. Classified Employees
   Classified employees are appointed without fixed terms. They fill jobs that usually have duties similar to other jobs of like title. They are subject to the overtime provisions of the Fair Labor Standards Act (FLSA).

5. Administrative Officers
   Administrative officers are appointed without fixed terms. They are vice presidents, deans, and other administrative personnel with executive authority. This authority is delegated from the President. They are exempt from FLSA overtime provisions. They usually fill one (1) of two (2) roles. They direct a large department or area. Or, they perform an administrative function that requires specialized expertise and/or training.

6. Regular Employees
   Regular employees are hired to work at least twenty hours per week for at least four (4) and one-half months per fiscal year. Those who are in jobs which require student status as a condition of employment are excluded.

7. Non-Regular Employees
   Non-regular employees are non-student employees who do not work at least twenty hours per week for at least four (4) and one-half months per fiscal year.

8. Full Time Employees
   Full time employees are hired to work a forty-hour week.

9. Part Time Employees
   Part time employees are hired to work less than forty hours per week.

10. Student Employees
Student employees are hired to fill positions that require student status. Student employees are ineligible for benefits other than workers’ compensation and are not covered by the provisions of this manual. Student employees are limited to 20 hours per week when school is in session.

11. **Hourly Employees**

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

12. **Retirees**

   Retirees are any employee who has discontinued employment subject to retirement contributions under a state plan and is receiving, or is eligible to receive, a benefit under a state retirement plan.

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**POLICY: 3.1 EMPLOYMENT**

**SCOPE:** STAFF

**POLICY NUMBER:** 3.1

**APPROVED:** July 2002

**REVISED:** September 2005

1. **At-Will Employment**

   Unless explicitly exempted by written contract, statute, or policy, all employees are employed “at will” and there is not implied contract of employment.

2. **Appointment**

   All appointments to staff positions shall be made on the basis of bona fide occupational qualifications and in accordance with established federal, state, and College policies and regulations.

3. **Probationary Period**

   All new staff employees will be required to serve a six month probationary period. During this period the probationary employee will be ineligible to take any accrued vacation leave and will be expected to make reasonable progress in the performance of job duties. Probationary employees who are terminated or otherwise disciplined are ineligible to file formal grievances. This does not invalidate the employment at will policy.

4. **New Employee Orientation**

   4.1.1. Each new employee will be required to contact Human Resources on or before the first day of work for orientation. Each new employee is required to provide immigration (IRCA) documentation.

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**POLICY: 3.2 SALARY ADMINISTRATION**

**SCOPE:** STAFF

**POLICY NUMBER:** 3.2

**APPROVED:** June 1999

**REVISED:** November 2005

1. **Compensation**

   1.1. The Human Resources Office will be responsible for the development and maintenance of schedule of compensation for all affected positions.
1.2. All classified, non-exempt classifications will be assigned a salary group based on factors such as the State of Texas pay rates for similar positions, labor market surveys, existing salary and budget considerations. New hires will normally be hired at the entry level of the salary group.

1.3. Unclassified, exempt classifications will be assigned a salary group based on factors such as the State of Texas pay rates for similar positions, labor market surveys, existing salary, required qualifications and budget considerations.

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

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

2. Promotion

2.1. A promotion is a change in class title that provides a higher minimum salary rate, requires higher qualifications, and involves a higher level of responsibility.

2.2. Where a qualified employee within a department is available, a department head may request promotion from within to a vacancy or new position. A vacancy created by the promotion must be filled competitively.

3. Demotions

3.1. A demotion is a change in class title that provides a lower minimum salary rate.

4. Salary Reduction for Disciplinary Reasons

4.1. A classified employee’s pay may be reduced for disciplinary reasons, if this is warranted by the employee’s performance. The reduced salary cannot be lower than the minimum rate of the employee’s current salary group. Pay may be restored to any rate within the same salary group, up to and including the employee’s prior rate, as performance improves without accounting for the increase as a merit increase.

5. Lateral Transfer

5.1. A lateral transfer is a change-in-duty assignment of an employee that moves the employee to another class title in the same salary group. When a lateral transfer occurs, the salary can be increased, it can remain the same, or it can decrease within the salary group.

POLICY: 3.3 DIFFERENTIAL PAY
SCOPE: STAFF
POLICY NUMBER: 3.3
APPROVED: June 1999
REVISED: November 2005

1. Longevity

1.1. Longevity pay is provided to all full-time nonacademic employees who are not on leave without pay the first workday of the month and who have at least two (2) years of lifetime...
service credit. Part-time employees do not receive longevity pay on a proportional basis. As shown in the chart below, eligible employees receive $20 per month for every two (2) years of lifetime service credit up to and including 42 years of service.

1.2. Length of service for longevity pay is determined in the same manner as length of service for annual leave. All prior employment with an agency of the State of Texas shall be counted. This does not include service in an independent school district or community college. Prior service is to be counted regardless of method of payment, length of appointment, FTE, continuity of service, or prior eligibility for longevity. One month of service is to be counted for each month or fraction of a month of state employment. In no case shall more than one (1) month of credit be granted for a single calendar month.

1.3. Staff Service Awards shall be a means of recognizing staff for service to Lamar State College-Port Arthur. The awards program will recognize employees with five, ten, fifteen, twenty and twenty-five years of service. Service pins and certificates are typically awarded in May for the current fiscal period.

1.4. Regular, full-time employees are eligible for service awards. All Lamar service (Lamar University, LSC-O, LIT) will count regardless of method of payment, length of service, or FTE.

Longevity Pay Table

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Monthly Longevity Pay</th>
<th>Years of Service</th>
<th>Monthly Longevity Pay</th>
</tr>
</thead>
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<tr>
<td>Less than 2 years</td>
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<td>Greater than 24 and less than 26 years</td>
<td>$240</td>
</tr>
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</tr>
<tr>
<td>Greater than 22 and less than 24 years</td>
<td>$220</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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4 Texas Government Code, Section 659.043
2. **Benefit Replacement Pay**

Beginning with wages paid on January 1, 1996, the State no longer pays the federal taxes imposed on state employees and state-paid judges under the Federal Insurance Contributions Act (FICA). This payment was commonly known as “state-paid Social Security.” The Legislature offset the effects of the repeal of this Act by instituting Benefit Replacement Pay for eligible employees. To be eligible, an employee must have been employed by the State on August 31, 1995, and must have been:

2.1. Eligible for the state-paid Social Security contribution under Section 606.064 of the Texas Government Code.

2.2. Using unpaid leave, if the employee would have been otherwise eligible.

2.3. Not working because his or her employment customarily did not include summer months; he or she had contracted to resume employment before September 2, 1995; and such employment would have made the employee eligible for the state-paid tax if the employee had held that position at that time.

Benefit replacement pay is equal to 5.85% of the FICA wages earned during the pay period (not to exceed $16,500 annually) and the additional retirement contribution paid by the employee because of receiving benefit replacement pay.

An eligible employee who leaves state employment for 30 or more consecutive days after August 31, 2005, becomes ineligible to receive benefit replacement pay upon re-employment with the State.

An eligible state employee who retired from state employment on June 1, 2005, or after that date and who receives an annuity based wholly or partly on services as a state officer or state employee in a public retirement system, is ineligible to receive benefit replacement pay upon re-employment with the State. In order to remain eligible for benefit replacement pay, an eligible employee who retired before June 1, 2005, must have returned to work with the State before September 30, 2005. (Texas Government Code, Section 659.126; and Senate Bill 1863 (79th Legislature, Regular Session), Section 13.07).
legal staff were subject to the provisions of the FLSA. These amendments also provided that government employers could choose to compensate their nonexempt employees for overtime in cash or in calculated compensatory time off in lieu of cash payments. If compensation is paid to an employee for accrued time off, the compensation must be paid at the regular rate earned by the employee at the time the employee receives the payment.

2.3. Employees subject to the FLSA are entitled to compensation for any hours worked in excess of 40 hours in one (1) work week in one (1) of the following ways:

2.3.1. The agency can allow or require the employee to take compensatory time off at the rate of 1.5 hours for each hour over 40 hours worked during the workweek.

2.3.2. When granting compensatory time off is not practical, at the discretion of the employing department, the employee can receive 1.5 times the regular rate of pay in effect at the time the work was performed for each hour worked over 40 during the workweek.

2.3.3. Paid leave and holidays are not counted as hours worked for determining FLSA overtime hours. However, if the total number of hours worked (if less than 40) plus paid leave or paid holidays exceeds 40, the non-exempt employee shall be allowed state compensatory time off equal to the number of hours in excess of 40 hours.

Note: To convert straight-time hours to overtime hours, multiply the total number of straight-time hours by 1.5. To convert overtime hours to straight-time hours, divide the total number of overtime hours by 1.5.

2.3.4. Non-exempt employees may accumulate an overtime credit up to 240 straight time hours of FLSA overtime (160 overtime hours converted to straight time).

2.3.5. Non-exempt employees or their estates must be paid for any unused FLSA overtime at the time of separation from state employment.

2.4. **State Compensatory Time**

2.4.1. Employees Subject to the FLSA

2.4.2. If the total number of hours worked (if less than 40 hours) plus any paid leave or paid holidays exceeds 40 in one (1) workweek, the employee shall be allowed compensatory time off for this additional time on an hour-for-hour basis. The compensatory time off must be used within 12 months of the end of the workweek in which it was earned.

2.4.3. Employees will not be paid for any unused state compensatory time and there are no provisions in statutes or the General Appropriations Act that allow for the conversion of this time to any other type of leave. However, employees at institutions of higher education may be paid for state compensatory time if taking the time off would be disruptive to critical activities.

2.4.4. When an employee subject to the FLSA does not work more than 40 hours in a workweek and the number of hours worked plus the number of hours of holiday or other paid leave taken during the week does not exceed 40 hours, the employee may not accrue compensatory time for the week. Nonexempt, part-time employees must be paid for hours worked over their designated hours (under 40 hours) and may not accrue state compensatory time in those instances.

2.4.5. If an employee does not use state compensatory time within 12 months of when it was earned, the employee loses this time. An employee will not be paid for accrued but unused state compensatory time.
2.5. **Employees Exempt From FLSA Overtime Provisions**

2.5.1. An FLSA exempt employee shall receive his or her full salary for any week in which work is performed without regard to the number of days and hours worked. Exempt employees need not be paid for any workweek in which they perform no work. Exceptions to this general rule include the following:

2.5.1.1. Deductions may be made for full-day absences for personal reasons other than sickness or disability.

2.5.1.2. While an employer cannot make deductions from pay for absences of an exempt employee occasioned by jury duty, witness at a judicial action or military duty, the employer can offset any amounts received by an employee as jury fees, witness fees, or military pay for a particular week against the salary due for that particular week without loss of exemption.

2.5.1.3. Deductions may be made for full-day absences for sickness or disability after exhaustion of sick leave or workers’ compensation benefits.

2.5.1.4. Deductions may be made for penalties due to safety infractions of major significance. Safety infractions of major significance include those relating to the prevention of serious danger in the workplace or to other employees.

2.5.1.5. Deduction from pay of exempt employees may be made for unpaid disciplinary suspensions of one (1) or more full days imposed in good faith for infractions of workplace conduct rules. Such suspensions must be imposed pursuant to a written policy applicable to all employees. Thus, for example, an employer may suspend an exempt employee without pay for three (3) days for violating a generally applicable written policy prohibiting sexual harassment. Similarly, an employer may suspend an exempt employee without pay for twelve days for violating a generally applicable written policy prohibiting workplace violence.

2.5.1.6. An employer is not required to pay the full salary in the initial or terminal week of employment. Rather, an employer may pay a proportionate part of an employee’s full salary for the time actually worked in the first and last week of employment. An employer is not required to pay the full salary for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act.

2.5.1.7. State agencies may reduce the pay of FLSA exempt employees for absences of less than a full day for personal reasons or because of injury or illness when permission to use leave was not sought or was denied, accrued leave was exhausted, or the employee chose to use leave without pay.5

2.5.2. **Transfer of Payment of State Compensatory Time**

State Compensatory Time accrued but unused may not be paid to terminating employees.

State Compensatory Time accrued but unused may not be transferred to another state agency.

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5 Texas Government Code, Section 659.0169e(4)
2.5.3. The Texas Attorney General has ruled that the estate of a deceased employee may not be paid for the employee’s earned, but unused, state compensatory time.6

2.4. Holiday Compensatory Time

2.4.1. An institution of higher education, as defined by Section 61.003 of the Texas Education Code, may allow an employee who is required to work on a national or state holiday that does not fall on a Saturday or Sunday to take compensatory time off in accordance with this statute or may instead pay the employee at the employee’s regular rate of pay for that time as the institution determines that allowing compensatory time off would disrupt critical functions.

2.5. Procedure

2.5.1. Overtime Earned

All overtime must have advanced approval from the employee’s supervisor. The Request for Overtime/Leave Form (F3.6A) must be completed and signed prior to working overtime.

2.5.2. Overtime Taken

All overtime taken must have advance approval from the employee’s supervisor. The Request for Overtime/Leave Form (F3.6A) must be completed and signed prior to working overtime.

POLICY: 3.5 COMPENSATION

SCOPE: FACULTY

POLICY NUMBER: 3.5

APPROVED: March 2002

1. Full-Time Faculty Compensation

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

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

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

2. Part-Time and Overload Compensation

Part-time and overload salaries are spread over 4.5 months for fall and 4.5 months for spring. In the fall, checks are distributed on the first working day of October (1), November (1), December (1),
January (1), and February (.5). In the spring, checks are distributed on the first working day of February (.5), March (1), April (1), May (1), and June (1).

Part-time faculty teaching eight week courses at a Prison facility will be paid in two (2) equal payments.

3. **Substitute Faculty Compensation**

Whenever a faculty member is unable to meet his/her regularly scheduled classes for more than two (2) consecutive class periods, a substitute will be paid to cover the classes. The Office of the Vice President for Academic Affairs or the appropriate department will process the Personnel Action Request - F3.2 for pay.

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

The substitute must complete the paperwork required of all College employees.

4. **Benefits Eligible Faculty**

Faculty accruing sick leave must use sick leave to cover absences due to sickness. Eight hours sick leave must be charged for each day of absence.

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

5. **Non Benefits Eligible Faculty**

Faculty who are not benefits eligible and who are absent for two (2) or more consecutive class meetings will not be paid for the classes missed.

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**POLICY:** 3.6 **EMPLOYEE PERFORMANCE PAY**

**SCOPE:** CLASSIFIED STAFF

**POLICY NUMBER:** 3.6

**APPROVED:** June 1999

**REVISED:** November 2005

1. **Merit Increases**

For classified employees, a merit increase consists of an increase within the range of the same salary group. (Texas Government Code, Section 659.255(a) (3). State Agencies may award merit salary increases to employees whose job performance and productivity is consistently above that normally expected and required. (Texas Government Code, Section 659.255(e) (4).

Employees may receive a one-time merit payment following the same criteria used to award merit salary increases. One time merit payments are considered compensation or wages and are subject to retirement plan contributions.

A state agency may award a merit salary increase or a one-time merit payment to a classified employee in relation to his or her current performance if:

1.1. The employee has been employed by the agency in that position for at least six continuous months before the effective date of the increase. Additionally, the effective date of the increase must be at least six months after the employee’s last promotion or merit salary increase for performance in that position.
1.2. The agency has established a procedure for determining the eligibility of a classified employee to receive a merit salary increase or a one-time merit payment.

1.3. The employee’s job performance and productivity in that position are consistently above that normally expected or required.

1.4. The effective date of the increase is at least six months after the effective date of the agency’s last payment to the employee of an enhanced compensation award or one-time merit payment for performance in that position.

The statute does not specify a minimum or maximum amount for either a merit salary increase or a one-time merit payment. Agencies should ensure that merit increases and one-time merit payments are distributed throughout the range of classified salary groups. A merit salary increase should not be confused with a promotion, because a merit salary increase rewards an employee for performance in the same job.

Merit salary increases may be granted to employees whose job performance and productivity is consistently above that normally expected or required. Salary increases for faculty or faculty-equivalent employees shall be awarded on the basis of merit and job performance. This should not be interpreted to preclude salary adjustments designed to avoid salary inequities. (General Appropriations Act (79th Legislature, Regular Session), Article III, Special Provisions Relating Only to State Agencies of Higher Education, Section 5.4 and Section 5.5)

POLICY:

3.7 STUDENT SOCIAL SECURITY EXCLUSION

SCOPE: STUDENT

POLICY NUMBER: 3.7

APPROVED:

REVISED:

1. Policy

The Student Social Security Exclusion Policy establishes guidelines for the implementation of IRS Revenue Procedure 98-16 which excludes qualified student employees from Social Security and Medicare coverage. The Omnibus Appropriations Bill, H.R. 4328 passed by Congress included a provision which permits states to exercise the student exceptions option provided in federal law.

2. Definitions

2.1. Student employees will be defined as eligible for this exclusion if one (1) of the following criteria is met:

2.1.1. Undergraduate Student. The student is enrolled for six (6) credit hours or more for the Fall or Spring semester or the student is enrolled for three (3) credit hours or more for a Summer semester.

2.2. Career Employees who are also students will not be eligible even if all other criteria are met. A career employee is defined as one who is eligible to participate in a retirement program and/or does not require student status as a condition of employment.

2.3. Census Date is the date on which a student status will be determined. The date is the 12th class day for Fall and Spring and the 4th class day for Summer Sessions I and II. Mini-session is considered to be part of the Summer Session I enrollment period.

2.4. Enrollment Period is defined as the semester in which the student was enrolled and working at the college.

3. Procedures
3.1. **General Eligibility.** Eligibility will be determined by the completion of the F3.2 transaction. The Director of Financial Aid will determine the number of hours the student is enrolled. The payroll office will populate the necessary fields in the Human Resources System using actual enrollment data. This information will not be changed after the census date.

3.2. **Current Semester Exclusion** will be determined based on the enrollment status on the census date. The exemption will not be affected by added or dropped classes after the census date.

3.3. **Work Requirement.** Student employees are not allowed to work more than 20 hours per week.

3.4. **Semester Breaks.** As defined in IRS Revenue Procedure 98-16, a student will be granted the exclusion during semester breaks as long as that period does not exceed five (5) weeks. Students who are working, but are not enrolled, during the summer will not be granted the exclusion. This will apply regardless of whether the student was enrolled during the previous semester and expects to return to the college the following semester.

**POLICY:**

3.8 **COMPENSATION DISASTER RECALL**

**SCOPE:** STAFF

**POLICY NUMBER:** 3.8

**APPROVED:** December 2005

**REVISED:**

1. **Policy**

Lamar State College–Port Arthur is committed to supporting the educational mission of the institution through the efficient recovery of services after a disaster.

2. **Crisis Management Team**

The Crisis Management Team will be assembled should the President (or designee) determine the situation has had a wide-ranging or long lasting effect. The team will consist of the following individuals:

2.1. President

2.2. Vice President for Academic Affairs

2.3. Vice President for Finance

2.4. Dean of Student Services (Director of Security)

2.5. Director of Physical Plant

2.6. Director of Information Technology Services

The Crisis Management Team will designate the “Key Essential Personnel”.

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

3. **Compensation**

Employees that are designated as “Key Essential Personnel” will receive additional compensation as follows:
3.1. Classified employees will be paid straight time for hours worked up to 40 hours and time and one-half for hours over 40 within the workweek.

3.2. Professional employees will be paid straight time for actual time worked.

4. Expenses

“Key Essential Personnel” will receive reimbursement for lodging, meals, and mileage in accordance with the campus travel policies.

5. Reviewers of the Compensation Disaster Recall Policy

This policy will be reviewed annually in conjunction with the Disaster Response and Recovery Committee. Reviewers of the Compensation Disaster Re-Call Policy includes the President and the Chair of the Disaster Response and Recovery Committee.

6. Certification Statement

The Compensation Disaster Re-Call Policy has been approved by the following individuals in their official capacities and represents Lamar State College-Port Arthur policy and procedure from the date of this document until superseded.

President
Director of Physical Plant/Chair Disaster Recovery Committee
SECTION 4: ATTENDANCE AND LEAVE

POLICY: 4.0 ATTENDANCE
SCOPE: STAFF AND FACULTY
POLICY NUMBER: 4.0
APPROVED: 
REVISED: November 2005

1. **Staff**

1.1. **Workweek and Hours**

The official workweek for the College is from 12:01 a.m. Saturday until 12:00 midnight of the following Friday. Normal hours for College offices and operations are determined by the President. Departments may require personnel to work shifts different from the normal College hours. In no case will the normal work schedule for full-time, non-exempt personnel exceed 40 hours in the workweek.

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

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

1.2. **Service Departments**

Service department personnel will normally observe the forty (40) hour work week; however, because of service department operations, employees may have different work schedules and may be subject to call on a standby basis for emergencies, special events, and in unusual circumstances. The regular hours will, however, be compensated in accordance with state law.

1.3. **Lunch Periods**

Normal College scheduling requires an hour unpaid lunch period. Employees are expected to conform to their assigned meal schedule. If lunches are taken on College property, employees are expected to adhere to College rules and standards.

1.4. **Rest Periods**

Work load permitting, a rest period of not more than fifteen (15) minutes during the first half of a regular workday and not more than fifteen (15) minutes during the second half of a regular workday is permitted for full time employees. Part-time employees who are scheduled to work four (4) hours or more but less than a full day will be afforded one (1) fifteen (15) minute rest period. Breaks are dependent on work schedule and supervisory approval.

Rest periods cannot be accumulated for use at a later date nor used to shorten the regular workday or lengthen the lunch period. In all instances, the utilization of rest periods is subject to the work load demands of the organizational unit as determined by the supervisor. During break periods, the employee is on paid leave and all normal standards of conduct should apply.
1.5. **Observance of Regulations**

Each staff member must observe the regular work schedule for his/her work location. Absence from duty must be accounted for under established leave policies on approved leave forms. In no case shall an employee be paid for unaccounted time. Failure to properly notify a supervisor concerning an absence and to receive necessary permission may result in disciplinary action up to and including termination. Any individual who is consistently late for work, or who does not return from rest periods or lunch periods promptly, is subject to disciplinary action up to and including termination. The staff member is responsible for notifying the supervisor close to the opening of the work day if he/she will be late or absent from work. When it is necessary to leave work early, the staff member is to make necessary arrangement with the supervisor prior to the time of departure.

1.6. **Place of Work**

Employees must, during normal office hours, conduct agency business only at the employee's regular place of business or assigned duty point unless they are on travel status or has received prior written authorization from the administrator of the employing agency. An employee's personal residence may not be considered to be that employee's regular place of business or duty point for the purpose of this subsection without the written authorization of the President.

1.7. **Holidays**

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

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

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

In order to be paid for a holiday that falls in mid-month (other than the first or last workday of the month), the employee must be a state employee (the legal definition of which is employed by the state and not on LWOP) on the day before and the day after the holiday. If the holiday falls on the first workday of a month, the employee must be a state employee on the day immediately after the holiday to be paid. If the holiday falls on the last workday of the month, the employee must be a state employee on the day immediately before the holiday to be paid. The observation of religious holidays may be permissible. In such cases, the time off may be charged to vacation or compensatory time. The President may designate certain religious holidays which can be substituted for other holidays when possible.

In the event that a state holiday falls between the periods an employee transfers from one (1) state agency or institution of higher education to another without a break in service, the receiving agency or institution of higher education must pay for the holiday regardless of whether the agency or institution of higher education recognizes that particular holiday.

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7 Texas Government Code, Section 662.010
2. Faculty

Faculty members employed by Lamar State College Port Arthur must discharge faithfully instructional duties and other responsibilities associated with faculty appointment, including the meeting of all scheduled classes.

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

2.1.1. Professional meetings when, in the judgment of the President or his designee, attendance at such meeting would contribute to the improvement of teaching or scholarship at Lamar State College-Port Arthur.

2.1.2. Sickness, injury, pregnancy and/or confinement that prevent the faculty member’s performance of duty or when a member of his or her immediate family is actually ill.

2.1.3. Family emergencies, including attending the funerals of the faculty member’s spouse; the faculty member’s and spouse’s parents; and the faculty member’s children, brothers, sisters, grandparents, and grandchildren. The President may grant this leave for other reasons determined to be for good cause.

2.1.4. Specific assignments of the President of short duration, or special circumstances where the President considers such absences to be for valid reasons.

2.2. Unauthorized absence of a faculty member is not permitted. Unauthorized absences are a violation of the terms of the faculty member’s appointment. Any faculty member absent for a period of two (2) days who fails to obtain authorized leave according to approved personnel policies will be considered to have abandoned his/her position. The instructor will be subject to disciplinary action which may include leave without pay, dismissal, or other personnel action.

2.3. In the event of a faculty absence which is premeditated, prior authorization through the use of the proper form is required. The request for permission to be absent should be made to the Department Chair/Program Director with final approval from the Division Dean. The faculty member is obligated to notify the Department Chair as early as possible so that the latter may make appropriate arrangement for missed classes.

2.4. The faculty member is responsible for notifying the Department Chair/Program Director of an absence in time to ensure the uninterrupted schedule of classes.

POLICY: 4.1 ANNUAL LEAVE
SCOPE: STAFF
POLICY NUMBER: 4.1
APPROVED: 4.1
REVISED: November 2005

1. Purpose

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

2. Eligibility
All regular non-faculty employees are entitled to paid annual leave. Annual leave accrual rates are the same for both classified and professional employees. Part-time employees are also eligible for annual leave, but their accrual rate and maximum annual leave carryover amounts are proportionate to the number of hours they work. (Texas Government Code, Section 661.152(c). For example, half-time employees earn and carry over annual leave at one-half the rate authorized for full-time employees. State employees who are employed by multiple state agencies may not accrue annual leave at a rate that exceeds that of a full-time employee.

3. **Accruals**

An employee accrues annual leave and may carry annual leave forward from one (1) fiscal year to the next in accordance with the schedule below.9

**Schedule of Annual Leave Accruals for Full-Time Employees**

<table>
<thead>
<tr>
<th>Length of State Service</th>
<th>Hours Accrued Per Month</th>
<th>Days Accrued Per Year</th>
<th>Allowable Carry-Over (Hours)</th>
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<tr>
<td>Less than 2 years</td>
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<td>12</td>
<td>180</td>
</tr>
<tr>
<td>At least 2 but less than 5 years</td>
<td>9</td>
<td>13.5</td>
<td>244</td>
</tr>
<tr>
<td>At least 5 but less than 10 years</td>
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<td>15</td>
<td>268</td>
</tr>
<tr>
<td>At least 10 but less than 15 years</td>
<td>11</td>
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<tr>
<td>At least 35 years or more</td>
<td>21</td>
<td>31.5</td>
<td>532</td>
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</tbody>
</table>

All annual leave hours in excess of the maximum allowable carryover left at the end of a fiscal year shall be credited to the employee’s sick leave balance.10 In computing annual leave taken by an employee, absences due to holidays are not charged.

The amount of annual leave accrued by an employee is based on his or her employment status on the first day of the month. Credit for the higher rate of accrual will be given on the first calendar day of the month only if the employee’s anniversary falls on that day. Otherwise, the increase in annual leave accrual will be given on the first calendar day of the following month.

Employees begin to accrue annual leave from their first day of employment. Accruals on annual leave end on an employee’s last day of duty, which is an employee’s last physical day on the job. Credit for annual leave is given for each month or fraction of a month of state employment. The employee receives this credit on the first day of the month. If the employee is on any type of paid leave that extends into the following month, the accrual will not be posted until the employee returns to duty. An employee forfeits this accrual if he or she fails to return to duty.

4. **Six Month Eligibility**

Annual leave may not be taken until the employee has been continuously employed with a state agency/institution of higher education for six (6) months. An employee who separates from state employment for any reason during that six (6) month period is not eligible for any accruals made.
during that period. Additionally, continuous employment means that no leave without pay has been
taken for a full month during the six (6) month period. The six (6) month eligibility requirement
must be met only once. After an employee has accrued six (6) months of continuous state
employment and separates from state employment, he or she is entitled to be paid for accrued annual
leave.11

5. Terminal Vacation

An employee, who resigns, is dismissed, or otherwise separates from state employment is entitled to
be paid immediately for accrued and unused vacation time, as long as the employee has had
continuous employment for at least six (6) months.

A terminating employee may, with the approval of the employing agency, remain on the payroll
after separation to use accrued annual leave rather than receive a lump-sum payment. No additional
accruals will be made during this period. The employee may not use sick leave or accrue sick leave
or annual leave while exhausting annual leave.12, 13

Upon separation, lump-sum payments for accrued but unused annual leave will include payment for
any holidays that the employee would have observed had he or she remained on the payroll. Eight
(8) hours per holiday will be added for employees who are normally scheduled to work forty (40)
hours per week. Employees who are normally scheduled to work less than forty (40) hours per week
will receive a proportionate payment. An employee moving to a position in a state agency that does
not accrue annual leave is not entitled to add time for holidays that fall within the accrual period. In
no case is the employee entitled to receive longevity pay for the accrual period.14

6. Approval

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

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

7. Employee and Department Responsibilities For Leave

Employees should communicate to their supervisor at the earliest practical time details of their
absence or anticipated absence(s) including dates with appropriate documentation. Leaving one's job
without proper notification to their supervisor can constitute job abandonment. Any employee who
is absent from work without authorized leave for three (3) consecutive workdays shall be deemed to
have abandoned his/her position and to have voluntarily resigned from employment. Bona fide
emergencies will be taken into consideration.

The employee is responsible for completing the application for leave form, Request for
Overtime/Leave Form (F3.6A), providing supporting documentation, and following up on approvals.

The departments are responsible for notifying the Human Resources Office regarding employee
leave, especially when it is anticipated the employee will not have enough paid leave. The
department is responsible for processing the necessary documents (Personnel Action Request Form
(F3.2) and Vacation/Sick Leave Form (F3.6) to process the requested leave in a timely manner.

11 Texas Government Code, Section 661.062(a)
12 Texas Government Code, Section 661.067 (b)(3)
14 Texas Government Code, Section 661.063 (c) (2)
All leave must be reported monthly to the Payroll Office. This is done by completing an F3.6 and submitting it and supporting documents to the Payroll Office not later than the seventh work day of the following month.

The employee is required to account for all such leave taken during the month. The leave balance will appear on the following month's F3.6. All leave must have prior approval on a Request for Overtime/Leave Form (F3.6A).

8. Even if no leave is taken for the month, each employee is required to complete the Vacation/Sick Leave Form (F3.6) and submit it to the Payroll Office.

POLICY: 4.2 SICK LEAVE
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 4.2
APPROVED:
REVISED: November 2005; April 2014

1. Purpose

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

Sick leave may be used when an employee is prevented from performing his or her job due to sickness, injury, or pregnancy and confinement. It may also be used to care for an immediate family member who is ill. “Immediate family” is defined as individuals related by kinship, adoption, or marriage who live in the same household; foster children who reside in the same household; and minor children regardless of whether they live in the same household. Sick leave may be used to care for immediate family members who do not reside in the same household only because of a documented medical condition. In this instance only, “immediate family” is interpreted as spouse, parent, or child. (Texas Government Code, Section 661.202 (e)

2. Accrual

2.1. An employee accrues sick leave beginning on the first day of state employment and ending on the last duty day of state employment. Duty day means an employee’s last physical day on the job.

2.2. An employee who is on leave the first day of the month may not use that month’s accrual until he or she returns to duty.

2.3. An employee accrues sick leave at a rate of eight hour per month or proportionately for part – time employees. Employees employed by multiple agencies cannot accrue sick leave at a rate that exceeds that of a full-time, 40 hour per week employee.

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

2.5. Sick leave is earned each month the employee is on the payroll. Employees on leave without pay, and nine month faculty will not earn sick leave during any full calendar month when they are not on the payroll.

3. Utilization

3.1. Any employee absent because of illness must notify his/her supervisor as soon as possible.
3.2. An absence of more than three (3) days requires the employee to provide their supervisor with a doctor’s certification or a written statement of the facts surrounding the absence and the nature of the illness. Where indicated by circumstances (see following paragraph), the supervisor may request a doctor's certification for sick leave of any duration. In addition, the supervisor may request a doctor's certification as to the employee's fitness to return to normal duties.

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

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

3.5. An employee may use sick leave while he or she is on annual leave. The employee may be required to submit a doctor’s certification that confirms the illness and the employee may be required to submit a fitness for duty certification.

3.6. Sick Leave Records for Faculty

3.6.1. Faculty members are required to submit prescribed leave forms for all sick leave taken if the absence occurs during the normal workday for regular employees, even if no classes are missed. (Texas Government Code, Section 661.203).

3.7. There is no authority to pay out an employee’s accrued but unused sick leave balance upon termination.

3.8. Sick leave may be used for the adoption of a child under the age of three (3).

4. **Restoration of Sick Leave Balances.**

4.1. An employee who is restored to state employment following military service is entitled to have his or her sick leave balance restored.

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

4.3. Employees who separate from state employment under a formal reduction in force are entitled to have their sick leave balances restored if they are re-employed by the State within 12 months.

4.4. Employees separated for reasons other than a formal reduction in force and re-employed by the same state agency may have their sick leave balances restored only if:

4.4.1. The employee is re-employed by the same institution of higher education within 12 months after the end of the month in which the employee separates from state employment, but only if there has been a break in employment with the State of at least 30 calendar days; or

4.4.2. The employee is re-employed by a different state agency or institution of higher education within 12 months after the end of the month in which the employee separates from state employment.

5. **Payment For Deceased Employee**
The estate of a deceased employee is entitled to receive payment for one-half of the employee’s sick leave balance or 336 hours, whichever is less. The amount paid to the estate will be based on the employee’s compensation rate at the time of death. Any state holiday that falls within this period shall not be charged against the accrued leave hours.

POLICY:  4.3  CATASTROPHIC SICK LEAVE POOL
SCOPE:  FACULTY AND STAFF
POLICY NUMBER:  4.3
APPROVED:  
REVISED:  March 2002

1. Policy
   Use of the Sick Leave Pool is limited to cases of catastrophic illnesses or injuries.

2. Definitions
   2.1. A catastrophic injury or illness is defined by the Employees Retirement System of Texas as "A severe condition or combination of conditions affecting the mental or physical health of the employee or the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the State for the employee."
   2.2. Licensed practitioner means practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his or her license.
   2.3. Immediate family is defined as those individuals related by kinship, adoption, marriage, or foster children who are so certified by the Texas Department of Human Services who are living in the same household or if not in the same household are totally dependent upon the employee for personal care or services on a continuing basis.

3. Administration
   The Director of Human Resources will be responsible for administering the Sick Leave Pool.

   4.1. All benefits-eligible employees of Lamar State College-Port Arthur may apply to use sick leave from the Sick Leave Pool.
   4.2. Employees may use pool leave for their own catastrophic illness/injury or for a member of the immediate family.
   4.3. Employees may also use pooled sick leave if they contributed sick leave to the pool and then exhausted their sick leave balance in the same fiscal year. Such employees may receive only the number of hours they contributed to the pool that fiscal year unless they suffer a catastrophic illness or injury.
   4.4. Employees must exhaust all accrued leave, plus any extended sick leave granted them by their agency, before they are eligible to use leave from the pool.
   4.5. Employees on pooled sick leave for a full calendar month accrue paid leave for that month, provided they return to work following the leave.
   4.6. Employees with catastrophic illnesses or injuries are not required to contribute to the pool before they can use pool leave.
   4.7. Employees who use pool leave are not required to pay back pool leave.
5. **Contributing Sick Leave To The Sick Leave Pool**

5.1. Contributions to the pool are strictly voluntary.

5.2. Active employees may contribute sick leave to the pool each fiscal year, in increments of eight hours.

5.3. Employees who make contributions to the pool may not stipulate who is to receive their contributions.

5.4. Employees will be encouraged to contribute to the pool at the time of their separation from state employment. They may contribute up to three (3) days at that time, provided they have not already contributed the maximum for that fiscal year.

5.5. Employees who contribute leave to the pool cannot get it back unless they are eligible to use it.

6. **Requesting To Use Leave From The Sick Leave Pool**

6.1. Request for Pool Leave will be forwarded to the Director of Human Resources (Pool Administrator) through appropriate supervisory channels, and will be considered by the Pool Administrator on a first-come, first-served basis.

6.2. The Pool Administrator will have five (5) work days from the date she receives a request in which to approve all or part of the request, or deny the request.

6.3. The amount of Pool Leave granted for each catastrophic illness or injury will be determined by the Pool Administrator. However, the amount cannot exceed one-third (1/3) of the balance of hours in the pool, or 90 days, whichever is less.

6.4. Any unused balance of the Sick Leave Pool granted to an employee returns to the Sick Leave Pool. The estate of a deceased employee is not entitled to payment for unused Sick Leave Pool.

6.5. Employees seeking permission to withdraw time from the sick leave pool because of a catastrophic illness or injury are required to provide a written statement from the appropriate licensed practitioner sufficient to evaluate the employee’s eligibility.\(^{15}\)

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**POLICY:**

**SCOPE:**

**POLICY NUMBER:**

**APPROVED:**

**REVISED:**

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1. **Provisions**

Leave Without Pay (LWOP) can only be granted according to the following provisions:

1.1. The leave is unpaid.

1.2. The leave may not exceed 12 months.

1.3. Except in instances of disciplinary suspension, worker's compensation, and military situations:

1.3.1. Annual leave must be exhausted.

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\(^{15}\) S.B. 1624, 75\(^{th}\) Legislature, General Appropriations Act)
1.3.2. Sick leave, if appropriate, must be exhausted.

1.4. The President may waive these limitations for such reasons as interagency agreements or for educational purposes.

1.5. Any full calendar month of LWOP does not constitute a break in employment but also does not count for purposes of state service credit with the exception of an employee returning from military leave without pay. This time is not included in the calculation of the number of continuous months of employment for purposes of merit increases and leave.

2. Compensation

An employee who is on LWOP will have his or her compensation reduced for the pay period at the hourly rate of pay times the number of hours on LWOP. (Texas Government Code, Section 661.909)

FLSA exempt employees may also be subject to salary reduction in the same manner in accordance with provisions of 29 C.F.R. section 541.188. FLSA exempt employees who are absent from work less than one day for personal reasons, sickness, or disability under certain conditions may be subject to a salary reduction.

3. Limitations

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

POLICY: 4.5 EXTENDED LEAVE WITHOUT PAY

SCOPE: ADMINISTRATION AND STAFF

POLICY NUMBER: 4.5

APPROVED: REVISED: November 2005

1. Extended Leave Without Pay

Any employee who is unable to perform the requirements of his/her job with or without a reasonable accommodation may request to be placed on LWOP status for a full calendar month or longer. The employee must make a written request to the appropriate Vice President or Dean. Normally such requests will be limited to six (6) months and in no case will they extend beyond twelve (12) months. When such leaves are granted the employee will be eligible to return to employment in a similar position provided that at the expiration of the leave:

1.1. That the employee is in satisfactory medical condition and/or mental condition to resume full employment with or without reasonable accommodation. A doctor's documentation will be required.

1.2. The employee notifies the Human Resources Office in writing of the intent to return to work.

1.3. The employee allows at least thirty days for reinstatement in a similar position.

2. The College does not assure that employees returning from Extended LWOP will be returned to their same position but only that they will be returned to a similar position for which their qualifications are accepted by the supervisor holding an available and vacant position.
3. Failure of an employee to return to work at the end of an approved LWOP will be a voluntary termination employment unless request for extension of the LWOP has been approved by the appropriate Dean, Director or Vice President. The request will not be approved beyond the 12 month limit.

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

5. During an extended LWOP (longer than a calendar month), the employee is responsible for paying the full insurance premiums on any coverage. That is, the employee must pay both the normal employee cost and the state contribution, unless the leave is certified as Family Medical Leave. Failure to pay the premium will result in cancellation of the insurance and evidence of insurability may be required to have the insurance reinstated.

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

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

### POLICY: 4.6 FAMILY MEDICAL LEAVE ACT (FMLA)

#### SCOPE: FACULTY AND STAFF

#### POLICY NUMBER: 4.6

#### APPROVED:

#### REVISED: September 2009

1. **Policy**

   It shall be the policy of Lamar State College-Port Arthur to provide all eligible employees twelve (12) weeks leave time to care for their needs and those of their family members. This policy shall meet the requirements of the Family Medical Leave Act (FMLA). Employees utilizing FMLA will be granted the rights preserved in that legislation and the regulation defined by the U. S. Department of Labor and the State Appropriations Act.\(^\text{16}\)

2. **Eligibility**

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

   2.1. A total of at least 12 months of state service. In calculating the required twelve (12) months, all state employment will be counted and it need not be continuous, and

   2.2. Worked at least 1250 hours during the (12) month period immediately preceding the commencement of leave. The 1250 hours refers to hours actually worked and does not include paid time off.

   2.3. For purposes of FMLA, the State is considered a single employer. Time worked for other state agencies should be credited when considering FMLA eligibility.

3. **Use of Accrued Leave**

   3.1. Eligible employees must use all appropriate paid leave while taking FMLA.

   3.2. FLSA compensatory time cannot be used concurrently with FMLA. If the employee elects to use FLSA compensatory time while out on FMLA, that time is not counted toward the 12-week entitlement. State compensatory time, holiday time, and administrative leave that

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\(^{16}\) SB5, 73rd Legislature, Regular Session, Article V, Section 8 U.S. Public Law 1033, Family Medical Leave Act, 29CFR825
are benefits of the State may be counted toward the entitlement.

3.3. Employees on workers’ compensation or receiving temporary disability benefits cannot be required to use, but may elect to use, paid leave prior to taking FMLA.

3.4. Sick leave may be used in conjunction with FMLA when a child under the age of three (3) is adopted, regardless of whether the child is ill at the time of adoption.

3.5. A state employee who is the father of a child may use his sick leave only if the child is ill due to childbirth or to care for his spouse while she is recovering from labor and delivery.

4. Parental Leave

4.1. Those employees with less than a total of 12 months of state service or who have worked less than 1250 hours in the 12-month period immediately preceding the commencement of leave are eligible to take a parental leave of absence, not to exceed 12 weeks, provided that the employee utilizes all available applicable paid vacation and sick leave while taking leave pursuant to this subdivision. The leave authorized by this subdivision is limited to, and begins with the date of, the birth of a natural child or the adoption or foster care placement of a child under three (3) years of age.

5. Eligible Events

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

5.1. The birth and care of a child;

5.2. The placement of a child for adoption or foster care;

5.3. To care for a spouse, child, or parent with a serious health condition; or,

5.4. A serious health condition that renders the employee unable to work.

5.5. Certain qualifying exigencies arising out of a covered military member’s active duty status, or notification of an impending call or order to active duty status, in support of a contingency operation;

5.6. Up to 26 weeks of leave in a single 12-month period to care for a covered service member recovering from a serious injury or illness incurred in the line of duty on active duty.

5.7. Eligible employees are entitled to a combined total of 26 weeks of all types of FMLA leave during the single 12-month period.

6. Additionally

6.1. An employee taking FMLA leave will return to the same position or to an equivalent position, at the college’s election, unless the college would have terminated the employee in the absence of FMLA leave (e.g., layoff, downsizing, or termination of a temporary job).

6.2. Taking of leave will not result in any loss of benefits or conditions of employment accrued prior to the beginning of the leave period.

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

6.4. The employer can require the employee to provide a doctor’s certification. Medical Certification Forms are available from the Human Resources Office. Failure to provide
requested medical certification in a timely manner may result in denial of leave until it is provided.

6.5. FMLA may be used intermittently or on a reduced leave schedule if required by a physician to address a serious illness. Employees requesting intermittent leave to care for a child that is a newborn, during adoption, or during foster care must get employer approval for the intermittent leave. If leave is unpaid, the employee's salary will be reduced based on the amount of time actually worked. In addition, while he/she is on an intermittent or reduced schedule leave, the employee may be temporarily transferred to an alternative position which better accommodates the recurring leave and which has equivalent pay and benefits.

6.6. If FMLA is used in one (1) continuous block, a college closing will count against the employee’s entitlement. The exception to this is a closing of a week or more.

6.7. Holidays, ice days, and shutdowns do not count against employees who are on intermittent FMLA or a reduced work schedule.

7. Method of Calculation

Lamar State College-Port Arthur will calculate the twelve (12) month period of leave usage by a roll back method.

8. Accruals

An employee on FMLA will not accrue service credit for any full calendar months of LWOP taken while on FMLA. Further, any full calendar months of LWOP shall not be included in the calculation of six (6) continuous months of employment set forth in Article V of the Appropriations Act, Section 1, 4 and Section 8, 1.

An employee on FMLA will not accrue vacation or sick leave for such months.

9. Procedure

9.1. Notice

If need for family/medical leave is foreseeable, employees must give Lamar State College Port Arthur thirty (30) days prior written notice. Where the need for leave is not foreseeable, notification must be given within 1 to 2 working days of learning of need for leave, except in extraordinary circumstances. Failure to provide such notice may be grounds for delay of leave. Forms are available from the Human Resources Office.

9.2. Designation

An employee does not have the option of choosing whether or not to designate leave as FMLA, it is the employer's responsibility to determine whether leave qualifies as FMLA leave.

9.3. Reporting While On Leave

The employee must report to the Human Resources Office regarding the status of his/her condition and intention to return to work on a monthly basis the 1st day of the month.

9.4. Returning From Leave

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

9.5. Extended Leave for Serious Health Condition
Leave taken because of an employee's own serious health condition may be extended additional weeks (see Leave Without Pay Policy).

9.6. Failure to Return to Work

If an employee does not return to work on the originally scheduled return date nor requests in advance an extension of the agreed upon leave with appropriate documentation, he/she will be deemed to have voluntarily terminated employment with Lamar State College-Port Arthur.

10. Definitions

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

10.1. Spouse is defined in accordance with applicable State law.

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

10.3. Son or daughter includes biological, adopted, foster children, stepchildren, legal wards, and other persons for who the employee acts in the capacity of a parent and who less than 18 years is of age but incapable of caring for themselves.

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

10.5. Continuing treatment means:

10.5.1. Two or more treatments by a health care provider;

10.5.2. Two or more treatments by a provider of health care services (e.g., physical therapist) on referral by or under orders of a health care provider;

10.5.3. At least one (1) treatment by a health care provider which results in a regimen of continuing treatment under the supervision of the health care provider (e.g., a program of medication or therapy); or

10.5.4. Under the supervision of, although not actively treated by, a health care provider for a serious long-term or chronic condition or disability which cannot be cured (e.g., Alzheimer’s or severe stroke).

10.6. Health Care Provider includes: licensed MD's and OD's, podiatrists, dentist, clinical psychologist, optometrist, chiropractors authorized to practice in the State, nurse practitioners and nurse-mid-wives authorized under the State Law, and Christian Science Practitioners.

10.7. Needed to care for a family member encompasses:

10.8. Physical and psychological care, and

10.9. Where the employee is needed to fill in for others providing care or to arrange for third party to care for the family member.

10.10. The phrase unable to perform the functions of his/her job means an employee is:

10.11. Unable to work at all; or

10.12. Unable to perform any of the essential functions of his/her position. The term "essential functions" is borrowed from the Americans with Disabilities Act
("ADA") to mean "the fundamental job duties of the employment position," and does not include the marginal functions of the position.

POLICY:  4.7 OTHER LEAVES AND ABSENCES
SCOPE:  FACULTY AND STAFF
POLICY NUMBER:  4.7
APPROVED:  
REVISED:  November 2005

1. Military Leave
   1.1. Eligibility
       State employees are eligible for leave to accommodate:
       1.1.1. Authorized training or duty for the State’s military forces and members of any reserve branch of the U.S. Armed Forces.\textsuperscript{17}
       1.1.2. Activation of the State’s National Guard by the Governor.\textsuperscript{18}
       1.1.3. National emergency activation for members of a reserve branch of the U.S. Armed Forces.\textsuperscript{19}
   1.2. Adjusted Work Schedule for Military Leave
       State agencies are required to adjust the work schedule of an employee who is a member of the military so that two (2) of the employee’s days off each month coincide with two (2) days of military duty.\textsuperscript{20}
   1.3. Authorized Training for Duty
       A State employee who is called to active duty or authorized training is entitled to a leave of absence of 15 days in each federal fiscal year (October 1 through September 30) without loss of pay or benefits. (Texas Government Code, Section 431.005(1); and State Auditor’s Leave Interpretation Letter 98-03 (1988) The 15 days need not be consecutive. In addition, these days are business days, not calendar days. After exhausting the 15 days, the employee may use accrued annual leave or be placed on LWOP status (or a combination of the two) for the remainder of the active duty period.
   1.4. Call to National Guard Active Duty by the Governor
       A state employee called to state active duty as a member of the state military forces by the Governor because of an emergency is entitled to receive emergency leave without loss of military or annual leave.\textsuperscript{21}
   1.5. Certain Benefits and Protections for State Service
       A member of the state military forces who is ordered to active state duty by the Governor or by other proper authority under the law of this State is entitled to the same benefits and protections provided.

\textsuperscript{17} Texas Government Code, Section 431.005(a).
\textsuperscript{18} Texas Government Code, Section 661.903
\textsuperscript{19} Texas Government Code, 661.904
\textsuperscript{20} Texas Government Code, 658.008
\textsuperscript{21} Texas Government Code, Section 431.0825
1.5.1. To persons performing service in the uniformed services by 38 United States Code, Sections 4301-4313 and 4316-4319, as that law existed on April 1, 2003; and

1.5.2. To persons in the military service of the United States by 50 App. United States Code, Sections 501-536, 560 and 580-594, as that law existed on April 1, 2003.

This applies only to persons serving on active state duty on or after the effective date of this statute without regard to the date on which the person was initially ordered to active state duty.

1.6. **Call to National Duty**

A member of the National Guard or any reserve branch of the U. S. Armed Forces called to federal active duty during a national emergency is entitled to an unpaid leave of absence after exhausting the fifteen (15) days of paid military leave. The employee may use any accrued annual leave, compensatory time, or overtime leave to maintain benefits for the employee or the employee’s dependents while on military duty.

2. **Restoration of Employment**

To be eligible for restoration of employment at the conclusion of military service, the employee must be honorably discharged no later than five (5) years after induction, enlistment, or call to duty and must be physically and mentally qualified to perform the duties of the job.\(^{22}\)

3. **Volunteer Fire Fighters and Emergency Medical Services Training**

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

Leave with full pay may also be granted to volunteer firefighters for the purpose of responding to emergency fire situations.

4. **Leave for Assistance Dog Training**

An employee with a disability as defined by Texas Human Resources Code, Section 121.002, will be granted paid leave not to exceed ten (10) days each fiscal year to attend training necessary to provide the employee with an assistance dog. This leave is not charged against the employee's accrued leave balance.

5. **Parental Leave**

Employees who do not qualify for FML are entitled to parental leave for the birth of a child or the adoption or foster care placement of a child under the age of three (3). Parental leave cannot exceed 12 weeks. The employee must first use all available and applicable paid vacation and sick leave while taking the leave and the remainder of the leave is unpaid. Because eligibility time requirements are different for parental leave (less than 12 months of state service) and FML (12 months (1250 hours) or more of state service), an employee can meet requirements of only one (1) of these entitlements. The leave period begins with the date of birth or the adoption or foster care placement.

Circumstances can exist that would allow an employee to take parental leave, return to duty, and subsequently be eligible for FML. The employee could then take FML for the birth, adoption, or foster placement of a child or for another reason.

6. **Foster Parent Leave**

\(^{22}\) Texas Government Code, Section 613.002
An employee who is a foster parent to a child under the protection of the Department of Family and Protective Service (DFPS) is entitled to a paid leave of absence to attend staff meetings held by DFPS regarding the foster child. In addition, the employee may use this entitlement to attend admission, review, and dismissal meeting held by a school district regarding the foster child.23

7. Parent-Teacher Conference

An employee may use up to eight (8) hours of sick leave each fiscal year to attend parent-teacher conference sessions for the employee’s children who are in pre-kindergarten through twelfth grade. The employee must give reasonable notice of his or her intention to use this leave.24 Part time employees receive this leave on a proportionate basis.

8. Bereavement Leave

An employee is entitled to leave with pay for a death in the employee’s family. An employee’s family is defined as the employee’s spouse, the employee’s and spouse’s parents; children, brothers, sisters, grandparents, and grandchildren. Leave for the death of anyone other than members of the employee's immediate family shall be charged to vacation, compensatory time or leave without pay.

An employee who must be away from the job due to a death in the immediate family should notify the supervisor on or before the first day of such absence. The Request for Overtime and Leave Form (F3.6A) should be completed and the absence approved. The request for leave should show the name, relationship and date of death of the family member.

Bereavement is normally not granted beyond three (3) days. Employees may request additional leave beyond three (3) days if there are special considerations.

9. Administrative Leave

The President or designee may consider other requests for emergency leave which do not meet the criteria for Bereavement Leave. Such leave will be designated as administrative leave. The granting of administrative leave is normally limited to cases involving unusual or emergency situations. The President or designee may grant administrative leave when the employee shows good cause for such leave. Administrative leave also may be approved for specific circumstances which include:

9.1. Closing of the College due to inclement weather

9.2. Situations in which the work location is uninhabitable or dangerous

9.3. Funerals or memorial services for co-workers or College associates, or funerals or memorial services for immediate family members of co-workers

9.4. Severely catastrophic medical situations when all other paid leave options available to the employee have been exhausted and when circumstances warrant such leave. Catastrophic medical emergencies shall normally be a limited terminal illness, or other severe medical circumstances involving extended hospitalization

9.5. Some disciplinary cases when an investigation is in progress or when an employee’s security or safety is an issue

9.6. The department head approves requests for administrative leave to attend funerals or memorial services for coworkers, College associates, or immediate family members of co-workers. Requests for administrative leave for reasons other than to attend such funerals or memorial services as indicated above must be reviewed and approved by the department head, Vice President, and President.

10. Leave for Bone Marrow or Organ Donors

23 Texas Government Code, Section 661.906
24 Texas Government Code, Section 661.902
A state employee is entitled to a leave of absence without a deduction in salary for the time necessary to permit the employee to serve as a bone marrow or organ donor. The leave of absence provided by this section may not exceed:

10.1. Five (5) working days in a fiscal year to serve as a bone marrow donor; or
10.2. Thirty (30) working days in a fiscal year to serve as an organ donor.\(^{25}\)

Submit a Request for Overtime/Leave Form (F3.6A) form in advance. Include proper physician certification for bone marrow or organ donation.

11. **Donation of Blood**

A state employee is entitled to have sufficient time off without a deduction in salary or accrued leave, to donate blood. You must obtain prior approval from your supervisor for blood donation and provide your supervisor with proof of blood donation upon your return to work. Attach this documentation to your completed Request for Overtime/Leave Form (F3.6A) when you return.

An employee may receive time off to donate blood not more than four (4) times in a fiscal year.

12. **Jury Duty**

If an employee is called to jury duty on normal workdays, they will be granted leave with pay. To receive this leave, you must provide an official statement that verifies the time served. The employee may keep any fees they receive from the court for jury duty.

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

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

13. **Certified American Red Cross Activities**

Employees who are certified disaster service volunteers of the American Red Cross or are in training to become a volunteer are entitled to paid leave not to exceed ten (10) days each fiscal year. The employee must have the approval of his or her supervisor and the Governor and a formal request from the American Red Cross.\(^{26}\)

14. **Payment of Accrued Leave of Deceased Employees**

The estate of an employee who dies while employed by the State is entitled to payment for all accumulated annual leave and one-half of accumulated sick leave or 336 hours, whichever is less.\(^{27}\)

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\(^{25}\) Texas Government Code, Section 661.916
\(^{26}\) Texas Government Code, Section 661.907(a)
\(^{27}\) Texas Government Code, Section 661.033
The payment is calculated at the employee’s salary rate at the time of death.\textsuperscript{28} Employees that normally work at least 900 hours per year are eligible for this benefit.\textsuperscript{29}

If an employee dies during a workday, the survivors are entitled to a full day’s wages for the employee’s last day of service.

A deceased employee’s estate is entitled to receive payment for earned but unused overtime but is not entitled to payment for earned but unused state compensatory time.\textsuperscript{30}

### POLICY: 4.8 WORKERS’ COMPENSATION

**SCOPE:** FACULTY AND STAFF

**POLICY NUMBER:** 4.8

**APPROVED:**

**REVISED:** December 2005

1. **Administrating Agency**
   
The State Office of Risk Management (SORM) administers the State’s Workers’ Compensation System for most state employees.

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

3. **Medical Benefits**
   
   An injured employee is entitled to all health care reasonably required by the nature of the injury as and when needed. The injured employee is entitled to his or her choice of treating physicians; however, the physician must be one (1) of the doctors listed on the DWC’s approved doctor list.\textsuperscript{31} If an employee is dissatisfied with the initial choice of a doctor from the DWC’s list, the employee may notify the DWC and request authority to select an alternative doctor. The notification must be in writing and state the reasons for the change, except notification may be made by telephone when a medical necessity exists for immediate change.

4. **Income Benefits**
   
   In addition to medical services payments, state employees are eligible to receive income benefits for time lost from work as the result of an injury. To be eligible, an injury must result in disability for at least one (1) week. Income benefits begin to accrue on the eighth day after the disabling injury. This entitlement ends upon the death of the employee. Eligibility for income benefits (for example,

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\textsuperscript{28} Texas Government Code, Section 661.034
\textsuperscript{29} Texas Government Code, Section 661.031(2)
\textsuperscript{30} 29 CFR Part 553.27; and Opinion, Texas Attorney General, No. H-899 (1976)
\textsuperscript{31} Texas Government Code, Section 408.022(a)
temporary income, impairment increment, or supplemental income) expires 401 weeks after the date of the disabling injury. (Texas Government Code, Section 408-081, Section 408.082, and Section 408.083)

An employee may elect to use accrued sick leave prior to receiving income benefits. In order to do so, the employee must exhaust all accrued sick leave. Annual leave may also be used by the employee. Under these circumstances, and after exhausting sick leave, the employee may designate the use of all or any number of weeks of annual leave. The designated amount of leave must be exhausted before the employee is entitled to receive income benefits. Once this election has been made by the employee, no changes are permitted. 32 Employers may not require employees to exhaust compensatory time balances before receiving income benefits. Employers also may not prohibit employees from using compensatory time while they are receiving income benefits. 33

5. There are five (5) types of income benefits:

5.1. **Temporary Benefits** are provided to the injured employee until he or she reaches maximum medical improvement (MMI). MMI is reached when certified by a physician or at the conclusion of 104 weeks, whichever occurs first.

5.2. **Impairment Benefits** begin the day after an employee reaches MMI and end on the date of the employee’s death or after a period equal to three (3) weeks for each percentage point of impairment.

5.3. **Supplemental Benefits** are paid out when impairment benefits have expired and the employee:

5.3.1. Has an impairment rating of 15 percent or more.

5.3.2. Has not returned to work or has returned to work earning less than 80 percent of the average pre-injury weekly wage.

5.3.3. Has made a good-faith effort to find employment suitable for his or her ability to work.

5.4. **Lifetime Benefits** are paid for the following specific illnesses:

5.4.1. Loss of sight in both eyes

5.4.2. Loss of both feet at or above the ankle

5.4.3. Loss of both hands at or above the wrist

5.4.4. Loss of one (1) foot and one (1) hand

5.4.5. Injury to the spine resulting in complete paralysis of both arms, both legs, or one (1) arm and one (1) leg

5.4.6. Injury to the brain resulting in incurable insanity or imbecility

5.4.7. Third-degree burns over 40 percent of the body that require grafting

5.4.8. Third-degree burns covering the majority of both hands or one (1) hand and the face.

The employee receives this benefit until his or her death. 34

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32 Texas Government Code, Section 501.044
34 Texas Labor Code, Section 408.161
5.5. **Death and Burial Benefits** are paid to the beneficiaries of the deceased employee if the employee dies from a compensable injury. Beneficiaries may include eligible spouses, children, grandchildren, or dependents.\(^{35}\)

6. **Notification and Claim Requirements**

An employee or party representing the employee must notify the employer within 30 days after the injury occurred, or if the injury is an occupational disease, as soon as the employee knew that the injury might be related to his or her employment. Failure to notify the employer may relieve that employer of any liability in the matter unless the employer has actual knowledge of the injury; the DWC determines that good cause exists for failure to provide notice, or the employer or its insurance carrier does not contest the claim.\(^{36}\)

Claims for compensation must normally be filed within one (1) year from the date of injury. Failure to file a claim for compensation with the DWC as required by statute relieves the employer and the employer’s insurance carrier of liability under this subtitle unless good cause exists for failure to file a claim in a timely manner or the employer or the employer’s insurance carrier does not contest the claim.

Claims for death benefits generally must be filed within one (1) year of the employee’s death. Failure to file bars the claim unless the person is a minor or incompetent or good cause exists for the failure to file a claim. Separate claims must be filed for each beneficiary unless the claim expressly includes other parties.\(^{37}\)

7. **Emergency Leave and Workers’ Compensation**

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

8. **Leave Accumulation and Workers’ Compensation**

State employees who are exhausting their leave as a result of a workers’ compensation claim are prohibited from using sick and annual leave hours that accrue after the first day of the month in which the employees become incapacitated unless they physically return to work.\(^{38}\)

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POLICY: 4.9  RETURN TO WORK

SCOPE: FACULTY AND STAFF

POLICY NUMBER: 4.9

APPROVED:  

REVISED: March 2002; December 2005; May 2014

1. **Policy**

It is the policy of Lamar State College-Port Arthur to provide a Return-to-Work Program as the means to return injured employees to meaningful, productive employment following an injury or illness.

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\(^{35}\) Texas Labor Code, Section 408.181, Section 408.061, Section 408.186  
\(^{36}\) Texas Labor Code, Section 409.001 and Section 409.002  
\(^{37}\) Texas Labor Code, Section 409.007  
\(^{38}\) State Auditor’s Leave Interpretation Letter No. 01-02 (2000)
The return to work program provides opportunities for any employee of this agency who sustains a compensable injury during the course and scope of employment, a disability as defined by the Americans with Disabilities Act, and/or a serious health condition as defined by the Family Medical Leave Act to return to work at full duty. If the employee is not physically capable of returning to full duty, the return to work program provides opportunities when available for the employee to perform a temporary assignment in which the employee's regular position is modified to accommodate the employee's physical capacities, or to perform an alternate duty position.

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

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

2. Definitions

2.1. **Serious Health Condition.** As illness, injury, impairment, or physical or mental condition that involves:

   2.1.1. Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity, or

   2.1.2. Continuing treatment by a health care provider, including period of incapacity.

2.2. **FMLA Leave.** Federal leave entitlement of up to 12 weeks of unpaid leave when an eligible employee is unable to work because of a serious health condition. The absence from work must be a period of incapacity of more than three (3) consecutive calendar days. The leave is normally continuous, but may be taken intermittently or on a reduced leave schedule.

2.3. **Lost Time.** Time spent away from work at the direction of the treating doctor as a result of a compensable injury sustained in the course and scope of employment. The term does not include time worked in a temporary assignment.

2.4. **Full Duty.** Performance of all duties and tasks of the position for which the employee is employed. Full duty entails performing all essential and non-essential functions of the employee's regular job.

2.5. **Temporary Assignment.** Performance of a temporary job assignment that is intended to return an injured employee to work at less than his or her full duties when a compensable injury or serious medical condition prevents the employee from working full duty. Two types of temporary assignments are modified duty and alternate duty.

   2.5.1. **Modified Duty.** Performance of all of the essential functions, but only a portion of the non-essential functions and tasks of the regular job duties for which the employee is employed. Modified duty allows the employee to return to current employment in his or her regular job, and perform those duties and tasks that are within the capabilities of the employee, given the restrictions to duty imposed by the treating physician. Modified duty is a temporary arrangement until the injured employee can resume full duty. If the employee is a qualified individual with a disability as defined under the Americans with Disabilities Act, then modified duty may become a permanent arrangement as a reasonable accommodation, if the
accommodation does not create an undue hardship on Lamar State College-Port Arthur.

2.5.2. Alternate Duty. Performance of the essential functions of a job or position other than the position for which the employee is employed. Alternate duty allows the employee to temporarily perform other duties and tasks of that are within the restrictions to duty imposed by the treating doctor. Such alternate duty may be physically located in the same facility or in some other facility. Alternate duty is a temporary arrangement until the injured employee can resume full activities of her/her regular job. If the employee is a qualified individual with a disability as defined under the Americans with Disabilities Act, then alternate duty may become a permanent arrangement as a reasonable accommodation, it the accommodation does not create an undue hardship on Lamar State College-Port Arthur.

3. Prohibited Actions

This return to work policy and procedure shall not be applied to any situation or circumstance in a manner that discriminated on the basis of race, color, gender, national origin, religion, or disability.

It is a violation of the Return to Work Policy and Procedures and state or federal law for any employee, supervisor or manager of Lamar State College-Port Arthur to:

3.1. Discharge or in any other manner discriminate against an employee of Lamar State College-Port Arthur because the employee:

3.1.1. Files a workers' compensation claim in good faith;
3.1.2. Hires a lawyer to represent the employee in a workers' compensation claim;
3.1.3. Institutes or causes to be instituted in good faith a proceeding under the Texas Workers' Compensation Act; or
3.1.4. Testifies or is about to testify in a proceeding under the Texas Workers' Compensation Act.

3.2. Discharge or in any other manner discriminate against an employee of Lamar State College-Port Arthur because the employee:

3.2.1. Opposes any practice made unlawful by the FMLA or ADA; or
3.2.2. Has filed any charge, or has instituted or caused to be instituted any proceedings under or related to the FMLA;
3.2.3. Has given, or is about to give, any information in connection with any injury or proceeding relating to any right provided under the FMLA; or
3.2.4. Has testified, or is about to testify, in any injury or proceeding relating to any right provided under the FMLA.

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

3.4. Discriminate on the basis of disability against an employee of Lamar State College-Port Arthur who is a qualified individual with a disability under the Americans with Disabilities Act (ADA) in regard to:

3.4.1. Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists.
3.4.2. Leave of absence, sick leave, or any other leave.
3.4.3. Upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring.

3.4.4. Rates of pay or any other form of compensation, changes in compensation, and fringe benefits available.

3.4.5. Selection and financial support for training; or

3.4.6. Social and recreational activities.

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

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

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

4. **Position Descriptions of All Positions**

All supervisors and managers are responsible for identifying, documenting and maintaining the essential and nonessential functions in a position description. All position descriptions shall be reviewed at least annually, and must be submitted for approval to the human resources manager.

5. **Designated Return to Work Coordinator**

The Director of Human Resources shall be responsible for coordinating all activities associated with the return to work program, unless specific duties are otherwise assigned to another person or position.

6. **Education and Training**

The Director of Human Resources shall develop, maintain and provide an appropriate training module for inclusion in orientation training for new employees. The Director of Human Resources shall also develop, maintain and provide an appropriate refresher training module for presentation to employees on an as needed basis.

7. **Employee Participation in the Return to Work Program**

In order for an employee of Lamar State College-Port Arthur to be eligible to participate in this return to work program, the employee must have:

7.1. Sustained a compensable injury as defined in the Texas Workers' Compensation Act that results in lost time away from work.

7.2. Serious health condition as defined by the Family and Medical Leave Act.

7.3. A disability as defined by the Americans with Disabilities Act.

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

8. **Notification of Injury or Illness**

An employee who sustains an injury or illness either on or off the job is expected to notify his/her supervisor, or a person in a management position, that an injury or serious health condition exists. Such notification should occur at the earliest possible time after occurrence of injury or knowledge that a serious health condition exists. Such notification should ideally occur within 24 hours of the injury or when the serious health condition first manifests itself. In order to receive workers' compensation benefits, an employee must give notice of injury within thirty (30) days.
9. **Authorization for Leave and Lost Time**

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

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

9.1. When the employee knows in advance that FMLA leave is necessary, the re-certification form should be provided to the supervisor a minimum of three (3) work days prior to the time when leave will commence.

9.2. When the employee cannot know in advance that leave is necessary, the re-certification form should be provided to the supervisor within a maximum of three (3) calendar days after the initial visit to the health care provider.

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

10. **Substitution of Paid Leave for Unpaid Leave**

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

11. **Periodic Status Reports**

If an employee is certified by a health care provider to be off work, the employee is required to submit periodic status reports to his/her supervisor to report the employee's status and intention to return to work. Such status reports are required at the time of such scheduled visit with the treating health care provider and are due immediately following the visit. A "Return to Work Status Report" form is attached to this procedure for this purpose. The status report should be provided to the supervisor within 24 hours of the scheduled visit or if a weekend or holiday is involved, before close of business on the next scheduled workday.

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

12. **Communications with the Employee**

The Director of Human Resources shall provide information to the employee that contains the following, as appropriate:

12.1. Lamar State College-Port Arthur's return to work policy and procedures, and appropriate forms.

12.2. If a job-related injury or occupational disease occurs:
12.2.1. Notification that the State of Texas provides workers’ compensation benefits to employees who sustain compensable job-related injuries and/or occupational diseases.

12.2.2. How medical expenses and income payments are made.

12.2.3. How employee health benefits are continued.

12.2.4. The name, location and telephone number of the local Texas Workers Compensation Commission (TWCC) field office and the name of the TWCC ombudsman at that office. The notice should state that the employee has a right to information and assistance from the TWCC ombudsman with his/her claim.

12.2.5. The rights available to the employee under the Texas Workers’ Compensation Act.

12.3. For FMLA leave:

12.3.1. Information regarding the employee's FMLA leave entitlement.

12.3.2. How employee health benefits are continued.

12.3.3. Required certifications from the health care provider.

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

13. Communications with the Workers’ Compensation Division

The Claims Coordinator is responsible for timely submission to the State Office of Risk Management (SORM) and the Division of Workers’ Compensation all required reports and other important documents in Lamar State College-Port Arthur's possession regarding a workers’ compensation claim, including the "Certification of Physician or Practitioner’s form and "Return to Work Status" form. Timely submission of reports and forms is necessary in order to promptly initiate workers compensation benefits, or cease payment of benefits when the employee returns to work. All reports and forms shall be submitted in a timely manner in accordance with the requirements of the Texas Workers’ Compensation Act.

14. Temporary Assignment Positions

If an employee is certified by the health care provider to return to work, but in less than full duty, Lamar State College-Port Arthur may provide a temporary assignment position to the employee.

Directors and managers are responsible for identifying temporary assignment positions to facilitate return to work based on the business necessity of filling the employee's position, the employee's entitlement to FMLA leave, the availability of temporary assignments, and other appropriate factors.

These temporary assignments shall be coordinated with the Director of Human Resources.

The maximum length of time that a temporary assignment may last must be based on relevant factors including the business necessity of the employee's original position being filled.

Temporary assignment positions shall be identified, assigned and managed on a case by case basis based upon the business necessity of the agency.

The temporary assignment position shall be documented in a "bona fide offer of employment" letter to the employee.

15. Bona fide Offer of Employment
The bona fide offer of employment letter shall include the following information:

15.1. The type of position offered and the specific duties.
15.2. A statement that the agency is aware of and will abide by any physical limitations under which the treating doctor has authorized the employee to return to work.
15.3. The maximum physical requirements of the job.
15.4. The wage rate of the job.
15.5. The location of the temporary assignment.
15.6. Training will be provided, if necessary for the position being offered.
15.7. The expected duration of the temporary assignment.
15.8. The consequences of not accepting a temporary assignment, in terms of duration and amount of temporary income benefits payable under the Texas Workers’ Compensation Act, and if the leave has not been designated by the agency as FMLA leave, the appropriate administrative penalties/disciplinary measures by the agency as specified in the human resources procedures.
15.9. The person to contact if the employee has questions regarding the temporary assignment, job modifications, or questions regarding the FMLA or ADA.

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

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

16. **Certification Statement**

The Return to Work Policy has been approved by the following individuals in their official capacities and represents Lamar State College-Port Arthur policy and procedure from the date of this document until superseded.

Reviewers of the Return to Work Policy include the following:

President
Director of Human Resources

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<td>March 2002; December 2005; June 2011; May 2014; March 2016</td>
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1. **College Closing Procedures**

If severe or inclement weather conditions warrant suspending operations, an announcement will be made via the college’s Seahawk emergency communications system (eLERTS) to students, faculty, staff and other affected parties, or by any means deemed appropriate.

Information about campus closings will be shared with media outlets, posted on the LSCPA website, and posted to the Faculty/Staff Information Hotline; 409-983-4921 or the Toll Free Number 800-477-5872.

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

*(Lamar State College Port Arthur *Disaster Response and Recovery Plan, page 31.)*

2. **Certification Statement**

This APP has been approved by the following individuals in their official capacities and represents Lamar State College-Port Arthur policy and procedure from the date of this document until superseded.

President

Director of Human Resources

Director of Physical Plan/Disaster Recovery

3. **Reviewers of This APP**

Reviewers of this APP include the following:

President

Director of Human Resources

Representative of the Disaster Recovery Committee

**POLICY:** 4.11 **CHILDREN IN THE WORKPLACE**

**SCOPE:** FACULTY AND STAFF

**POLICY NUMBER:** 4.11

**APPROVED:** March 2014

**REVISED:**

1. **Policy**

It is the policy of Lamar State College-Port Arthur that minor children of employees not be present on campus in lieu of other child care arrangements. This policy is not intended, however to prohibit children from the campus when the purpose of their visit is to attend classes or to participate in activities specifically scheduled for their benefit.

2. **Objective**

The workplace should not be used in lieu of a child care provider. The College believes that it is inappropriate for minor children of employees to be on campus for several reasons:

2.1. The potential liability to the College,

2.2. Risk of harm to the children, and

Page 67 of 179
2.3. Decreased employee productivity due to distractions and disruptions.

3. **Certification Statement**

   This APP has been approved by the following individuals in their official capacities and represents Lamar State College-Port Arthur policy and procedure from the date of this document until superseded.

   - President
   - Director of Human Resources

4. **Reviewers of This APP**

   Reviewers of this APP include the following:

   - President
   - Director of Human Resources
SECTION 5: CONDITIONS OF EMPLOYMENT

POLICY: 5.0 ETHICS
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 5.0
APPROVED:
REVISED: October 2004; December 2005; May 2012

1. Code of Ethics

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

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

3. Preamble

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

4. Integrity

All employees must:

4.1. Perform their work with honesty, objectivity, diligence, and responsibility.

4.2. Act with a high level of prudence and due professional care avoiding any real or apparent conflicts of interest.

4.3. Act in good faith without misrepresenting material facts or allowing their independent judgment to be subordinated.

4.4. Accord respect to self and others and accept responsibility for all actions.

4.5. Observe the law and make disclosures expected by the law.

4.6. Not knowingly be a party to any illegal activity or engage in acts that are discreditable to the College.

4.7. Comply with all College policies and procedures.

4.8. Proactively promote ethical behavior amongst peers, in the work environment, and the community.

4.9. Exercise responsible use and control over all College assets and resources.

4.10. Respect and contribute to the legitimate and ethical objectives of the College.
4.11. Accept and respect diversity in our community and adherence to the College’s Affirmative Action and Non-discrimination policy.

5. **Gratuities and “Kickbacks”**

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

6. **Conflict of Interest**

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

7. **Conflict of Commitment**

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

A conflict of commitment occurs when an employee’s involvement in external activities adversely affects their capacity to meet their primary obligation to the College due to a perceptible reduction of the individual’s time and energy devoted to College activities. Departments may permit certain outside activities, with appropriate notice to and written approval by the appropriate department head, so long as these endeavors do not interfere with an employee’s obligations to the College.

8. **Nepotism**

Blood or marital relationships with other College employees are not regarded as a deterrent to appointment, reassignment or continuance in a present position. Close relatives may not be employed where one is in a position of influence over another. Close relatives include husband or wife, parent or child, son-in-law, daughter-in-law, brothers or sisters. A position of influence exists in instances where selection for employment, judgments concerning performance, compensation, status, fitness for promotion or discipline/discharge, require the action of one person with respect to the other.

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

Not to make or permit unauthorized use of any information or files.

9.1. Not to seek personal benefit or permit others to benefit personally by any confidential information which has come to them through their work assignment.

9.2. Not to exhibit or divulge the contents of any record or report to any person except in the conduct of their regular work assignment.

9.3. Not to remove any official record of report (or copy) from the office where it is kept except in performance of regular duties or in cases with prior approval.

9.4. Not to operate or request others to operate any College data processing equipment for personal business.

9.5. Not to aid, abet or act in conspiracy with any other person to violate any part of this code; and,

9.6. To immediately report any violation of this code to management.

9.7. Each computer user must sign the appropriate Lamar State College-Port Arthur Information Resources Security Acknowledgement and Nondisclosure Agreement before access is given to computer systems containing confidential or protected information.

10. **Competency**

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

11. **Financial Reporting**

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

12. **Reporting Code Violations**

Any member of the campus community, who has a reasonable basis for believing an ethical violation has occurred, has a responsibility to report suspected violations through standard management reporting channels, beginning with the immediate supervisor. Alternatively, employees may go to a higher level of management and may also report suspected violations or problems to the Director of Internal Audit. In all instances, violations of laws or regulations should be reported to the Director of Internal Audit. Such reports may be made confidentially and/or anonymously although a greater level of information allows for a more thorough investigation. Raising such concerns is a service to the College and consistent with the State of Texas’s Whistleblowers’ Protection Act, will not jeopardize employment.

The Texas State University System™ has selected a private contractor, EthicsPoint, as a confidential means of reporting for individuals unable to use existing reporting procedures. A link is found on the TSUS web site.
All employees should cooperate fully in the investigation of any misconduct.

13. **Consequences of Violation**

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

14. **Prohibited Actions of Employees**

An employee of Lamar State College-Port Arthur shall not:

14.1. Accept or solicit any gift, favor or service that might reasonably tend to influence the employee in the discharge of official duties.

14.2. Use an official position to secure special privileges or exemptions for the employee or others, except as may be otherwise authorized by law.

14.3. Accept employment or engage in any business or professional activity which might reasonably be expected to require or induce the employee to disclose confidential information acquired by reason of such employee's official position or impair the employee's independence of judgment in the performance of public duties.

14.4. Disclose confidential information gained by reason of one's employment, or otherwise use such information for personal gain or benefit.

14.5. Transact any business in an official capacity with any business entity of which the employee is an officer, agent, or member or in which the employee owns a controlling interest unless the Board of Regents has reviewed the matter and determined no conflict of interest exists.

14.6. Make personal investments in any enterprise which could reasonably be expected to create a substantial conflict between the private interests of the employee and the public interests of his or her employer.

14.7. Receive any compensation for services as a state employee from any source other than the State of Texas, except as otherwise provided by law.


15. **Training**

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

16. **Certification Statement**

This APP has been approved by the following individuals in their official capacities and represents Lamar State College-Port Arthur policy and procedure from the date of this document until superseded.

President
1. **Policy.**

State law requires that all individuals who are responsible to the State in the performance of their official duties must observe certain standards of conduct and disclosure requirements.

Employees and officers may not:

1. Accepts or solicits any gift, favor, or service that might reasonably tend to influence the employee in the discharge of official duties or that the employee knows or should know is being offered with the intent to influence the employee’s official conduct;

2. Intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised his or her official powers or performed his or her official duties in favor of another;

3. Disclose confidential information that is exempt from public disclosure under the Texas Public Information Act. 39

4. Accepts other employment or engages in a business or professional activity that the employee might reasonably expect would require or induce the employee to disclose confidential information acquired by reason of the official position;

5. Accepts other employment or compensation that could reasonably be expected to impair the employee's independence of judgment in the performance of the employee’s official duties;

6. Makes personal investments that could reasonably be expected to create a substantial conflict between the employee's private interest and the public interest; or

7. Utilize state time, property, facilities, or equipment for any purpose other than official state business, unless such use is reasonable and incidental and does not result in any direct cost to the state or college, interfere with the employee’s official duties, and interfere with college functions;

8. Knowingly make misleading statements, either oral or written, or provide false information, in the course of official state business; or

9. Engage in any political activity while on state time or utilize state resources for any political activity.

2. **A college employee shall:**

2.1. Perform his or her official duties in a lawful, professional, and ethical manner befitting the state and college; and

2.2. Report any conduct or activity that the employee believes to be in violation of this policy.

3. **Travel Expenses and Allowances**

39 Texas Government Code Chapter 552
3.1. Transportation, Meals, and Lodging

3.1.1. Employees of Lamar State College-Port Arthur are entitled to receive the following when traveling to conduct official business:

3.1.1.1. Actual costs of lodging and meals for in-state travel, except that such reimbursements may not exceed the current maximum established by law.

3.1.1.2. For out-of-state travel, employees may receive actual costs for lodging and a per diem for meals not to exceed the locality-based allowance provided by the Federal Travel Regulations for lodging and meals unless the State Comptroller determines in advance of the travel that local conditions warrant a change in the lodging rate for a particular location.

4. Purpose of Travel

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

5. Improper Travel Reimbursement

When an employee engages in travel for which compensation is to be received from any source other than Lamar State College-Port Arthur funds, he or she shall not submit a claim under the provisions of the Lamar State College-Port Arthur travel regulations. An employee who receives an overpayment for a travel expense shall reimburse Lamar State College-Port Arthur for the overpayment.

6. Travel Bonus (Frequent Flyer) Awards

Employees who earn credit with airlines, hotels, car rental companies, etc. for official travel are not required to account for such credit or to use such for official travel only.

7. Official Travel by Spouses and Relatives of Employees

Spouses and other relatives of employees may qualify to have travel expenses paid by Lamar State College-Port Arthur if their presence at a function or on a trip is for an official purpose benefiting Lamar State College-Port Arthur and/or the State of Texas. In making a determination of whether the presence of a spouse or relative is for an official purpose, the factors to be considered are the nature and duties of the employee's office, the traditional role, if any, of the spouse or relative, the purpose of the particular trip, and the spouse or relative's connection with that purpose.

8. Foreign Travel

A request by an employee for travel outside of the United States, excluding Mexico or Canada, must be approved by the Chancellor and the Governor's office 30 days in advance. Forms and procedures prescribed by the Governor's office shall be utilized.

9. Reimbursement of Expense

Verified expense accounts shall be submitted to the appropriate college official for processing and the same shall be subject to review.

10. Training

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

11. Certification Statement

The Standards of Conduct Policy has been approved by the following individuals in their official capacities and represents Lamar State College-Port Arthur policy and procedure from the date of this document until superseded.

President
Vice President of Finance, College Fraud Officer
Director Human Resources

POLICY: 5.2 CONFLICTS OF INTEREST
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 5.2
APPROVED: REVISED: October 2004; December 2005

1. Conflicts of Interest

1.1. Ethics Commission Financial Disclosure Statements

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

1.2. Contracts Prohibited

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

1.3. Benefits, Gifts and Honoria

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

1.4. Bribery

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

1.5. Prohibited Benefits

An employee shall not solicit, accept, or agree to accept any benefit from any person the employee knows is interested in or is likely to become interested in any contract, purchase, payment, claim, or transaction involving the employee's discretion. This prohibition does not apply to:

1.6. Gifts or other benefits conferred on account of kinship or a personal, professional, or business relationship independent of an employee's status, respectively, as an employee;

1.7. A fee prescribed by law to be received by an employee or any other benefit to which he or she is lawfully entitled or for which he or she gives legitimate
consideration in a capacity other than as an employee of Lamar State College-Port Arthur;

1.8. A gift, award, or memento that is received from a lobbyist who is required to make reports;\(^40\) and,

1.9. Items having a value of less than $50, not including cash or negotiable instruments.

An employee who receives an unsolicited benefit that he or she is prohibited from accepting by law may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for education, religious, or scientific purposes.

1.10. **Food, Lodging, Transportation, and Entertainment Received as a Guest**

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

1.11. **Gifts or Benefits from Friends, Relatives, and Associates**

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

1.12. **Awards**

Employees may accept plaques and similar recognition awards.

1.13. **Honoraria**

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

2. **Political Activities**

2.1. **Entertainment**

If an employee provides tickets to a public official to allow the official and/or his guests to attend an event, an officer or employee of the System or Lamar State College-Port Arthur will serve as host to the official, and must attend the event.

2.2. **Perishable Food Items**

\(^{40}\) Chapter 305 of the Government Code
Employees may provide public officials with small, infrequent gifts of perishable food items delivered to their offices. These are not considered to be "benefits" for purposes of the provisions of the Penal Code prohibiting such.

2.3. **Expenses for Public Officials**

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

2.4. **Use of Official Authority Prohibited**

No Lamar State College-Port Arthur employee may use his or her official authority or influence, or permit the use of a program administered by the System to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose. No Lamar State College-Port Arthur employee may do any act or attempt to interfere with anyone who seeks to pay, lend, or contribute private funds or private property to a person or political organization for political purposes. Any employee who violates either of these provisions is subject to immediate termination of employment in accordance with the Texas Government Code.

2.5. **Use of System Funds or Property**

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

2.6. **Voting and Political Participation**

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

2.7. **Political Campaign Events on System Property**

The Chief Executive Officer of Lamar State College-Port Arthur shall be responsible for promulgating rules for the regulation of political campaign meetings or speeches and other activities relating to political campaigns on property under their control. Such regulations shall be implemented by the Chancellor after approval by the Board of Regents.

2.8. **Employees as Candidates and Officeholders**

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

2.9. **Political Contributions for Employees**

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

3. **Dual Office Holding**

3.1. **Non-elective State or Federal Office**

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

3.2. **Positions of Employment with Government Agencies**

Lamar State College-Port Arthur employees may hold other positions of employment with agencies, boards, commissions, or other entities of government so long as the holding of such positions is consistent with the prohibitions against dual office holding in the Texas Constitution. Special rules for multiple employments with the State are provided in Article IX, Sec. 9, of the General Appropriations Act. The person seeking dual employment must be informed of the special rules before that person becomes employed by more than one (1) agency or institution. Consulting arrangements with federal, state, or local governmental agencies of a detached and independent advisory nature are not considered to be appointments with such agencies.

4. **Third Parties**

A commission member, employee, or appointee may not: 41

4.1. Have an interest in, or in any manner be connected with, a contract or bid for a purchase of goods or services by an agency of the state;

4.2. In any manner, including by rebate or gift, accept or receive from a person to whom a contract may be awarded, directly or indirectly, anything of value or a promise, obligation, or contract for future reward or compensation.

4.2.1. A commission member, employee, or appointee who violates 4.2 is subject to dismissal.

4.2.2. LSCPA requires that all employees of the College who have been delegated the authority to purchase for the State of Texas must sign a *Conflict of Interest* statement each year.

5. **Training**

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

41 In accordance with Texas Government Code, Title 10, Subtitle D, Section 2155.003, (http://www.capitol.state.tx.us/statutes/statutes.html) 2155.003. CONFLICT OF INTEREST.
6. Certification Statement

The Conflicts of Interest Policy has been approved by the following individuals in their official capacities and represents Lamar State College-Port Arthur policy and procedure from the date of this document until superseded.

President
Vice President Finance, College Fraud Officer
Director Human Resources

POLICY: 5.3 FRAUD
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 5.3
APPROVED: May 2006
REVISED:

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

2. Definition
   2.1. An intentional perversion of truth for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right. A false representation of a matter of fact, whether by words or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed, which deceives and is intended to deceive another so that he shall act upon it to his legal injury. Any kind of artifice employed by one (1) person to deceive another.\footnote{Black’s Law Dictionary}

   2.2. Broadened Definition
   For purposes of this policy, the definition has been broadened to include:
   2.2.1. An intentional or deliberate act;
   2.2.2. Depriving the college or a person of something of value or gaining an unfair benefit; and
   2.2.3. Using deception, false suggestions, suppression of truth, or other unfair means which are believed and relied upon.

   2.3. Further Definition
   A fraudulent act may be an illegal, unethical, improper, or dishonest act including, but not limited to:
   2.3.1. Embezzlement;
   2.3.2. Misappropriation, misapplication, destruction, removal, or concealment of property;
   2.3.3. Alteration or falsification of documents;
2.3.4. False claims by students, employees, vendors, or others associated with the College;
2.3.5. Theft of any asset including, but not limited to, money, tangible property, trade secrets or intellectual property;
2.3.6. Inappropriate use of computers, including hacking and software piracy;
2.3.7. Bribery, rebate, or kickback;
2.3.8. Conflict of interest; or misrepresentation of facts.

2.4. Determination

While a fraudulent act may have criminal and/or evil law consequences, the College is not required to use a determination by a criminal justice authority to criminally prosecute as the basis for determining whether an act is fraudulent. It is the internal determination that the above criteria are present that defines an act as fraudulent under this policy.

2.5. Duties and Responsibilities

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

Any member of the campus community who has a reasonable basis for believing a fraudulent act has occurred has a responsibility to promptly notify one (1) of the following:
2.5.1. His or her supervisor;
2.5.2. The appropriate administrator;
2.5.3. Internal audit.

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

2.6. Investigation

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

All affected departments and/or individuals shall cooperate fully with those performing a review or investigation, including the Office of Audits and Compliance, law enforcement officials, regulators, and any other parties involved. During all aspects of the review or investigation, the Constitutional rights of all persons will be observed. Suspects and others involved in the review shall be treated consistently without regard to past performance, position held, length of service, race, color, religion, gender, age, disability, national origin, or veteran status.

2.7. Disciplinary Actions

Employees found to have participated in fraudulent acts as defined by the policy will be subject to disciplinary action, up to and including termination, pursuant to personnel policies and rules. Additionally, employees suspected of perpetrating fraudulent acts may be placed on paid administrative leave during the course of the investigation. In those cases where disciplinary action is warranted, the Human Resources Office, Office of General Counsel, or other appropriate office shall be consulted prior to taking such actions. Criminal or civil actions may be taken against employees who participate in unlawful acts.

The employment of any employee involved in the perpetration of a fraud will ordinarily be terminated without eligibility for rehire. Actions to be taken will be determined without regard to past performance, position held, length of service, race, color, religion, gender, age, disability, national origin, or veteran status.

Students found to have participated in fraudulent acts as defined by this policy will be subject to disciplinary action pursuant to operating manuals. In those cases where disciplinary action is warranted, the Academic Dean, Office of Student Services, Office of General Counsel, or other appropriate office shall be consulted prior to taking such actions. Additionally, criminal or civil actions may be taken against students who participate in unlawful acts.

The relationship of other individuals or entities associated with the College found to have participated in fraudulent acts as defined by this policy will be subject to review, with possible consequences including termination of the relationship. In those cases where action is warranted, the Office of General Counsel or other appropriate office shall be consulted prior to taking such actions. Additionally, criminal or civil actions may be taken against individuals or entities associated with the College who participate in unlawful acts.

3. Reporting

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

4. Reporting Code Violations

Employees should report suspected violations of this Code, applicable laws, regulations, and government grant and contract requirements through standard management reporting channels, beginning with the immediate supervisor. Alternatively, employees may go to a higher level of management and may also report suspected violations or problems to the Director of Internal Audit. In all instances, violations of laws or regulations should be reported to the Director of Internal Audit (880-8933). Such reports may be made confidentially and/or anonymously although a greater level of information allows for a more thorough investigation. Raising such concerns is a service to the College and consistent with the State of Texas’s Whistleblowers’ Protection Act, will not jeopardize employment.
The Texas State University System™ has selected a private contractor, EthicsPoint, as a confidential means of reporting for individuals unable to use existing reporting procedures. A link is found on the TSUS web site.

5. **Training**

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

6. **Distribution of Policy**

This policy will be distributed at the beginning of each fiscal year. The Human Resources Office is responsible for the distribution. The policy may be delivered in electronic format.

7. **Certification Statement**

The Fraud Policy has been approved by the following individuals in their official capacities and represents Lamar State College-Port Arthur policy and procedure from the date of this document until superseded.

President
Vice President Finance, College Fraud Officer
Director Human Resources

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**POLICY:** 5.4 PERFORMANCE RATING PROCEDURE

**SCOPE:** STAFF

**POLICY NUMBER:** 5.4

**APPROVED:**

**REVISED:** March 2002

1. **Policy**

The Performance Ratings Policy covers the procedures for the administration of a system for the evaluation of the performance of staff personnel holding positions at the College.

2. **Scope and Purpose**

Any type of employee performance evaluation is merely a tool of management and not an end in itself. Ratings can be a positive means in assisting staff personnel in improving job performance and a rating system further affords management an opportunity to make known to staff personnel the objectives and goals of the department and of the College and what is expected of the employee toward attainment of the objectives and goals. **Staff personnel cannot be expected to meet performance standards which have not been clearly defined and explained as a part of the requirements of his/her position.**

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

2.1. Determining staff personnel deserving of merit pay increases

2.2. Identifying staff personnel for promotion
2.3. Informing staff personnel of deficiencies, training needs, and improvements expected

2.4. Justification for disciplinary actions

Nothing in this policy or process shall be interpreted as an abdication, by the College, of its employment at will policy.

3. Application

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

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

4. Procedures

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

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

0. Unsatisfactory. Performance and results achieved consistently do not meet established objectives.
1. Below Expectations. Performance and results achieved generally do not meet established objectives. Performance requires more than normal degree of supervision.
3. Exceeds Expectations. Performance and results achieved consistently exceed expectations for the position requirements and objectives.
4. Exceptional. Performance and results achieved always exceed the standards and expectations for the position requirements and objectives.

Each staff employee shall be rated by his/her immediate supervisor whenever possible, and all ratings must be reviewed and approved by a higher level supervisor than the one (1) who prepared the rating. It is suggested that, in all cases, the immediate supervisor doing the rating must be familiar with the performance of the staff employee during a major portion of the rating period.

Any time an employee's performance rating is 0 (unsatisfactory) or 1 (below expectations) the supervisor must complete the Performance Improvement Form (This form can be found on the HR web site or in the HR office). The supervisor will use the form to give the employee a reasonable date by which improvement must take place. In addition, if the employee has not complied with applicable college policies, procedures and work rules, and other guidelines appropriate to the position, documentation should be provided for each item.

When the required improvement date is reached, the supervisor will fill out the Follow-up to the Performance Improvement Form (This form can be found on the HR web site or in the HR office). Originals of both of these forms will be kept in the employee's personnel file in the Human Resources Office. Copies will be maintained in the department.

If during the course of the appraisal cycle, the employee performs in an outstanding manner and the supervisor wishes to recognize this performance, the supervisor will fill out the Performance Commendation Form (This form can be found on the HR web site or in the HR office). Original
will be kept in the employee’s personnel file in the Human Resources Office. Copies will be maintained in the department.

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

5. **Evaluation and Rating Techniques**

Each department should arrange to hold periodic orientation sessions for all supervisors to train them in the techniques of a uniform and effective employee performance evaluation program. These training sessions should include presentations and discussions of such subjects as listed below:

5.1. Detailed explanation of the department's employee performance evaluation and rating system.

5.2. Instructions as to what the administration of the department expects in the way of performance standards and the requirements for disseminating this information to all staff personnel.

5.3. The requirements for maintaining an effective and uniform evaluation program within and among all units of the department and the desirability of the same.

5.4. To caution supervisory personnel who will be reviewing and evaluating the performance of subordinate employees against pitfalls of committing common rating errors such as:

   5.4.1. **Central Tendency.** Rating all staff personnel as average
   
   5.4.2. **Halo Effect.** Allowing one (1) aspect of a staff employee's performance to influence the entire evaluation
   
   5.4.3. **Overvaluation or Undervaluation.** The tendency of a rater to overvalue or undervalue a given factor, and
   
   5.4.4. **Miscellaneous Biases.** Race, gender, nationality, religion, personality conflicts, etc.

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

6.1. **Quality of work.** Degree of accuracy, completeness, and neatness of duties performed by employee

6.2. **Productivity.** Use of available work time, plans and prioritizes work, sets and accomplishes goals, completes assignments on schedule

6.3. **Knowledge of job.** Duties and requirements of position, methods, practices and equipment; experience, education and specialized training; maintains current knowledge about changes in policy and procedures

6.4. **Adaptability.** Ability to learn quickly, to adapt to changes in job assignments, methods, personnel, or surroundings

6.5. **Dependability.** Reliability in performing work assignments and carrying out instructions; degree of supervision required and willingness to take responsibility; accountability

6.6. **Initiative and resourcefulness.** Ability to be self-starter, to offer suggestions, to anticipate needs and to seek additional tasks; ability to contribute, develop and/or carry out new ideas or methods
6.7. **Judgments.** Ability to evaluate situation and make sound decisions; ability to identify, solve and prevent problems; works in a safe manner, preventing accidents, injuries and theft

6.8. **Campus Citizen.** Relationship with others, the ability to work cooperatively with fellow employees

6.9. **Attendance and Punctuality.** How often is employee late or tardy for work? Consider patterns of sick leave, prior approval for vacation and prompt notice of absence due to illness; consider arrival times, observance of time limits for breaks and lunches

7. **Corrective Review**

A policy of corrective review is an important factor in avoiding problems that may occur during an employee's tenure with the College. The following procedures will be used by department heads, directors, and supervisors, with reasonable efforts being made to resolve personnel problems, prior to the dismissal of an employee, unless, in the College’s judgment, the best interests of the College require dismissal.

7.1. When a personnel problem arises, it must be given immediate attention by the appropriate supervisor.

7.2. The employee/employees affected by the problem will be required to meet with their immediate supervisor for a corrective review concerning the problem.

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

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

7.5. The corrective review will be documented on the **Performance Improvement Form**.

7.6. The documentation will include a description of problems, a date for improvement and specific actions for correcting the situation. Documentation will also include what action steps the supervisor will take to help the employee correct the situation. The review will then be signed by the supervisor and the employee. The review will be made part of the personnel record.

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

7.8. At the end of the probation period, the employee and supervisor will review the progress made. When sufficient improvement is noted, the probation can be removed at the discretion of the supervisor. The conclusions will be written for the personnel record on a specific memorandum. If the employee fails to respond satisfactorily to the conditions of probation, he or she may be dismissed. (Section 5.3 Disciplinary Actions-Staff).

**POLICY:** 5.5 **PERFORMANCE EVALUATION**

**SCOPE:** STUDENT

**POLICY NUMBER:** 5.5

**APPROVED:** October 2012

**REVISED:**
1. **Policy**

   To help foster the growth in student employees, the Human Resources Department provides this evaluation process to record student job performance. The relationship between supervisors and employees is further developed when performance information is shared.

2. **Scope and Purpose**

   This policy applies to all student employees. Student employee evaluations are required at a minimum of once a year. In addition, an evaluation is required before an hourly rate increase or termination. The evaluation can be used to provide guidance as to expectations of the job.

   If the supervisor feels the employee is not fulfilling the requirements in the job description, an oral evaluation may be conducted with the employee. If satisfactory results are not obtained within a reasonable period of time, the employer may initiate termination procedures.

3. **Application**

   These rules and procedures are applicable to all departments and divisions of the College that employ student assistants. The Human Resources Office is authorized to prepare and submit to all departments suggested guidelines and forms for developing performance evaluation systems.

4. **Procedures**

   The student employee evaluation shall produce overall ratings of at least five (5) levels as follows:

   1. **Unsatisfactory.** Performance and results achieved consistently do not meet established objectives.
   2. **Improvement Needed.** Performance and results achieved generally do not meet objectives. Performance requires more than normal degree of supervision.
   3. **Meets Expectations.** Performance and results generally meet the expectations for the position requirements and objectives. Performance requires normal degree of supervision.
   4. **Above Average.** Performance and results achieved consistently exceed expectations for the position requirements and objectives.
   5. **Excellent.** Performance and results achieved always exceed the standards and expectations for the position requirements and objectives.

   Each student employee shall be rated by his/her immediate supervisor. An evaluation must be signed by the supervisor and the employee after it has been discussed. The signature of the student employee does not necessarily indicate agreement with the evaluation. A copy of the evaluation must be provided to the student. The student may submit a written rebuttal to areas of disagreement in the evaluation. The original must be forwarded to the Human Resources Office.

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**POLICY:** 5.6 PERFORMANCE RATING PURPOSE  
**SCOPE:** FACULTY  
**POLICY NUMBER:** 5.6  
**APPROVED:**  
**REVISED:** March 2002

Faculty members are evaluated annually by their Department Chairs relating to various professional duties and activities including classroom instruction, participation in department and College affairs, professional development and service, and community service.
The Annual Faculty Report (F2.08) may be used for faculty self-evaluation, and may be used by the Deans and Vice President for Academic Affairs to support recommendations concerning promotion, tenure, and salary administration. Faculty members receive a copy of this evaluation report after the Dean and Vice President have completed their reviews and have the right to request a conference concerning departmental evaluations and to appeal such evaluations.

Divisions are encouraged to use student evaluations of faculty as an aid to the faculty in improving instruction. Such evaluations, however, are not a part of consideration for promotion or tenure.

**POLICY: 5.7 DISCIPLINE FOR STAFF**

**SCOPE:** STAFF

**POLICY NUMBER:** 5.7

**APPROVED:**

**REVISED:** March 2004

1. **Scope and Purpose**
   
   In order to establish a sound system of Personnel Administration for Lamar State College-Port Arthur, it is necessary that:
   
   1.1. Administrative and supervisory personnel have the responsibility and authority to resolve employee problems as they arise.
   
   1.2. Similar offenses by staff personnel are handled in a uniform manner in all departments and administrative subdivisions of the College.
   
   1.3. Staff personnel have a sense of security in their employment with the knowledge that capricious and arbitrary disciplinary action will not be taken against them.

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

2. **Application of Policy**
   
   This section includes the rules and procedures applicable to the staff personnel of the College in regard to disciplinary actions, grievance procedures, appeals, and reviews.
   
   2.1. Each dean, department head, director, or other administrative head of the subdivisions of the College shall insure that all staff personnel covered by these rules are made aware of the provisions of these rules and shall inform all staff personnel under his/her administrative jurisdiction that they have the right to express their grievances or submit an appeal without fear or coercion, discrimination, or reprisal by any subordinate, administrator, or supervisor.
   
   2.2. Only the President has the authority to discharge an employee.

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

   To maintain established standards and to insure that all staff personnel adhere to reasonable rules of conduct, it is necessary that each department establish rules and procedures which will insure timely and equitable disposition of actions determined to be necessary in dealing effectively with employee deficiencies or breach of good conduct.
Disciplinary actions and the imposition of reasonable penalties for specific offenses should be viewed by a subordinate as constructive procedures in reaching established standards rather than as punishment to the staff employee.

4. The following are examples of recommended but not required disciplinary actions. It is not required that disciplinary action must occur in order listed.

4.1. **Oral Warning.** This is the least severe disciplinary action. The employee should clearly understand the gravity of the action and that the warning is disciplinary in nature. When presenting a corrective talk the supervisor should point out the error/problem(s), explain how to correct it, and come to an understanding with the employee about what is expected in the future. The Staff Verbal Warning Form will be completed and kept in the supervisor’s file.

4.2. **Written Warning.** When an oral warning fails to achieve the desired improvement in performance or behavior or when in the supervisor’s sole judgment the nature of the offense makes its use appropriate, the supervisor may issue a written warning. A Staff Written Warning Form is used to issue a written warning. The Human Resources Department should be contacted for assistance in preparing a written warning and the Director of Human Resources may be present if desired by the supervisor when the warning is presented to the employee. The written warning should be forewarning of potential actions; be clear, focused and complete; be based upon facts that have been fully investigated; be consistent and applied equally to all; and it must not violate an employee’s civil rights. The completed Staff Written Warning Form will be placed in the employee’s personnel file for future reference.

4.3. **Demotion.** When in the sole judgment of the supervisor demotion is the best corrective method to remedy poor performance or behavior, this may be implemented with the approval of the Director of Human Resources. When an employee is demoted to a position of decreased responsibility or complexity of duties requiring a change of title to one having a lower salary range, the employee’s salary will be adjusted to an appropriate level within the new salary range as agreed upon by the Department Head concerned and the Director of Human Resources. A Personnel Action Request Form (F3.2) must be prepared in consultation with the Director of Human Resources. The employee will be advised of the action in a meeting with supervisor which may include the Director of Human Resources.

4.4. **Suspension without Pay.** When any one or a combination of the above possible actions have failed to achieve the supervisor’s desired results or when in the judgment of the supervisor the nature of the offense makes its use appropriate, the supervisor may suspend an employee without pay. The action must have the approval of the Director of Human Resources. A Personnel Action Request Form (F3.2) and a Staff Notice of Disciplinary Suspension Form must be prepared in consultation with the Director of Human Resources. The employee will be informed of the suspension in a meeting with the supervisor which should include the Director of Human Resources. The suspension period must be in accordance with the Fair Labor Standards Act (FLSA). FLSA overtime exempt employees must be suspended in weekly increments except for infractions of significant safety rules as defined by the Department of Labor. The Personnel Action Request Form (F3.2) will be forwarded to the Human Resources Office. The Staff Notice of Disciplinary Suspension will be forwarded to the Human Resources Office and be placed in the personnel file.

4.5. **Discharge.** This action may be the result of one serious act of misconduct or insubordination, or as the result of an accumulation of minor offenses, or failure to satisfactorily perform job duties. All discharges must have the prior approval of the President and the Director of Human Resources. When an employee is suspected of committing a serious act of misconduct, which in the judgment of the supervisor requires immediate action, and it is not possible to obtain the prior approval, the supervisor may
suspend or discharge the employee pending the receipt of the necessary approval. The employee will be informed of the discharge in a meeting with the supervisor and the Director of Human Resources. A Personnel Action Request Form (F3.2) will be forwarded to the Human Resources Office.

5. **Documentation**

All staff employee disciplinary actions must be documented. The appropriate form must be used to document the reason or reasons for the disciplinary action.

6. **Regent’s Rules**

The provisions of this policy are subject to the Board of Regent’s Rules. Those portions of Chapter V of the Regents’ Rules specifically related to employment and termination are incorporated by reference into this policy. In case of any conflict between this policy and any provisions of the Rules, the Rules shall prevail.

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**POLICY:** 5.8 DISCIPLINE FOR FACULTY

**SCOPE:** FACULTY

**POLICY NUMBER:** 5.8

**APPROVED:**

**REVISED:** December 2003

The academic community cannot tolerate actions by its own members that hinder or make less effective the carrying out of its mission. The demands of academic responsibility and professionalism apply to all those who teach at Lamar State College-Port Arthur, tenured or non-tenured, full-time or part-time.

Faculty who violate any Lamar State College-Port Arthur policy are subject to the faculty disciplinary process.

The concept of progressive discipline acknowledges that a faculty member may be guilty of an employment offense or misconduct that, while serious, does not necessarily justify immediate dismissal. Faculty member’s activities that fall outside the scope of employment shall constitute misconduct if such activities adversely affect the interests of Lamar State College-Port Arthur.

**DISCIPLINE OPTIONS**

Disciplinary actions imposed on a faculty member may include both punitive and corrective actions. These actions may extend from mild to severe and will be administered based upon the seriousness, frequency and/or flagrant nature of the infraction. When appropriate, progressive discipline will be employed as follows:

<table>
<thead>
<tr>
<th>Incident</th>
<th>Action Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>First incident</td>
<td>Oral reprimand</td>
</tr>
<tr>
<td>Second incident</td>
<td>Written reprimand</td>
</tr>
<tr>
<td>Third incident</td>
<td>Probation</td>
</tr>
<tr>
<td>Fourth incident</td>
<td>Dismissal</td>
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</tbody>
</table>

Some violations may be of such a nature that progressive discipline is not appropriate. In those instances, administration may choose to employ sanctions not of a progressive nature. Written documentation of all/any disciplinary action other than an oral reprimand will be placed in the personnel file.

The Vice President for Academic Affairs and the Director of Human Resources shall review all disciplinary action to ensure EEO compliance. The review will include a comparison of disciplinary actions of other similarly situated circumstances.
POLICY: 5.9 GRIEVANCE
SCOPE: STAFF
POLICY NUMBER: 5.9
APPROVED: 
REVISED: March 2002; December 2005

1. Policy

Every employee of Lamar State College-Port Arthur is entitled to present grievances concerning such individual's wages, hours of work, or conditions of work individually or through a representative that does not claim the right to strike. (The Texas State University System™ Rules and Regulations, May 1999). Employees having work-related problems are encouraged to discuss the problem with the immediate supervisor. If the problem cannot be resolved through this informal process, the employee may file a formal grievance.

Except where otherwise stated in this grievance procedure, employees may represent themselves or be represented by a fellow employee or other representative, with the exception of an attorney, while exercising the rights provided in this grievance procedure.

All meetings and investigations related to grievance reviews shall be conducted during the staff employee's regular working hours insofar as possible.

The College will guarantee and insure that staff personnel subject to these rules shall be afforded fair, equitable, and expeditious hearing of matters of grievance without fear of coercion, discrimination, or reprisal because of exercising the right of request for redress from grievance.

2. Procedures

The grievance procedures for staff personnel covered by these rules are as follows:

2.1. The regularly established administrative channels shall be the route of all matters of grievance.

2.2. A staff employee shall at first present in writing any matter of grievance to his/her immediate supervisor. This should be done within three (3) working days from the beginning of the grievance. Upon receipt of the grievance as submitted by the employee, the immediate supervisor shall consider all of the facts of the case and he should report his decision in the matter in writing to the employee within two (2) working days after receipt of the grievance.

2.3. If the matter is not satisfactorily resolved in the eyes of the grievant, he/she may continue to have the grievance heard and adjudicated by each level of supervision in the regular administrative channel until the level of the Dean or Vice President is reached. At each level above the first supervisor, the request for grievance hearing must be made by the grievant and should be submitted in writing within three (3) working days from the delivery of the decision of the lower supervisor. At each level of hearing, the supervisor will review all the facts of the case and the decisions rendered by the lower supervisors, and then he/she should render a decision in writing to the grievant within three (3) working days after receipt of the grievance.

2.4. If the matter continues to be unresolved in the eyes of the grievant, he/she may then submit the grievance in writing to the President. This shall be done within five (5) working days after receipt of the decision of the Dean or Vice President.

2.5. The President may decide to appoint a Grievance Review Committee to help review the grievance or he may elect to review the grievance personally.
2.6. The President or Committee shall conduct an investigation of all the events leading to the grievance, review all decisions rendered by lower supervisors, and render a decision in writing as soon as possible after the investigation is complete. The decision of the President shall be final in all cases of grievance.

At any step or level of the grievance procedure, the Human Resources Office may be requested by the grievant or the supervisor to serve as consultant to the grievance hearing. In such cases, the Human Resources Office shall serve in the capacity of an information-gathering and advisory member only, and shall not have the power of making binding decisions.

A complaint or grievance in which a staff member alleges that disciplinary or dismissal action has been taken without adequate cause, and the staff member alleges that illegal discrimination has occurred on the basis of race, color, religion, gender, age, national origin, or non-job related mental or physical handicap, should be referred and discussed with the Human Resources Office.

3. **Grievance Review Committee**

3.1. The Committee will consist of five staff employees appointed by the President. The Committee should include professional as well as classified staff. All members must be present to conduct any business.

3.2. The Committee should meet within ten days after the notification of their appointment by the President. The committee should meet prior to the hearing to review the process and select a chairperson to conduct the hearing.

3.3. The Chairperson shall be responsible for setting the date and time for the Hearing, and notifying Committee members, the grievant, and the person against whom the grievance has been filed. The Chairperson may grant one (1) postponement at the written request of one (1) of the parties. A postponement should not exceed one (1) week of the original Hearing date.

3.4. The Committee Chairperson should receive documents pertinent to the Hearing at least two (2) days prior to the Hearing. Required documents include:

   3.4.1. The employee's original grievance
   3.4.2. The supervisor's decision in the matter
   3.4.3. Any subsequent decisions in the matter
   3.4.4. A list of witnesses from both parties
   3.4.5. Any relevant documentation either party wishes to provide (The Chairperson has the authority to exclude irrelevant, immaterial, or unduly repetitious documents.)

3.5. The Hearing may be tape recorded in lieu of a hand written record.

   The following persons may be present during the Hearing. Witnesses will not be allowed in the Hearing room except to testify.

   3.5.1. The grievant
   3.5.2. The grievant representative, with the exception of an attorney
   3.5.3. The department representative(s) against whom the grievance has been filed (a spokesperson must be designated if more than one (1) representative appears)
   3.5.4. Committee members
   3.5.5. The Director of Human Resources
4. **The Grievance Hearing**

The Grievance Hearing shall be conducted by the Committee Chairperson.

4.1. The order of the Hearing shall be:

4.1.1. The Chairperson shall open with a statement that includes the purpose of the Hearing and a warning to all present to maintain the confidentiality of the Hearing.

4.1.2. The Chairperson shall allow the grievant to make an opening statement. The grievant will then respond to questions from committee members as well as the individual against whom the grievance was filed.

4.1.3. The Chairperson shall allow the individual against whom the grievance was filed to make an opening statement. The individual will then respond to questions from the committee members as well as the grievant.

4.1.4. The Chairperson shall allow the grievant to call any witnesses. The witness will then respond to questions from committee members and the individual against whom the grievance was filed. Witnesses are only allowed in the Hearing to present testimony and answer questions.

4.1.5. The Chairperson shall allow the person against whom the grievance was filed to call any witnesses. The witnesses will then respond to questions from the committee members and the grievant.

4.1.6. The committee may wish to call witnesses not called by either party. Committee members and both parties may question the witnesses.

4.1.7. The Chairperson shall allow the grievant and then the individual against whom the grievance was filed to make concluding statements.

4.1.8. The Chairperson shall ask that everyone clear the room except committee members. The committee will submit a written finding of facts and propose a recommendation to the President within three (3) working days. The recommendations must be based on a majority vote of the committee members.

4.1.9. The President will make a final decision and submit it to the grievant within three (3) working days.

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**POLICY:** 5.10 **TERMINATION OF FACULTY AND STAFF**

**SCOPE:** FACULTY AND STAFF

**POLICY NUMBER:** 5.10

**APPROVED:**

**REVISED:** March 2002; December 2005

1. **Policy**

The President of Lamar State College-Port Arthur has the authority to terminate at any time the employment of any classified staff employee and any other non-faculty personnel with the exception of administrative officers subject to the review of the Board of Regents.

Employees, including both faculty and staff, shall be subject to discipline and/or dismissal for violating college policy relating to electronic network facilities such as local area networks and the Internet. Nothing herein shall be construed in derogation of the Board's employment-at-will policy.

Employees may be terminated without notice within the confines of other policies established in the Administrative Policies and Procedures Manual.

2.1. The minimum standards of individual conduct required by the penal statutes of Texas or the United States are both expected and required of every employee of Lamar State College-Port Arthur. Any employee who violates the minimum standards of conduct required by any penal statute of Texas or the United States is subject to discipline or dismissal as an employee regardless of whether any action is taken against the employee by civil authorities on account of such violation.

If action for dismissal of an employee is taken, the appropriate administrative officer shall proceed with the action in the same manner as would be the case of a violation by an employee of any other provision of the Administrative Policies and Procedures Manual.

Terminated employees may not use campus facilities such as the computer labs, gymnasium, or library. Security personnel will take immediate action to remove terminated employees without authorization to use campus facilities. Students who have been terminated as an employee may continue to use facilities as required for the course(s) in which they are currently enrolled.

It is the responsibility of each department to notify the Human Resources Office as soon as possible when an employee terminates for any reason. The department should submit an F3.2 through normal channels along with any appropriate documentation such as letters of resignation or termination.

3. Resignations

3.1. Faculty

3.1.1. A faculty member should not resign later than May 15th or thirty (30) days after receiving notification of the terms of continued employment for the following year, whichever date occurs later. It is recognized that emergencies will occur. In such an emergency, the faculty member may ask the President of the College through normal academic channels to waive this requirement; but, the faculty member should conform to the President's decision.

3.2. Staff

3.2.1. A staff member is expected to give two (2) weeks advance notice of resignation from employment. Notice should be in writing and contain the reasons for resignation.

3.2.2. Any employee who is absent from work without authorized leave for three (3) consecutive workdays shall be deemed to have abandoned his/her position and to have voluntarily resigned from employment. Should an employee seek to return to work after such unauthorized leave, the employee must provide satisfactory proof that the failure to request authorized leave was justifiable and excusable. An employee providing such satisfactory proof may be returned to their original position at the discretion of management. Other disciplinary action is optional.

4. Reduction In Force

4.1. A reduction in force is defined as a layoff of a segment of the work force due to a lack of work, reduction in funding, or reorganization. It is an involuntary termination of employment not involving delinquency or misconduct.

4.2. The President of the College may implement a reduction in force in order to meet operating expenses and maintain sound reserves without diminishing capital or generating unwise or impermissible indebtedness. Prior to the implementation, The President shall consult with
the Vice Presidents and other Administrator of the President’s choice. The consultation shall include a discussion of:

4.2.1. Anticipated income and expenditures;
4.2.2. Retrenchment measures which have been taken;
4.2.3. Reasonable alternatives to reduction in force; and
4.2.4. Any other matter the president deems appropriate.

5. Policy

5.1. Regular, full-time employees will be given preference for retention over probationary, part-time, or temporary employees.
5.2. Decision is to be based on the operation of the job function, not on the performance attributes or seniority of the incumbent.
5.3. Employees who are laid off as a result of a reduction in force will be given priority consideration for vacant positions for which they qualify.

6. Procedure

6.1. The President will designate the departments or functional areas of reductions.
6.2. Whenever possible staff members will receive notification of change in employment status not later than thirty (30) days prior to the date of the actual change.
6.3. Staff members who have been laid off will receive a lump sum payment for all accrued vacation leave.
6.4. Sick leave balance at the time of layoff will be restored if the employee is rehired by a State agency within twelve (12) months.
6.5. Current group insurance coverage may be retained for eighteen (18) months under the Consolidated Omnibus Budget Reconciliation Act (COBRA). The employee must pay the total monthly premium for the coverage. Life insurance conversion options are also available.

7. Exit Interviews

7.1. It is important that an exit interview be conducted with any benefits-eligible separating employee by the Human Resources Office to discuss topics related to their separation from employment.

8. Compensatory Time Pay (Comp Time)

8.1. Non-exempt employees are entitled to be paid a lump sum payment for any accrued FLSA Compensatory time.
8.2. Non-exempt employees are not entitled to be paid for any accrued State Compensatory time.

9. Insurance

9.1. Insurance coverage ends on the last day of the month in which employment ends. Health and dental coverage may be continued for any participating employee and/or dependents for up to 18 months under the Consolidated Omnibus Budget Reconciliation Act (COBRA). To continue coverage, the employee must return the COBRA Election form within 60 days of the “Date of the Event.”

10. Sick Leave Pool
10.1. Separating employees are encouraged to contribute to the Sick Leave Pool if eligible.

11. Retirement Options

11.1. Teacher Retirement System

11.1.1. Employees on the Teacher Retirement System may elect to leave their money in place where it will continue to draw interest or request a refund. Employees requesting a refund may elect to receive the account balance less 20% for income tax or place the balance in an eligible retirement plan.

11.2. Optional Retirement Program

11.2.1. When an employee terminates who is a participant in the Optional Retirement Program (ORP), the employee may elect to surrender the ORP account if further employment with a State-supported institution of higher education is not contemplated. For a vested individual (one (1) year plus one (1) day of participation), the entire benefits provided by the contract are the sole non-forfeitable possession of the individual. If the individual has not met the vesting requirements, the carrier must return the state contribution to Lamar State College-Port Arthur with the balance of the annuity value returnable to the individual.

12. Final Paycheck

12.1. The final paycheck may be picked up (or direct deposited) on the next regular pay day following termination.

13. Travel Refunds

13.1. Departing employees are advised to check with the Finance Office to determine the status of outstanding travel reimbursements. If necessary, a forwarding address should be provided, the Business Office is responsible for distribution of reimbursements.

14. Sign Out Procedures

14.1. Documents to be returned to Human Resources

14.1.1. Employee Identification Card

14.1.2. Medical Insurance Card

14.1.3. Credit Card

14.1.4. Parking Permit

14.1.5. Keys

14.2. To be received by the Supervisor

14.2.1. Letter of Resignation

14.2.2. College Property

14.3. Departments are required to remind exiting employees of the exit interview process.

POLICY: 5.11 TERMINATION OF ADMINISTRATOR
SCOPE: ADMINISTRATIVE OFFICERS
POLICY NUMBER: 5.11
APPROVED: December 2005
1. **Policy**

The President or Chancellor may terminate the employment of an administrative officer of the College when in their judgment the interest of the System or of the College requires termination. An Administrative Officer shall not have a right to a hearing unless the officer makes a *prima facie* showing that the decision to terminate violates rights guaranteed by the laws or Constitution of the State of Texas or of the United States and requests an administrative hearing to review the allegations. In such case the administrative officer shall be afforded an opportunity to present allegations before a hearing committee consisting of three (3) impartial administrative officers of the College appointed by the President. Such allegations shall be heard under the same procedures as in the case of dismissal of staff for cause, with the following exceptions:

1.1. The burden of proof is upon the affected administrative officer to establish at such hearing that the decision in question constitutes violation of a right guaranteed by the laws or Constitution of the State of Texas or of the United States.

1.2. Constitution of the State of Texas or of the United States.

1.3. The President of the College need not state the reasons for the questioned decision nor offer evidence in support thereof unless the affected administrative officer presents a prima facie case in support of such allegations. In such case, the hearing committee shall determine whether the president has no other reason for his decision.

1.4. The hearing committee will make written findings on the material facts and a recommendation, which findings and recommendation shall be forwarded to the President and to the affected administrative officer. The administrative officer may appeal to the President and ultimately to the Board of Regents in accordance with the terms and procedures as in the case of dismissal of faculty for cause.

If the administrative officer has tenure at the College by virtue of holding a past faculty position or otherwise, termination as a member of the tenured faculty shall be only for good cause shown, and the official shall be given a hearing if terminated from tenured faculty status.

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**POLICY:** 5.12 **USE OF STATE PROPERTY**

**SCOPE:** FACULTY AND STAFF

**POLICY NUMBER:** 5.12

**APPROVED:**

**REVISED:** March 2002; December 2005

1. **Policy**

State property may be used only for official state purposes and should not be used for personal purposes. This includes the use of state-owned or state-leased vehicles, which may be used only for official state business. The use of such vehicles to commute to and from work is acceptable if it is approved by the administrative head of an agency. The names and job titles of these employees and the reasons for authorization must be included in the annual report that the agency is required to submit.43

2. **Office Equipment**

The use of state property including telephones and office equipment should be restricted to official business. It is expected that any personal business conducted over the telephone will be kept to a minimum. Excessive personal phone calls or use of photocopiers, typewriters, etc. for personal

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43 Personnel Action Request For; Texas Government Code, Section 2101.0115.
reasons may lead to restrictions or disciplinary actions. In no case will personal long distance phone
calls be charged to Lamar accounts.

3. **Tools/Equipment**

Tools or equipment used in official duties shall not be used for personal reasons. Any personal mail
sent through the College Post Office must be paid for by the employee. Removing state property
from the campus for personal use is expressly forbidden. Any employee wishing to take Lamar
property home to work on official business must receive permission from his/her supervisor to do so.
Failure to comply with these policies is cause for disciplinary action up to, and including, discharge.

4. **Procedure**

Any time state property is taken off campus; a form **must** be completed and approved by the
Property Manager and the department head. Forms are available from physical plant, the computer
center, and the mail room.

**POLICY:** 5.13 **SOCIAL EVENTS WITH ALCOHOL**

**SCOPE:** FACULTY AND STAFF

**POLICY NUMBER:** 5.13

**APPROVED:**

**REVISED:** March 2002

1. **Policy**

The use of alcoholic beverages during work time is prohibited. All social events where alcohol
beverages are served are subject to the following regulations.

2. **Use of Facilities**

2.1. Use of college facilities will be granted only to groups or organizations which have the
approval of the Dean of Student Services.

2.2. A "Request for Facilities" form must be signed by the organization president and the
College advisor for the organization; a reservation form must be signed by an appropriate
official of the group.

2.3. Reservations for use of the Student Center, bandstand, Carl A. Parker Multipurpose Center,
the Vuylsteke Home and the Performing Arts Center, should be addressed to the Events
Coordinator located in the Carl A. Parker Multipurpose Center.

3. **Use of Alcohol**

3.1. Alcoholic beverages may not be served until after 5 p.m. Monday through Friday without
explicit authorization. Alcohol may be served in authorized facilities Monday - Thursday,
5 p.m. until midnight; Friday, 5 p.m. until 2 a.m.; Saturday, 10 a.m. until 2 a.m.; Sunday,
oon until midnight. Ordinarily facilities are unavailable during holiday periods.

3.2. Beverage and bartender service will be discontinued thirty (30) minutes prior to the
scheduled ending time of an event.

3.3. Alcohol may not be possessed, served, or consumed in or near an area used for classroom
instruction while classes are being held in such an area.

3.4. Alcoholic beverages may be served or consumed, with prior approval, in the following
approved areas:

3.4.1. Carl A. Parker Multipurpose Center
3.4.2. Gates Library
3.4.3. Performing Arts Center
3.4.4. Student Center, 4th Floor
3.4.5. Vuylsteke Home
3.4.6. White Haven
3.4.7. When approved by the President, alcoholic beverages may be allowed in other locations.

3.5. Alcoholic beverages are restricted to the specific area designated on the reservation form.

3.6. Food should be served at all events when alcoholic beverages are served. Arrangements for food should be made in advance. When alcoholic beverages are served, each group/organization is responsible for providing the alcoholic beverages in the advance of the event. Time and place of delivery and pick-up will be designated by the Dean of Student Services or other administrative officer at the time the reservation is made.

4. Fees
4.1. An admission fee cannot be charged at an event where alcohol is served unless an alcohol sales license has been provided for and permission has been given by appropriate College officials.

5. Delivery of Alcohol
5.1. Individual members or guests may not individually bring alcoholic beverages to a social function.
5.2. Alcoholic beverages must be delivered in bulk form by a representative of the sponsoring organization.
5.3. The president of the organization is responsible for the delivery/pick-up of the bulk quantities of alcohol to the building coordinator or his/her designate.
5.4. The group or organization reserving a facility is responsible for any charges for damages and clean-up which result from an organization's function.
5.5. Signatures indicate full acceptance of responsibility for the organization's use of the facilities and compliance with state regulations regarding the consumption and distribution of alcohol.
5.6. All adjustments to these regulations shall be communicated in writing to the advisor and/or officers of the sponsoring group or organization and have the prior approval of the Dean of Student Services.

6. Security
6.1. A minimum of two (2) police officers are required at all events where alcohol is served or where the building coordinator, advisor, or Dean of Student Services deems necessary.

7. Violations
7.1. Any violation of these policies will be referred to the Dean of Student Services for disciplinary action. Violations may result in denial of the use of facilities and/or disciplinary action.

8. Legal Considerations
8.1. Appropriated funds may not be spent on alcoholic beverages or to reimburse a travel expense that was incurred for an alcoholic beverage.
8.2. When alcoholic beverages are served, a fee may not be charged for the event except when provided for by license.

8.3. All state regulations and statutes regarding possession, serving, and/or consumption of alcoholic beverages and the "Lamar State College-Port Arthur Policy Governing On-Campus Social Events", Lamar State College-Port Arthur Student Handbook will be strictly enforced. Violators of these regulations/statutes/policies are subject to disciplinary action by the college and by civil authorities.

8.4. The Dean of Student Services or his or her designee may make adjustments in these policies in the best interest of the College.

POLICY: 5.14 DRUG FREE WORKPLACE
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 5.14
APPROVED: 
REVISED: March 2002; May 2012

1. Purpose
Based on its commitment to assure the safety and health of its students and employees, Lamar State College-Port Arthur seeks to maintain a work and learning environments free of the unlawful manufacture, distribution, possession or use of a controlled substance or the abuse of alcohol. This APPM contains Lamar State College–Port Arthur’s policy establishing a drug-free workplace.

We intend that this policy comply with:
1.1. The Drug-free Workplace Act of 1988 found in 41 U.S.C. Chapter 701;
1.2. Section 2.41(10) of Chapter V of the Rules and Regulations of the Board of Regents, Texas State University System™;
1.3. The Rules of the Texas Workers’ Compensation Commission, found in 28 TAC Chapter 169; and

2. This policy is based on the following objectives:
2.1. To maintain a safe and healthy environment for all students and employees.
2.2. To maintain the good reputation of the College and its employees.
2.3. To minimize accidental injuries to a person or property.
2.4. To keep absenteeism and tardiness at a minimum and to improve the effective performance of job duties and productivity of all employees and the educational performance of all students.
2.5. In appropriate circumstances, to assist students and employees in securing substance abuse rehabilitation.
2.6. To comply with the federal Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act Amendments of 1989, and other applicable legislation.
2.7. To adopt and implement a program to prevent use of illicit drugs and abuse of alcohol by students and employees.
2.8. This policy shall be in addition to any drug abuse policy or policies relating to participation in intercollegiate athletics.

3. **General Provisions**

3.1. Use of illegal drugs by college employee’s results in less productivity, less reliability, and greater absenteeism, increasing potential costs, delays, and risks to the college.

3.2. Illegal drug use by college employees impairs their ability to perform critical tasks, and results in accidents and failures that pose a serious threat to health, safety, and the college’s educational mission.

3.3. Illegal drug use by college employees results in unreliability, instability, and poor judgment. It also creates the possibility of coercion, influence, and irresponsible action under pressure that poses a risk to health, safety, and the college’s educational mission.

4. **Definitions**

As used in this policy, the following definitions apply.

4.1. In this APPM, the term “employee” includes members of the faculty and staff as defined in Section 1.1 of Chapter V of the Regents’ Rules. It also includes student employed by the college in any capacity.

4.2. The term “controlled substance” means a controlled substance in schedules I through V of Section 202 of the Controlled Substance Act (21 USC SEC 812) or the Texas Controlled Substances Act (Health and Safety Code, Chapter 481).

4.3. The term “conviction” means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charge with the responsibility to determine violations of the Federal or State criminal drug statutes.

5. **Procedures**

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in all college workplaces. A college employee who violates this prohibition, either in the workplace or elsewhere, is subject to the following sanctions:

5.1. Oral or written warning or reprimand.

5.2. Suspension with or without pay.

5.3. Reduction in pay.

5.4. Demotion.

5.5. Discharge or termination of employment.

5.6. The College will establish a drug-free awareness information program that will inform college employees about:

5.6.1. Standards of conduct that prohibit the unlawful possession, use, and distribution of illicit drugs and alcohol by students and employees on the College's property or as part of any College activity.

5.6.2. A description of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs or alcohol.

5.6.3. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol.

5.6.4. A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to students or employees.
5.6.5. A clear statement that the College, consistent with local, state, or federal law, will impose sanctions against a student or employee who violates the standards of conduct. The statement must describe the possible sanctions, which may include completion of an appropriate rehabilitation program, expulsion from school, termination of employment, or referral to the authorities for prosecution.

5.6.6. The college’s policy of maintaining a drug-free workplace.

5.7. Lamar State College-Port Arthur shall make a good faith effort to maintain a drug-free workplace by implementing and enforcing this policy.

5.8. The employee’s supervisor shall, within thirty (30) calendar days after receiving notice of a conviction either:

5.8.1. Take appropriate personnel action against the employee up to and including termination; or

5.8.2. Require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for that purpose by a federal, state, local health, law enforcement, or other appropriate agency; or

5.8.3. Take action under 5.8.1 or 5.8.2

5.9. Before a supervisor suspends, demotes, or reduces the pay of an employee, the next higher-level supervisor must approve the action. Only the president, vice presidents, and deans and directors reporting directly to a vice president have the authority to discharge employees.

6. Rules For Testing

6.1. Employees in a sensitive position may be tested for the use of illicit drugs. "Employee in a sensitive position" means an employee who has been granted access to classified information or employees in other positions determined by appropriate administrative personnel to involve national security, health or safety concerns, or functions requiring a high degree of trust and confidence.

7. Procedure For Testing (Chemical Screening)

7.1. The decision to require a chemical screening must be reviewed with legal counsel prior to the screening.

7.2. Prior to the administration of chemical screening, the appropriate administrative or supervisory personnel must explain the chemical screening procedures to the employee and then accompany the employee to a hospital or clinic for the taking of a specimen for screening purposes.

7.3. When an individual reports to a testing facility for testing, that individual must have a valid form of photo identification to present to the testing agency unless accompanied by a supervisor or person who can provide a positive identification of the individual reporting for testing. The college will pay the cost of any testing.

7.4. Test results are confidential. Only Human Resources, the appropriate supervisory officials in the employee’s chain of command, the individual tested, and an appropriate designated substance abuse treatment professional may receive the results of an employee’s drug test.

7.5. An employee may not return to work for 24 hours after failing a required drug test.

7.6. An appropriate management official will meet with an employee who has failed a test to (1) inform the employee of the test results, (2) determine what disciplinary action, if any, should be taken, and (3) explore the possibilities for the employee to participate in an appropriate rehabilitation program.
8. Regulations Specifically Related To Employees

8.1. A copy of this policy shall be provided to each employee who is or who will be engaged in the performance of a federal grant or contract, and a record shall be kept of the distribution.

8.2. Any employee whose off-duty use of drugs or other controlled substances results in absenteeism, tardiness, impairment or work performance, or is the cause of workplace accidents, will be referred to an assistance program and may be subject to discharge if he or she rejects participation in the program.

8.3. Employees in sensitive positions whose work-related performance gives cause for suspicion of use or possession of a controlled substance may, at the discretion of appropriate authorities be subjected to testing for the substance in accordance with the sections in this policy related to testing and chemical screening. A refusal to submit to a test, combined with a reasonable suspicion of usage, may be a sufficient basis for termination.

8.4. Any disciplinary action shall be governed by College policies on discipline and dismissal and academic freedom, responsibility and tenure. Sanctions may include a period of probation for an employee. A record of the action will be placed in the employee's personnel file.

8.5. As a condition of employment, employees on government grants or contracts must abide by the required notification statement and must report any criminal drug statute conviction for a violation occurring in the workplace or on College business to their employer no later than five (5) days after such conviction. The employer, in turn, must so notify the contracting federal agency within 10 days after receiving notice from an employee or otherwise receiving actual notice of such conviction, and within 30 days must impose sanctions on the employee, up to and including termination, or requiring the employee to satisfactorily participate in an approved drug abuse assistance or rehabilitation program.

9. Authority of President

The President of Lamar State College-Port Arthur is authorized to approve any changes to this policy to bring the College into full compliance with instructions of the Board of Regents, applicable legislation, or guidelines promulgated by local, state, or federal governmental bodies.
2.2. Tobacco products include all types of tobacco, cigarettes, cigars, smokeless tobacco, electronic cigarettes, pipes and hookahs.
2.3. The use of all tobacco products is prohibited on campus.
2.4. The sale of tobacco products on campus is prohibited.
2.5. Smoking is prohibited in those campus-owned vehicles that are available for general use.
2.6. As used in this policy, the term "smoking" shall include all of the following:
   2.6.1. Carrying or holding a lighted pipe, cigar, cigarette, or any other lighted smoking equipment or device;
   2.6.2. Lighting a pipe, cigar, cigarette, or any other smoking equipment or device;
   2.6.3. Emitting or exhaling the smoke of a pipe, cigar, cigarette, or any other smoking equipment or device.
2.7. The *Tobacco Free Workplace Policy* applies to college facilities used by off-campus groups as well as college groups.

3. Exemptions
3.1. Artists or actors who participate in authorized performances that require smoking or the use of another tobacco product as part of artistic productions are exempt from this policy.

4. Distribution
The terms of the *Tobacco Free Workplace Policy* will be posted on the Lamar State College-Port Arthur webpage. The policy is available to all current employees and prospective employees prior to hiring. The terms of this policy will be distributed to all current students and published in all future editions of the Lamar State College-Port Arthur Catalog.

5. Certification Statement
The *Tobacco Free Workplace Policy* has been approved by the following individuals in their official capacities and represents Lamar State College Port Arthur policy and procedure from the date of this document until superseded.

   President
   Director, Human Resources

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<th>POLICY:</th>
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<th>ACQUIRED IMMUNE DEFICIENCY SYNDROME</th>
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Acquired Immune Deficiency syndrome (AIDS) is a communicable disease.

In health related matters, the college follows the guidelines of recognized authorities including the National Center for Disease Control, the United States Public Health Service, and the Texas Department of Health. Further, the College will conform its actions to the Texas Communicable Disease Prevention and Control Act and other law.

There is no current evidence that individuals infected with Human Immunodeficiency Virus (HIV), the "AIDS Virus," can infect other individuals by casual contact. Accordingly, there is no reason to exclude individuals with the Acquired Immunodeficiency Syndrome (AIDS), AIDS-social, or cultural activities.
Therefore, on the basis of current knowledge of the disease, individuals sharing common living space, work
or study areas, libraries, classrooms, recreational facilities, and theaters do not represent a problem or public
threat to the campus community.

Students and employees of the College who may become infected with the AIDS virus will not be excluded
from enrollment or employment, or restricted in their access to College services or facilities, unless
medically-based judgments in individual cases establish that exclusion or restriction is necessary to the
welfare of the individual or of other members of the College community.

When circumstances arise that require review, the President will seek the advice of the attending physician,
knowledgeable medical personnel, and other relevant parties. An opportunity will be provided for any
person involved to discuss his or her circumstances. A College Health Committee will be appointed to
review the issues and provide recommendations to the President for resolution.

In the event of public inquiry concerning College policy, programs, problems, or statistics related to AIDS on
campus, the President will serve as the official spokesperson for the College and will enlist the cooperation of
the Coordinator of Public Information as necessary to prepare an appropriate response. All inquiries from the
press, elected public officials, or the public in general will be referred to the spokesperson. The medical
records of individuals shall remain confidential, but public information shall be disclosed upon request in
accordance with the Texas Open Records Act, the Family Education Rights and Privacy Act, and the Texas
Communicable Disease Prevention and Control Act. General information and national statistics considered
public knowledge are not subject to restriction.

In the event an individual is identified with AIDS, ARC, or a positive test for HIV antibody, appropriate
existing College resources for emotional, educational, social, and medical support will be made available to
all concerned individuals.

Persons who know, or have reasonable basis for believing, that they are infected with the AIDS virus are
expected to seek expert advice about their health circumstances and are obligated, ethically, legally, to
conduct themselves responsibly in accordance with knowledge for the protection of other members of the
College community.

The College shall observe the safety guidelines established by the U.S. Public Health Services for the
handling of blood and other body fluids and secretions, both in all health care facilities maintained on the
campus and in other institutional contexts in which such fluids or secretions may be encountered (e.g.
teaching and experimental laboratories).

POLICY: 5.18 ELECTRONIC AND INFORMATION RESOURCES
ACCESSIBILITY

SCOPE: FACULTY, STAFF, AND STUDENTS

POLICY NUMBER: 5.18

DATE: November 2007

APPROVED:

REVISED: October 2012

1. Purpose

The purpose of the Electronic and Information Resources (EIR) Accessibility Policy is to establish
limits regarding:

1.1. The design and testing of web pages and web applications and

1.2. The procurement of electronic and information resources to comply with the accessibility
rules assigned by the State of Texas in accordance with the Texas Administrative Code,
Title 1, Chapters 206 and 213.
1.3. This document sets forth the policy of Lamar State College–Port Arthur (LSCPA) with regard to the accessibility of all new or changed web pages, web content and web applications as well as all electronic and information resources developed, procured or changed by LSCPA employees, contractors, vendors and volunteers.

LSCPA is committed to making LSCPA websites accessible to all users, regardless of physical status, cognitive ability, or physical, speech, cognitive and neurological disabilities.

2. **Scope**

This policy applies to the Web site and all electronic and information resources for which LSCPA is responsible.

3. **Standards and Specifications**

Texas Administrative Code (TAC) 206.70 and 213.30 through 213.37 prescribe the standards and specifications to which LSCPA must comply in making their Web sites and electronic and information resources accessible to persons with disabilities. LSCPA has developed a plan to ensure that its Web site and electronic and information resources comply with the standards and specifications that include but are not limited to the following initiatives:

3.1. Follow accessibility standards for developing and testing websites, information, and applications; (TAC 206 and 213 and Rehabilitation Act Section 508)

3.2. Design web pages and applications to allow the resizing by web browsers

3.3. Design web pages and web applications that are readable without the associated style sheet

3.4. Test web pages manually and using automated tools

3.5. Publish accessible Adobe Portable Document Format (PDF) documents or HTML equivalents

3.6. Reasonable efforts shall be made to accommodate users of standard-compliant web browsers and assistive technology, including enabling software or assistive devices, to view LSCPA web pages. When a user is unable to access information on a LSCPA web page, he or she may contact the agency to request that LSCPA provide an alternate format or method to access the information. LSCPA shall provide instructions on its websites for requesting an accommodation.

3.7. All electronic and information resources (EIR) products developed, procured, or changed through a procured services contract, and all EIR services provided through hosted or managed services contracts, shall comply with the provisions of Chapter 206 and Chapter 213 of the Texas Administrative Code, as applicable, unless such requirement imposes a significant difficulty or expense.

4. **Exceptions**

4.1. Texas Administrative Code 213.37 provides for exceptions for compliance with standards and specifications for all new or changed Web pages and content and all electronic and information resources developed, procured or changed on or after September 1, 2006. LSCPA may approve an exception if the college determines that compliance would impose a “significant difficulty or expense.” Alternate methods of accessibility may be used by LSCPA’s office as provided for in Section 2054.460, Texas Government Code (PDF, 260K).

5. **Accessibility Coordinator**

5.1. LSCPA has designated an EIR Accessibility Coordinator, currently the Distance Learning Coordinator, to monitor the college’s compliance with this policy. If you use assistive
technology and the format of any material on this college’s Web sites interferes with your
ability to access the information, please contact the EIR Accessibility Coordinator. Please
indicate the nature of your accessibility problem, the format in which you would like to
receive the material, the Web address of the requested material and your contact
information.

6. **Definitions**

The following definitions shall be used in procedures implementing this regulation:

6.1. **Accessible.** Designed to support access that does not depend on a single sense or ability and
can be used in a variety of ways.

6.2. **Electronic and Information Resources (EIR).** Includes information technology and any
equipment or interconnected system or subsystem of equipment that is used in the creation,
conversion, duplication or delivery of data or information. The term EIR includes, but is
not limited to, telecommunications products (such as telephones), information kiosks and
transaction machines, World Wide Web sites, multimedia, and office equipment such as
copiers and fax machines. The term does not include any equipment that contains
embedded information technology that is used as an integral part of the product, but the
principal function of which is not the acquisition, storage, manipulation, management,
movement, control, display, switching, interchange, transmission, or reception of data or
information. For example, HVAC (heating, ventilation and air conditioning) equipment
such as thermostats or temperature control devices, and medical equipment where
information technology is integral to its operation, is not information technology.

Note: EIRs are not limited to computer hardware or software, but also include services
performed on such hardware and software (such as maintenance services). EIRs also
include electronic subscription services, such as databases available via Internet websites.
Furthermore, EIRs aren’t limited to those that are directly developed, procured,
maintained or used by LSCPA, but also include EIRs used by a contractor of LSCPA, if the
contract either requires the use of such EIRs or requires the contractor to use such EIRs, to
a significant extent, in performing a service of furnishing a product.

6.3. **Exception.** A justified, documented non-conformance with one (1) or more standards or
specifications of Chapter 206 and/or Chapter 213, which has been approved by the system
member CEO or chancellor or designee of an institution of higher education.

<table>
<thead>
<tr>
<th>EIR Category</th>
<th>Technical Accessibility Standards</th>
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</thead>
<tbody>
<tr>
<td>Software Applications and Operating Systems</td>
<td>Title 1, Rule 213.30 of the Texas Administrative Code</td>
</tr>
<tr>
<td>Websites</td>
<td>Title 1, Rule 206.70 of the Texas Administrative Code</td>
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<td>Title 1, Rule 213.30 of the Texas Administrative Code</td>
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<td>Title 1, Rule 213.32(2) of the Texas Administrative Code</td>
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<tr>
<td>Telecommunications Products</td>
<td>Title 1, Rule 213.31 of the Texas Administrative Code</td>
</tr>
<tr>
<td>Video and Multimedia Products</td>
<td>Title 1, Rule 213.32 of the Texas Administrative Code</td>
</tr>
<tr>
<td>Self-Contained, Closed Products</td>
<td>Title 1, Rule 213.33 of the Texas Administrative Code</td>
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<tr>
<td>(embedded technologies)</td>
<td></td>
</tr>
<tr>
<td>Desktop and Portable Computers</td>
<td>Title 1, Rule 213.34 of the Texas Administrative Code</td>
</tr>
</tbody>
</table>

6.4. **Information Technology** (as used in the EIR chart above). Any equipment or interconnected
system or subsystem of equipment that is used in the automatic acquisition, storage,
manipulation, management, movement, control, display, switching, interchange,
transmission or reception of data or information. The term includes computers (including
desktop and laptop computers), ancillary equipment, desktop software, client-server software, mainframe software, web application software and other types of software, firmware and similar procedures, services (including support services) and related resources.

6.5. Product. Electronic and information technology.

6.6. Self-Contained, Closed Products. Products that generally have embedded software and are commonly designed in such a fashion that a user cannot easily attach or install assistive technology. These products include, but are not limited to, information kiosks in information transaction machines, copiers, printers, calculators, fax machines and other similar products.

6.7. Technical Accessibility Standards. Accessibility standards for EIRs set forth in Title 1, Chapter 213, Subchapter C and Title 1, Rule 206.70, Subchapter C of the Texas Administrative Code.

6.8. Telecommunications. The transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.

POLICY: 5.19 WHISTLE BLOWER
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 5.19
APPROVED: 
REVISED: March 2002; December 2005; May 2014

An agency may not suspend or terminate the employment of, or otherwise discriminate against, a public employee who reports a violation of the law to the appropriate law enforcement authority if the employee’s report is made in good faith. A public employee who alleges a violation of this provision may sue for injunctive relief, actual and punitive damages, court costs, and reasonable attorney’s fees. Also, an employee whose employment is wrongfully suspended or terminated is entitled to reinstatement to his or her former position, compensation of lost wages, and reinstatement of lost fringe benefits and seniority rights. If an employee decides to sue, he or she must have initiated the grievance and have exhausted the appeal procedures no later than ninety (90) days after the alleged violation occurred or was discovered by the employee.44

POLICY: 5.20 RELEASE OF EMPLOYEE INFORMATION (OPEN RECORDS ACT)
SCOPE: FACULTY, STAFF and STUDENT EMPLOYEES
POLICY NUMBER: 5.20
APPROVED: 
REVISED: March 2002; May 2012

1. Policy

Requests from various business, government agencies, organizations, and individuals for information relating to the projected, current, or previous employment of persons at Lamar State College-Port Arthur should be referred to Human Resources. Because of federal and state privacy laws, extreme care must be exercised before releasing any data or material which may be requested.

44 Texas Government Code, Chapter 5
No request for information concerning projected, current, or former employees of the College should be honored without obtaining the prior approval of Human Resources.

The Human Resources Department is responsible for the development and maintenance of a centralized personnel record file for regular faculty and staff members. Specific employee information and personal data will be maintained as required by federal and state laws and regulations, and for various internal and external reports. Employees may view the information in their files.

2. Collection and Update of Information

Employee information and personal data is originally collected from each individual at the time of employment. Employees are responsible for promptly notifying Human Resources of any change in personal data as follows (Texas Public Information Act, Government Code, Chapter 552):

2.1 Legal name, if changed by marriage or otherwise,
2.2 Mailing address and/or residence address,
2.3 Telephone number,
2.4 Marital status, for income tax purposes and,
2.5 Emergency contact.

3. Reference Checks and Employment Verifications

All inquiries or reference checks concerning present or former employees are completed by Human Resources. All verbal or written requests for information should be referred to Human Resources.

4. Disclosure of Employee Information and Personal Data

An employee or official of a state agency or institution of higher education may elect whether to allow public access to certain types of his or her personal information.45

4.1 Open Records. The following employee information and personal data will be made available to any person. All requests must be submitted in writing to the Office of the President.

4.1.1 Employee name
4.1.2 Gender
4.1.3 Ethnicity
4.1.4 Salary
4.1.5 Title
4.1.6 Dates of employment
4.1.7 Home address and home phone number, except when an employee has indicated in writing that he/she does not wish this information to be divulged.
4.1.8 Social security number, except when an employee has indicated in writing that he/she does not wish this information to be divulged.46 Information that reveal whether the person has family members, except when an employee has indicated in writing that he/she does not wish this information to be divulged.

45 Government Code, Section 552.024
46 Texas Public Information Act, Government Code, Chapter 552
4.1.9 Emergency contact information, except when an employee has indicated in writing that he/she does not wish this information to be divulged.47

4.1.10 Reasons for leaving Lamar State College–Port Arthur employment. Subjective information regarding the evaluation, discipline or dismissal of an employee is protected from disclosure to the public; however, final actions and decisions, such as discharge, are public. It may be divulged that the employee left because of retirement, resignation, depletion of funds, completion of project, death or discharge. However, the reason for discharge will not be divulged.

4.2 Employees’ Right to Personal Data: Present or former employees have the right to review, in the presence of a Human Resources staff member; all information relevant to their employment relationship that is in their personnel file. This includes information pertaining to and/or anything bearing upon (Texas Public Information Act, Government Code, Chapter 552):

4.2.1 Qualifications for employment, i.e., letters of recommendation, applications, etc.

4.2.2 Employment and its terms, i.e., evaluation of performance, counseling memos, payroll authorizations, etc.

4.2.3 Separation from employment, i.e., documents relating to termination of employment, counseling memos, termination statements. The employee shall be allowed to make copies of documents, take notes, or add rebuttal statements. Present or former employees may not review information that would invade the privacy of a third party.

4.2.4 The types of employee information listed in items a. and b. are clearly defined as releasable under the Texas Public Information Act. All requests for information must be made in writing. E-mail requests are valid. The Director of Human Resources will determine if the requested information is to be released. Request may be referred to the President for further determination.

5. Privacy Policy

Employees are entitled to be notified about information collected about them, unless such information is protected.48 With few exceptions, an individual is entitled to:

5.1 Be notified about information the State has collected.

5.2 Receive and review the information.

5.3 Correct inaccurate information.49

6. Access to Confidential Information

Employees who have access to confidential information regarding students, fellow employees, or others should take care in guarding such information. Confidential information should not be discussed except in the line of duty and with specific authorization.

POLICY: 5.21 SEXUAL MISCONDUCT POLICY AND PROCEDURE

SCOPE: FACULTY, STAFF and STUDENTS

POLICY NUMBER: 5.21

47 Senate Bill 1638, 82nd Legislature, Regular Session, amended Section 552.024 to include emergency contact information

48 Texas Government Code, Section 552.023.511

49 Texas Public Information Act, Government Code, chapter §559.003(a)
1. **Introduction**

1.1. Institutional Values. The Texas State University System™ and its colleges, institutions, and universities are committed to creating and maintaining educational communities in which each individual is respected, appreciated, and valued. The System diligently strives to foster an environment that permits and encourages everyone to perform at their highest levels in academia. The System's focus on tolerance, openness, and respect is key in providing every member of the TSUS community with basic human dignity free from harassment, exploitation, intimidation or other sexual misconduct. Any report of behavior that threatens our institutional values, and breaches this Policy shall be promptly investigated and remediated in accordance with principles of law, fairness and equity to all parties involved.

1.2. Purpose of Policy. The Texas State University System™ and its component institutions are firmly committed to maintaining an educational environment free from all forms of gender discrimination. Sexual Misconduct, as defined in this Policy, is a form of gender discrimination and will not be tolerated. The Components will maintain an environment that promotes prompt reporting of all types of Sexual Misconduct and timely and fair resolution of Sexual Misconduct complaints. The Components will take prompt and appropriate action to eliminate Sexual Misconduct when such is committed, prevent its recurrence, and remedy its effects. This Policy defines and describes prohibited sexual conduct, establishes procedures for processing complaints of sexual misconduct, permits appropriate sanctions, and identifies available resources.

1.3. Notice of Nondiscrimination. The System complies with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of gender in educational programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act. Sexual misconduct, as defined in this Policy, constitutes a form of sex discrimination prohibited by Title IX and Title VII.

1.4. Applicability of this Policy. This Policy applies to all students, faculty, staff, and third parties within the System's or it's Components' control. This Policy prohibits sexual misconduct committed by or against a student, faculty, staff, or third parties. This Policy applies to sexual misconduct:

1.4.1. On Component premises;

1.4.2. At Component-affiliated educational, athletic, or extracurricular programs or activities;

1.4.3. That has an adverse impact on the education or employment of a member of the Component community; or

1.4.4. That otherwise threatens the health and/or safety of a member of the Component community.

1.5. Extent of Authority. While the Texas State University System™ is committed to investigating all complaints of sexual misconduct and there is no geographical limitation to invoking this Policy, sexual misconduct that is alleged to have occurred at a significant distance from the Component and/or outside the Component property may be difficult for the Component to investigate. Additionally, the Component's disciplinary authority may not extend to third parties who are not students or employees of the Component.
1.6. Effect of Criminal Prosecution. Proceedings under this Policy will not be dismissed or delayed because criminal investigation or prosecution is pending or charges have been reduced or dismissed. Proceedings may also continue if a party is no longer employed with or currently enrolled as a student of the Component.

1.7. Supersedes Existing Policies. In the case of allegations of sexual misconduct, this Policy supersedes any conflicting procedures and policies set forth in other Component documents.

2. Definitions

2.1. Complainant refers to the person making a complaint of sexual misconduct, and shall be referred to herein as either Complainant, Survivor, or Victim, and these terms may be used interchangeably throughout this Policy.

2.2. Component refers to all member institutions of the Texas State University System™, including but not limited to, Lamar University, Lamar Institute of Technology, Lamar State College-Orange, Lamar State College-Port Arthur, Sam Houston State University, Sul Ross State University, Sul Ross State University Rio Grande College and Texas State University.

2.3. Component Affiliated Program or Activity refers to any program or activity, on or off campus, that is initiated, aided, authorized or supervised by the Component or by an officially-recognized organization of, or within, the Component.

2.4. Component Premises. Buildings or grounds owned, leased, operated, controlled or supervised by the Component including property that is within or reasonably contiguous to the premises owned by the Component but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor.)

2.5. Consent is an informed and freely and affirmatively communicated willingness to participate in a particular sexual activity. Consent can be expressed either by words or by clear and unambiguous actions, as long as those words or actions create mutually understandable permission regarding the conditions of each instance of sexual activity. It is the responsibility of the person who wants to engage in the sexual activity to ensure that s/he has the consent of the other to engage in each instance of sexual activity. (The definition of consent for the crime of sexual assault in Texas can be found at Texas Penal Code Section 22.011).

2.5.1. The Component will consider the following factors in determining whether consent was provided:

2.5.1.1. Consent is a voluntary agreement or assent to engage in sexual activity;

2.5.1.2. Someone who is incapacitated cannot consent;

2.5.1.3. Consent can be withdrawn at any time;

2.5.1.4. Past consent does not imply future consent;

2.5.1.5. Silence or an absence of resistance does not imply consent;

2.5.1.6. Consent to engage in sexual activity with one (1) person does not imply consent to engage in sexual activity with another;

2.5.1.7. Coercion, force, or threat invalidates consent; and,

2.5.1.8. Being intoxicated or under the influence of alcohol, drugs, or any other substance is never an excuse for engaging in sexual misconduct.
2.6. Dating Violence is violence committed by a person:
   2.6.1. Who is or has been in a social relationship of a romantic or intimate nature with the Victim; and
   2.6.2. Where the existence of such a relationship shall be determined by the Victim with consideration of the following factors:
      2.6.2.1. The length of the relationship;
      2.6.2.2. The type of relationship; and
      2.6.2.3. The frequency of interaction between the persons involved in the relationship (Texas Family Code Section 71.0021.)
      http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.71.htm

2.7. Dean of Student’s Office includes the Student Affairs Office, the Student Services Office and the Dean of Student Life Office.

2.8. Family (Domestic) Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Victim, by a person with whom the Victim shares a child in common, by a person who is cohabitating with or has cohabitated with the Victim as a spouse or intimate partner or roommate, by a person similarly situated to a spouse of the Victim under the domestic or family violence laws of the State of Texas, or by any other person against an adult or youth Victim who is protected from that person's acts under the domestic or family violence laws of the State of Texas. (Texas Family Code Section 71.004.) http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.71.htm

2.9. Incoming Student refers to a student in their first semester of enrollment.

2.10. New Employee refers to a faculty or staff member who has not been previously employed by the Component or whose previous employment with the Component was more than one (1) year from his or her latest date of hire with the Component.

2.11. Parties refers to the Complainant and Respondent.

2.12. Preponderance of the Evidence means the greater weight and degree of credible evidence. Preponderance of the evidence is the standard for determining allegations of sexual misconduct under this Policy. Preponderance of the evidence is satisfied if the action is more likely to have occurred than not.

2.13. Respondent refers to the person accused of sexual misconduct and shall be referred to herein as either Respondent, Alleged Perpetrator, Accused, or Perpetrator, and these terms may be used interchangeably throughout this Policy.

2.14. Responsible Employee refers to a campus employee who has the authority to redress sexual misconduct; who has the duty to report incidents of sexual misconduct to the Title IX Coordinator or other appropriate designee, or whom a student could reasonably believe has this authority or duty. Responsible employees shall include all administrators, faculty, staff, student workers, except:
   2.14.1. Any employee with confidentiality obligations as described in Section 3 below;
      2.14.1.1. Cafeteria staff who are not assigned administrative duties;
      2.14.1.2. Custodial staff who are not assigned administrative duties;
      2.14.1.3. Groundskeeper staff who are not assigned administrative duties;
      2.14.1.4. Maintenance staff who are not assigned administrative duties;
2.14.1.5. Ranch/agricultural staff who are not assigned administrative duties; or
2.14.1.6. Staff of campus physical plant who are not assigned administrative duties.

2.15. Retaliation means any adverse action threatened or taken against a person because he or she has filed, supported, or provided information in connection with a Complaint of Sexual Misconduct, including but not limited to direct and indirect intimidation, threats, and harassment.

2.16. Sexual Assault means any form of non-consensual sexual activity representing a continuum of conduct from forcible rape to non-physical forms of pressure designed to compel individuals to engage in sexual activity against their will.\(^50\)

2.16.1. Examples of sexual assault include, but are not limited to, the following non-consensual sexual activity:

2.16.1.1. sexual intercourse (vaginal or anal);
2.16.1.2. oral sex;
2.16.1.3. rape or attempted rape;
2.16.1.4. penetration of an orifice (anal, vaginal, oral) with the penis, finger or other object;
2.16.1.5. unwanted touching of a sexual nature;
2.16.1.6. use of coercion, manipulation or force to make someone else engage in sexual touching, including touching of breasts, chest, buttocks and genitalia;
2.16.1.7. engaging in sexual activity with a person who is unable to provide consent; or
2.16.1.8. knowingly transmitting a sexually-transmitted disease to another.

2.17. Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one (1) being exploited.

2.17.1. Examples can include, but are not limited to, the following behaviors:

2.17.1.1. Prostitution another;
2.17.1.2. Non-consensual electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images without the knowledge and consent of all parties involved;
2.17.1.3. Voyeurism (spying on others who are in intimate or sexual situations);
2.17.1.4. Going beyond the boundaries of consent (such as letting friends hide in a closet to watch another friend having consensual sex); or
2.17.1.5. Distributing intimate or sexual information about another person without that person's consent.

2.17.2. Sexual Harassment is any unwelcome verbal, nonverbal, written, electronic or physical behavior of a sexual nature directed at someone, or against a particular group, because of that person's or group's gender, or based on gender stereotypes, severe or pervasive, and where it meets either of the following criteria:

2.17.2.1. Submission, consent, or rejection of the behavior is believed to carry consequences for the individual's education, employment, on-campus living environment or participation in a Component affiliated activity.

Examples of this type of sexual harassment include, but are not limited to:

2.17.2.1.1. Pressuring another to engage in sexual behavior for some educational or employment benefit; or

2.17.2.1.2. Making a real or perceived threat that rejecting sexual behavior will result in a negative tangible employment or academic consequence.

2.17.2.2. The behavior has the purpose or effect of substantially interfering with another's work or educational performance by creating an intimidating or hostile environment for employment, education, on-campus living or participation in a Component affiliated activity.

Examples of this type of sexual harassment can include, but are not limited to:

2.17.2.3. Persistent unwelcome efforts to develop a romantic or sexual relationship;

2.17.2.4. Unwelcome commentary about an individual's body or sexual activities;

2.17.2.5. Unwanted sexual attention;

2.17.2.6. Repeatedly engaging in sexually-oriented conversations, comments or horseplay, including the use of language or the telling of jokes or anecdotes of a sexual nature in the workplace, office or classroom, even if such conduct is not objected to by those present; or

2.17.2.7. Gratuitous use of sexually-oriented materials not directly related to the subject matter of a class, course or meeting even if not objected to by those present.

2.17.3. Sexual Intimidation includes but is not limited to:

2.17.3.1. Threatening another with a non-consensual sex act;

2.17.3.2. Stalking or cyber-stalking; or


2.17.4. Sexual Misconduct is a broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes but is not limited to sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence, and stalking. Sexual misconduct can be committed by men or women, strangers or acquaintances, and can occur between or among people of the same or opposite sex.

2.17.5. Sexual Violence Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. All such acts are forms of Sexual Misconduct.

2.17.6. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
2.17.6.1. Fear for his or her safety or the safety of others; or

2.17.6.2. Suffer substantial emotional distress (Texas Penal Code Section 42.072)
http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.42.htm

2.17.7. Student refers to any person who has been accepted for admission, or who is currently or was previously enrolled in the Component on either a full-time or part-time basis.

2.17.8. Third party refers to any person who is not a current student or employee of the Component, including but not limited to vendors and invited and uninvited visitors.

2.17.9. Third-Party Reporting refers to the submission of a complaint of sexual misconduct by a person on behalf of another person.

2.17.10. Title IX Coordinator is the person who has been designated by each Component to coordinate efforts to comply with and implement this Policy. The Title IX Coordinator is responsible for conducting the administrative investigation of reports of sexual misconduct and is available to discuss options, provide support, explain Component policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one (1) or more Deputy Title IX Coordinators. Each Component will identify and provide complete contact information for their Title IX Coordinator and all Deputy Coordinators in various locations, including but not limited to the Component's website; the student's handbook; the Dean of Student's Office; and Campus Police or Security.

2.17.11. Title IX Investigator refers to the person who conducts the Title IX investigation.

3. Confidentiality

3.1. Limited Confidentiality of Reports to Employees. When considering reporting options, Victims should be aware that certain Component personnel can maintain strict confidentiality, while others have mandatory reporting and response obligations. Component personnel that are not confidential reporters as described in 3.4 and who receive a report of alleged sexual misconduct are required to share the information with appropriate administrative authorities for investigation and follow up. The Component will protect a Complainant's confidentiality by refusing to disclose his or her information to anyone outside the Component to the maximum extent permitted by law. As for confidentiality of information within the Component, the Component must balance a Victim's request for confidentiality with its responsibility to provide a safe and non-discriminatory environment for the Component community.

3.2. Confidentiality Requests and Interim Measures/Accommodations. The Component's inability to take disciplinary action against an alleged discriminator or harasser because of a Complainant's insistence of confidentiality, will not restrict the Component's ability to provide appropriate measures for the reasonable safety of the Component community. The Complaint may also be used as an anonymous report for data collection purposes under the Clery Act.

3.3. Victim Identity Protected from Open Records. The Texas Public Information Act permits the identity of Victims of sexual assault to be withheld from those seeking records under the Act. (Attorney General Open Records Decision 339.)
3.4. Employees Required to Maintain Confidentiality. The following individuals are required to maintain confidentiality and shall not report any information about an incident to the Title IX Coordinator without a Victim's permission:

3.4.1. Physical and mental health professionals, including licensed counselors who provide mental health counseling to members of the school community, and those who act under the supervision of a health care employee; and

3.4.2. Individuals whose scope of employment include confidentiality requirements under Texas law.

3.4.3. Each Component will identify and provide complete contact information of such individuals in various locations, including but not limited to the Component's website; the student's handbook; the Dean of Student's Office; and Campus Police or Security.

3.4.4. These individuals will maintain confidentiality in accordance with the law and their professional rules of conduct. They will assist in a crisis situation and provide information about possible resources, some of which may include law enforcement, medical assistance, psychological counseling, victim advocacy assistance, legal assistance, Component disciplinary action, immigration services and criminal prosecution. They will not reveal the Victim's identity to anyone without the Victim's permission except under very limited exceptions (e.g., if an immediate threat to the Victim or others is present, or if the Victim is a minor). Victims need not reveal their names if calling these individuals for information.

3.5. Employees Who Must Report (Responsible Employees). A responsible employee who receives a report of sexual misconduct must report to the Title IX Coordinator all relevant details about the alleged sexual misconduct shared by the Victim. A responsible employee should not share information with law enforcement without the Victim's consent, or unless the Victim has also reported the incident to law enforcement.

3.5.1. Before a Victim reveals any information to a responsible employee, the employee should ensure that the Victim understands the employee's reporting obligations and, if the Victim wants to maintain confidentiality, direct the Victim to confidential resources.

3.5.2. If the Victim chooses to tell the responsible employee what happened but also states that she or he wants to maintain confidentiality or does not want the matter investigated, the employee should tell the Victim that the Component will consider the request but cannot guarantee that the Component will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Title IX Coordinator of the Victim's request for confidentiality.

3.5.3. When weighing a Victim's request for confidentiality or that no investigation or discipline be pursued, the Component will consider a range of factors, including the following:

3.5.3.1. the increased risk that the Alleged Perpetrator will commit additional acts of sexual or other violence, such as:

3.5.3.2. whether there have been other sexual misconduct complaints about the same Alleged Perpetrator;

3.5.3.3. whether the Alleged Perpetrator has a history of arrests or records from a prior school indicating a history of violence;
3.5.3.4. whether the Alleged Perpetrator threatened further sexual misconduct or other violence against the Victim or others;

3.5.3.5. whether the alleged sexual misconduct was committed by multiple perpetrators;

3.5.3.6. whether the alleged sexual misconduct was perpetrated with a weapon;

3.5.3.7. whether the Victim was a minor at the time of the alleged conduct;

3.5.3.8. whether the Component possesses other means to obtain relevant evidence of the alleged sexual misconduct (e.g., security cameras or personnel, physical evidence); or

3.5.3.9. Whether the Victim's report reveals a pattern of conduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

3.6. Breaches of Confidentiality. Breaches of confidentiality or privacy committed by anyone receiving a report of alleged sexual misconduct or investigating the report of alleged sexual misconduct, may be considered a separate violation of this Policy and may result in disciplinary sanctions.

4. Reporting Policies and Protocols

4.1. Reporting Options. A Victim of sexual misconduct is encouraged to report to any of the sources below. Although the Victim of sexual misconduct may decline to report the incident, the Component supports, encourages and will assist those who have been the Victim of sexual misconduct to report the incident to any individual or entity listed in 3.4, 3.5 above and/or in this Section.

4.1.1. Local Law Enforcement. An individual may report an incident of sexual misconduct directly with local law enforcement agencies by dialing 911. Individuals who make a criminal complaint may also choose to pursue a complaint through the Title IX Coordinator.

4.1.2. A criminal investigation into the matter does not preclude the Component from conducting its own investigation. The result of a criminal investigation does not determine whether sexual misconduct, for purposes of this Policy, has occurred.

4.1.3. Component Police or Security. An individual may also report an incident of sexual misconduct to the Component police or security. Reporting to such officials helps protect others from future victimization; apprehend the alleged assailant; and maintain future options regarding criminal prosecution, Component disciplinary action and/or civil action against the alleged wrongdoer. For Components that employ sworn peace officers, a Victim may request that his or her identity be kept confidential when reporting sexual misconduct to a sworn peace officer. Filing a police report does not obligate the Victim to continue with criminal proceedings or Component disciplinary action. Components shall provide the Victim contact information for their campus police or security personnel.

4.1.4. Title IX Coordinator. Any incident of sexual misconduct can be brought to the attention of the Title IX Coordinator Although the Component strongly encourages reporting sexual misconduct to the police, a Victim may request administrative action by the Component with or without filing a police report.

4.1.5. Dean of Student's Office. Any incident of sexual misconduct can be brought to the attention of the Dean of Student's Office. Although the Component strongly encourages reporting sexual misconduct to the police, a Victim may
request administrative action by the Component with or without filing a police report. The Dean of Students Office will promptly inform the Title IX Coordinator of the complaint.

4.1.6. Campus Security Authority. A complaint of sexual misconduct can be brought to a Campus Security Authority (CSA) as defined in each Component's Annual Security Report. The CSA will promptly inform the Title IX Coordinator of the complaint. Each Component will identify and provide complete contact information for their CSA in various locations, including but not limited to the Component's web page; the student's handbook; the annual security report; and the Dean of Student's Office.

4.1.7. Human Resources. A complaint of sexual misconduct may be brought to the Human Resources Department, which will promptly inform the Title IX Coordinator of the complaint.

4.1.8. Responsible Employee. An individual may report alleged sexual misconduct to a Responsible Employee (Section 2.14, page 112). A faculty or staff member with any knowledge (including firsthand observation) about a known or suspected incident of sexual misconduct (other than those individuals identified in Section 3.4, page 116) must report the incident to the Component police or security or the Component's Title IX Coordinator. No employee is authorized to investigate or resolve Complaints without the involvement of the Component's Title IX Coordinator.

4.1.9. Individuals may also file anonymous reports. Each Component shall provide the phone number and web address available for anonymous reports. Individuals who choose to file anonymous reports are advised that it may be very difficult for the Component to follow up and/or take action on anonymous reports, where corroborating information is limited. Anonymous reports may be used for Clery Act data collection purposes.

4.2. Preservation of Evidence. Preservation of evidence is critical in instances of sexual misconduct. Prompt reporting may preserve options that delayed reporting does not, including the preservation of physical evidence (which may be necessary to prove sexual misconduct or to obtain a judicial order of protection), the support of crisis counseling, and immediate police response.

4.3. Interim Accommodations/Measures. When an incident of sexual misconduct is formally reported, the Component will consider interim accommodations to protect the Alleged Victim while the incident is investigated and adjudicated through this Policy. The Title IX Coordinator and other appropriate Component administrators cooperate together to identify alternative arrangements to preserve the rights of both the Alleged Victim and the Accused, as well as provide a safe overall educational or working environment until (and perhaps after) the report is investigated and any appropriate action is taken.

4.3.1. Interim accommodations may include changing academic, living, transportation or working situations; and, any interim disciplinary action must comply with System Rules and Regulations Chapter VI, section 5.14.

4.3.2. Failure to adhere to the parameters of any interim accommodation may be considered a separate violation of this Policy and may result in disciplinary sanctions.

4.3.3. Component will honor any order of protection, no contact order, restraining order or similar lawful order issued by any criminal, civil or tribal court.

5. Retaliation
5.1. The Component takes reports of sexual misconduct very seriously and will not tolerate retaliation against those who make such reports or participate in the investigatory or adjudicatory process. Retaliation includes, but is not limited to, any adverse employment or educational action taken for making a report of sexual misconduct, or otherwise participating under this Policy. Any actual or threatened retaliation, or any act of intimidation to prevent or otherwise obstruct the reporting of sexual misconduct, or the participation in proceedings relating to sexual misconduct may be considered a separate violation of this Policy and may result in disciplinary sanctions. Any person who believes that she or he has been subjected to retaliation should immediately report this concern to their Title IX Coordinator.

6. **Immunity**

6.1. The Component considers the reporting and adjudication of sexual misconduct cases of paramount importance. The Component does not condone underage drinking, illegal use of drugs or other criminal behavior; however, the Component may extend limited immunity from punitive sanctions when appropriate for those reporting incidents and/or assisting Victims of sexual misconduct, provided they are acting in good faith in reporting or participating in an investigation.

7. **Prohibition on Providing False Information**

7.1. Any individual who knowingly files a false Complaint under this Policy, or knowingly provides false information to Component officials, or who intentionally misleads Component officials who are involved in the investigation or resolution of a Complaint shall be subject to disciplinary action.

8. **Risk Reduction Strategies**

8.1. Purpose. The Component will engage in the risk reduction strategies outlined below to limit the risk of sexual misconduct for the campus community.

8.2. Training.

8.2.1. Primary Prevention Training. Every incoming student and new employee shall participate in prevention and education training regarding sexual misconduct. Primary prevention training programs shall be designed to promote awareness of sexual offenses and to incorporate risk reduction strategies to enable community members to take a role in preventing and interrupting incidents of sexual misconduct. The Component training will be based upon research and will be assessed periodically for effectiveness. Specifically, training will include:

8.2.1.1. awareness and prevention of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking;

8.2.1.2. definitions of sexual misconduct offenses which are prohibited by the Component as defined by Texas law;

8.2.1.3. definition of consent as defined by Texas law;

8.2.1.4. risk reduction, such as recognition of warning signs of possible sexual misconduct, situational awareness and safety planning;

8.2.1.5. bystander intervention to encourage identification of situations that might lead to sexual misconduct and promote safe intervention as a means to prevent the misconduct- bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming
barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;

8.2.1.6. Procedures for reporting, investigating, and accessing possible sanctions for sexual misconduct as described in this Policy;

8.2.1.7. Options for reporting sexual misconduct and the confidentiality that may attach to such reporting;

8.2.1.8. Campus and community resources available to Complainants or Respondents;

8.2.1.9. Interim safety measures available for Complainants and,

8.2.1.10. Descriptions of additional and ongoing sexual misconduct training.

8.3. Ongoing Sexual Misconduct Training. The Component's commitment to raising awareness of the dangers of sexual misconduct includes offering ongoing education in the form of annual training, lectures by faculty, staff, mental health professionals, and/or trained non-component personnel. Ongoing training may include dissemination of informational materials regarding the awareness and prevention of sexual misconduct.

8.4. Training of Coordinators, Investigators, Hearing and Appellate Authorities. All Title IX Coordinators, Deputy Coordinators, Investigators, and those with authority over sexual misconduct hearings and appeals shall receive training each academic year including, knowledge of offenses, investigatory procedures, due process, and Component policy and procedures related to sexual misconduct.

9. Informal Resolution (Mediation)

9.1. Eligibility for Mediation. Informal resolution is available and appropriate for claims of Sexual Harassment only if:

9.1.1. Both parties are both willing to engage in mediation and consent to do so in writing;

9.1.2. The Complainant and the Respondent are both students or are both employees of the Component;

9.1.3. The Title IX Coordinator agrees that informal resolution is an appropriate mechanism for resolving the Complaint; and

9.1.4. The Complaint involves only Sexual Harassment as described in this Policy and does not involve any other sexual offense.

9.2. Mediation and Agreements. When the Title IX Coordinator determines informal resolution is appropriate and the parties consent in writing, the Title IX Coordinator will arrange or facilitate mediation in attempt to resolve the complaint. Agreements reached in mediation will be reduced to writing and signed by both parties. Agreements will be maintained by the Coordinator and shared only as necessary to implement the agreed resolution or as required by law.

9.3. Referral for Investigation. When mediation is not successful, or, if in the course of facilitating informal resolution the Title IX Coordinator learns of sexual offenses beyond sexual harassment, the informal resolution process will immediately terminate. The matter will then be referred for investigation in accordance with the procedures outlined below.

10. Investigation Procedures and Protocols
10.1. Actions upon Receiving Report. Upon Component's receipt of a report of sexual misconduct:

10.1.1. Assignment. The Title IX Coordinator will review the complaint and investigate the matter. Alternatively, the Title IX Coordinator may assign the investigation to a Deputy Coordinator or Investigator and advise the Complainant of the name and contact information of the individual assigned. Subsequent references to Investigator in this section refers to the individual investigating the complaint, whether a Title IX Coordinator, Deputy Coordinator, or Investigator.

10.1.2. Initial Meeting with Complainant. As soon as is practicable, the Investigator shall contact the Complainant (subsequent references to Complainant in this section include the Alleged Victim if the original Complainant was not the Victim) and schedule an initial meeting. At the initial meeting the Investigator will:

10.1.2.1. Provide a copy of this Policy which explains the process and rights of all parties;
10.1.2.2. Request additional information regarding the reported incident;
10.1.2.3. Explain the investigatory process;
10.1.2.4. Explain the options for reporting to law enforcement authorities, whether on campus or local police;
10.1.2.5. Discuss confidentiality standards and concerns with the Complainant and advise that confidentiality may impact the Component's ability to investigate fully;
10.1.2.6. Determine whether the Complainant wishes to pursue a resolution (formal or informal) through the Component or seeks no resolution;
10.1.2.7. Refer the Complainant, as appropriate, to the Counseling Center or other resources which may include law enforcement, medical assistance, psychological counseling, victim advocacy resources, legal resources, Component disciplinary action, immigration services, and criminal prosecution; and
10.1.2.8. Discuss with the Complainant, as appropriate, possible interim accommodations/measures as described herein.

10.1.3. Interim Accommodations/Measures. The Investigator will determine and implement interim measures as appropriate and necessary for the Complainant's safety and to limit potential retaliation. Such measures may include, but are not limited to:

10.1.3.1. Campus no-contact orders;
10.1.3.2. Reassignment of housing or work assignments;
10.1.3.3. Temporary withdrawal or suspension from the Component, in accordance with System Rules and Regulations Chapter VI, § 5.14;
10.1.3.4. Escort or transportation assistance;
10.1.3.5. Modification of class schedules; or
10.1.3.6. Restrictions from specific activities or facilities.

10.1.4. The Component shall maintain as confidential any accommodations/measures provided to the Victim, to the extent allowed by law and to the extent that
maintaining such confidentiality will not impair the ability to provide the accommodations/measures. Failure of any party to adhere to the parameters of any interim accommodation or measure may be considered a separate violation of this Policy and may result in disciplinary sanctions.

10.2. Prompt, Fair, and Equitable Investigation.

10.2.1. Timing of Investigation and Resolution. The Component shall make every reasonable effort to ensure that the investigation and resolution of a Complaint occurs in as efficient a manner as possible, with an expectation that the process (exclusive of any appeal procedures) will generally be completed within sixty (60) calendar days of the Complaint, absent extenuating circumstances. The Title IX Coordinator may modify this and any other deadlines contained in this Policy as necessary to accomplish the purposes stated and for good cause, including, but not limited to, the complexity of the investigation and semester breaks.

10.2.2. Notice of Allegations to Respondent. At the outset of an investigation, the Investigator will provide the Respondent prompt notice of the allegations against him or her in writing together with a copy of this Policy. Written Notice of Allegations will be provided to the Complainant concurrently with Respondent.

10.2.3. Equitable Treatment.

10.2.3.1. Investigator will remain neutral throughout the investigation and provide both the Complainant and Respondent opportunities to respond in person and in writing, to submit relevant documents, and to produce relevant witnesses.

10.2.3.2. The Complainant and Respondent will receive a minimum of forty-eight hours' notice of any sanction meeting, due process hearing, or appellate meeting, if any.

10.2.3.3. Both Complainant and Respondent may have a representative or advisor present at all meetings a party has with the Investigator, Title IX Coordinator, Deputy Coordinator or other Component administrator related to a complaint. The representative or advisor may provide support, guidance or advice to the Complainant or Respondent, but may not otherwise directly participate in the meetings.

10.2.3.4. The Complainant, Respondent, and appropriate officials will, at least forty-eight hours' in advance, be provided access to any information that will be used after the investigation but during informal and formal disciplinary meetings.

10.2.4. Investigation Activities. Investigator will gather and review information from Complainant, Respondent, and Witnesses. Investigator shall conduct site inspection, if necessary, and obtain other information from sources as appropriate given the nature of the complaint.

10.2.5. Report of Investigation. The Investigator will complete a written Investigative Report that includes summaries of interviews conducted; photographs, if any; documents and materials received; descriptions of relevant evidence; summaries of relevant electronic records; and a detailed report of the events related to the incident. When the investigator is not the Title IX Coordinator the Investigative Report will be submitted to the Title IX Coordinator for review and finding.
11. **Standard of Review and Finding**

11.1. Review. The Title IX Coordinator will review the Report of Investigation under the “Preponderance of the Evidence” standard (Section 2.12, page 112).

11.2. Finding. The Title IX Coordinator will make a written finding as to whether:

11.2.1. No reasonable grounds exist that the Sexual Misconduct Policy was violated and the matter is closed, or

11.2.2. It is more likely than not that Respondent violated the Sexual Misconduct Policy, and which specific sections of the Policy were violated.

11.3. Rationale and Recommended Sanctions. The finding shall include the Title IX Coordinator's basis for the decision and recommended sanctions, if any. The Title IX Coordinator will communicate the Finding in writing simultaneously to the Complainant, Respondent, and Component Administrator (Section 2.13, page 112) with authority to determine and issue appropriate sanctions, if any.

12. **Sanctions**

12.1. Possible Sanctions. Sanctions for a Finding of a Policy violation will depend upon the nature and gravity of the misconduct and/or any record of prior discipline for sexual misconduct. Sanctions may include:

12.1.1. Withholding a promotion or pay increase;

12.1.2. Reassigning employment;

12.1.3. Terminating employment;

12.1.4. Barring future employment;

12.1.5. Temporary suspensions without pay;

12.1.6. Compensation adjustments;

12.1.7. Expulsion or suspension from the Component and/or System;

12.1.8. No-contact orders,

12.1.9. Probation (including disciplinary and academic probation);

12.1.10. Expulsion from campus housing;

12.1.11. Restricted access to activities or facilities;

12.1.12. Mandated counseling (e.g. Educational programs such as batterer's intervention);

12.1.13. Disqualification from student employment positions;

12.1.14. Revocation of admission and/or degree;

12.1.15. Withholding of official transcript or degree;

12.1.16. Bar against readmission;

12.1.17. Monetary restitution; or

12.1.18. Withdrawing from a course with a grade of $WF$ or $WF$.

12.2. Sanction Decision. The responsible Component Administrator will issue a decision regarding sanctions simultaneously to the Complainant and Respondent in writing within five (5) class days of receipt of the Finding. Administrators responsible for imposing sanctions are:
12.2.1. Student Respondent Sanctions. The Dean of Students will issue sanctions for students.

12.2.2. Student Employees. Where the Respondent is both a student and an employee, the Title IX Coordinator will determine whether the Respondent's status is that of student, staff, or faculty for disciplinary purposes. When the Respondent's status is determined to be that of a student employed by the Component, the Dean of Students will consult with the Director of Human Resources or their equivalent prior to issuing sanctions.

12.2.3. Due Process Hearing.

Complainant or Student

12.2.3.1. Respondent may elect to dispute the Finding and/or the sanction through a due process hearing. Procedures for the hearing are outlined in the System Rules and Regulations, Chapter VI§ 5.7-5.9 and the Component's Student Discipline Procedures, with exceptions as follows:

12.2.3.1.1. The Component Representative for student due process hearings related to Sexual Misconduct shall be the Component's Title IX Coordinator or his or her designee;

12.2.3.1.2. The role of the hearing adjudicator(s) is to review the investigation and the appropriateness of the sanction for significant procedural errors or omissions;

12.2.3.1.3. Parties may question their own witnesses, but they shall not ask questions of each other or the other party's witnesses;

12.2.3.1.4. Each party shall receive notice of the hearing and has a right to be present; however, neither party shall be compelled to attend any hearing; and

12.2.3.1.5. When a finding of sexual misconduct is upheld, sanctions listed in Section 12.1 of this policy shall be imposed.

12.2.3.2. Staff Employee Respondents. The Respondent's supervisor, or other authority within the Respondent's chain of command, will issue sanctions in consultation with Human Resources.

12.2.3.3. Faculty Employee Respondents. The Dean, who may consult with the Department Chair as appropriate, will issue sanctions in consultation with the Provost.

12.2.3.3.1. Tenured Faculty Due Process Hearing. Tenured faculty receiving a sanction that impacts the faculty member's continued employment, full-time salary (not including summer teaching) or demotion in rank may elect to dispute the Finding and the sanction through a due process hearing.

12.2.3.3.2. Non-Tenured Faculty Due Process Hearing. A non-tenured faculty member receiving a sanction impacting the faculty member's continued employment, full-time salary (not including possible summer teaching) or demotion in rank termination sanction before the expiration of the stated period of his or her appointment may elect to dispute the Finding and sanction through a due process hearing.
12.2.3.3. Procedures for Faculty Due Process Hearing.

Hearing procedures are outlined in the System Rules and Regulations Chapter V §4.54 and the Component’s Faculty Grievance Procedures or its equivalent with the following exceptions:

The role of the hearing adjudicator(s) is to review the investigations and the appropriateness of the sanction for significant procedural errors or omissions; and

Complainant shall receive notice of the hearing and has a right to be present. Complainant shall neither be compelled to attend any hearing, nor be questioned by the Respondent.

12.2.3.4. In any situation where the responsible administrator has a conflict, the employee next in line in authority will impose sanctions.

13. Appeal of Finding or Sanctions

13.1. Right to Appeal. If either Complainant or the Respondent is dissatisfied with the Title IX Coordinator's Finding, sanction, and/or determination of a due process hearing, either party may appeal to the appropriate Component Appellate Authority as indicated below. References to "parties" in this section and in the System Rules and Regulations refer to the Respondent, Component Representative (Title IX Coordinator or designee), Component Administrator who imposed sanctions, and Complainant.

13.2. Grounds for Appeal. The grounds for any appeal are limited to the following:

13.2.1. Previously unavailable relevant evidence;
13.2.2. Substantive procedural error in the investigation or hearing; or
13.2.3. Sanction is substantially disproportionate to the Finding;
13.2.4. The finding was not supported by the evidence.

13.3. Procedure for Appeal.

13.3.1. An administrator receiving notice of appeal will provide a copy of the notice to the parties concurrently with receipt.

13.3.2. Students. Any appeal of the finding, sanction or determination of a due process hearing will be governed by the procedures outlined in the Student Conduct and Discipline Procedures in the System Rules and Regulations, Chapter VI, § 5.10 and the Component's Student Code of Conduct. However, the appeal officer (Component Appellate Authority) may only approve, reject, or modify the decision and the appeal officer's decision is final.

13.3.3. Staff Employees. Any appeal of the Finding or sanction against a staff employee will be governed by the procedures outlined in the System Rules and Regulations, Chapter I, § 2.15 and the Component's Staff/Employee Grievance Procedures or its equivalent.

13.3.4. Non-Tenured Faculty. Appeal of the Finding or sanction against a non-tenured faculty member will be governed by the procedures outlined in the System Rules and Regulations, Chapter I, § 2.15 and the Component's Staff/Employee Grievance Procedures or its equivalent. If the sanction includes non-reappointment or termination at the conclusion of a stated contract period, the
procedure for appeal will be governed by the *System Rules and Regulations, Chapter V, § 4.4.*

13.3.5. Tenured Faculty and Non-Tenured Faculty Terminated During Annual Contract Period. Any appeal of the Finding or sanction against a tenured faculty member or a non-tenured faculty member during the term of his or her annual contract of employment will be governed by the procedures outlined in the *System Rules and Regulations, Chapter V, § 2.15* and the Component's Staff/Employee Grievance Procedures or its equivalent. Any appeal of a determination of a faculty due process hearing, or a sanction impacting the faculty member's continued employment, full-time salary (not including possible summer teaching) or demotion in rank, is governed by the *System Rules and Regulations, Chapter V, § 4.5.*

13.4. Sanctions Pending Appeal. All sanctions imposed will remain in place while any appeal is pending, unless, in the discretion of the Component Administrator imposing the sanction, good cause exists to stay the sanction until completion of the appeal.

14. Final Decision

14.1. No Appeal. Decisions and sanctions imposed under this Policy are final when the period for appeal under the rules and policies referenced in paragraph 13 above have expired without initiation of an appeal by either party.

14.2. Conclusion of Appeal. An appealed decision is final as outlined in the rules and policies referenced in section 13 above.


14.3.1. The Title IX Coordinator will simultaneously notify the Complainant and the Respondent in writing of the outcome of the following stages of the process:

14.3.1.1. The Finding;
14.3.1.2. The sanction;
14.3.1.3. The outcome of a due process hearing, if any; and
14.3.1.4. The outcome of due process appeal, if any.

14.3.2. Any notice of outcome must include:

14.3.2.1. Whether the alleged conduct occurred;
14.3.2.2. Any sanctions imposed on the respondent that directly relate to the complainant;
14.3.2.3. And other steps the school has taken to eliminate the hostile environment, if the school finds one (1) to exist, and prevent recurrence;
14.3.2.4. The Respondent should not be notified of the individual remedies offered or provided to the complainant.
1. **Policy**

Lamar State College-Port Arthur shall provide equal educational opportunities for all students and equal employment opportunities for all applicants and employees and otherwise foster an environment free of racial intimidation, humiliation, and harassment. Racial harassment, as defined herein, is expressly prohibited. *Rules and Regulations*, the Texas State University System™, Section VII-7.0

"Racial Harassment" is defined as extreme or outrageous acts or communications that are intended to harass, intimidate, or humiliate students, faculty, staff or visitors on account of race, color, or national origin and that reasonably cause them to suffer severe emotional distress. It is a violation of this policy for any student, faculty, or staff member to engage in racial harassment of any person on campus or in connection with a college sponsored activity.

It is a violation for any student, faculty or staff member to use authority granted by state law, by system rule, or by college policy to deprive any person of his or her civil rights on campus or in connection with a college sponsored activity.

If a violation of this policy is committed on campus or in connection with a college sponsored activity because of the race, color or national origin of any person harmed by such violation, the violator's discriminatory purpose shall be treated as an aggravating factor for the purpose of determining the appropriate penalty.

Student, faculty and staff member offenders are subject to disciplinary action as appropriate under the circumstances up to and including dismissal for violation of this policy.

2. **Complaint**

Any employee, student or visitor who thinks he/she is the victim of racial harassment should lodge a complaint against the offender. A complaint should be filed with the appropriate College official 1) the Vice President for Academic Affairs if it is against a faculty member 2) the appropriate Division head if it is against a staff member or 3) the Dean of Student Services if it is against a student. *Complaints may be filed with any College official.* Any employee contacted about a complaint of racial harassment should immediately contact the Director of Human Resources.

2.1. **Informal Complaint**

All complaints are considered informal until they are filed in writing. The steps for seeking an informal resolution are as follows:

2.1.1. The offended individual should report the incident(s) to the appropriate College official or the Director of Human Resources.

2.1.2. The college official will work with the complainant to determine what evidence exists for the charge of racial harassment.

2.1.3. The evidence presented will be reviewed to determine if there is cause to believe a violation of racial harassment occurred.

2.1.4. If in the judgment of the college official a violation did not occur, the complainant will be so advised and given a verbal explanation of why the incident(s) described does not constitute racial harassment.

2.1.5. If the complainant does not agree with this decision, the complainant will be given the opportunity to file a formal written complaint.

2.2. **Formal Complaint**

If the college official has cause to believe racial harassment did occur, the complainant will be given the opportunity to file a formal complaint or pursue an informal resolution.
2.2.1. If the complainant chooses to pursue the informal resolution, the resource person will notify the person charged that an informal complaint has been filed against him/her and the complainant wishes to seek an informal resolution to the problem. The charged party will be given an opportunity to confirm or rebut the charge. The resource person will then meet with both parties together or independently and try to reach a mutually agreeable resolution.

2.2.2. If a resolution is not achieved, the charging party will be given the opportunity to file a written formal complaint.

2.2.3. The College may elect to pursue the charge even if the complainant does not elect to proceed.

2.2.4. To be considered a formal complaint; the complaint must be submitted to the appropriate college official in writing within ninety (90) days of the most recent incident and must include the resolution being sought. A complaint should be filed with 1) the Vice President for Academic Affairs if it is against a faculty member 2) the appropriate Division head if it is against a staff member or 3) the Dean of Student Services if it is against a student. Complaints may be filed with any College official. Any employee contacted about a complaint of racial harassment should immediately contact the Director of Human Resources. Appeals must be filed within five (5) working days of receiving an answer and each step should be completed within ten (10) working days.

2.2.5. Step One

2.2.5.1. The college official will review the written complaint with the charging party.

2.2.5.2. If the college official does not feel there is cause to believe that racial harassment occurred, he/she will so advise the complainant in writing stating the reason(s) for the decision.

2.2.5.3. If the college official thinks there is cause to believe that racial harassment did occur, he/she will notify the charged party that he/she has been formally charged with racial harassment and give him/her a copy of the written charge. The accused party will be given the opportunity to confirm or rebut the charge in writing.

2.2.5.4. The college official will then meet with both parties either together or separately and try to reach a mutually agreeable resolution.

2.2.6. Step Two

2.2.6.1. If a solution is not reached in Step One, the college official and the Director of Human Resources will meet with both parties, either together or separately, to review both sides of the issue.

2.2.6.2. The college official and the Director of Human Resources will then mutually agree on a resolution which will be communicated in writing to both parties.

2.2.6.3. Both parties will be instructed by the Human Resources Office to comply with the terms of the resolution.

2.2.7. Step Three

2.2.7.1. The decision may be appealed by either party to the President by submitting a written statement to the Director of Human Resources. The appeal must include the basis for the appeal and the remedy sought.
2.2.7.2. The President will take whatever action he feels appropriate to resolve the complaint. The President's decision is final and binding.

2.2.7.3. Lamar State College-Port Arthur may take appropriate disciplinary action for any racial harassment occurring in the employment or academic environment even in the absence of an individual complaint. Disciplinary action may consist of action up to and including termination of employment or, in the case of a student, dismissal from the College. If disciplinary action is imposed, the accused shall have his/her full right to invoke applicable due process procedures.

2.2.7.4. If a complaint, whether informal or formal, is filed against a college official or the Director of Human Resources, the functions assigned to the person by these procedures will transfer to the President or his designee.

2.2.7.5. The complainant and the respondent both have the right to bring an advisor to the meeting. The advisor may not act as a participant, but may render consultation to the advisee. If either party chooses to exercise this option, he/she shall submit the name of the advisor in writing to the Director of Human Resources at least forty eight (48) hours prior to the meeting.

3. Retaliation

Under no circumstances will Lamar State College-Port Arthur permit retaliation against an individual in any way as result of seeking relief under this policy.

POLICY: 5.23 PROHIBITION OF WEAPONS
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 5.23
APPROVED: December 2005; May 2014

1. Policy

It is a violation of the Texas State University System™ Rules and Regulations to possess, carry or otherwise cause a firearm, handgun or other prohibited weapons, licensed or otherwise, concealed or otherwise to be brought on the premises of a System component.

1.1. “Premises of a System component” as used in this section means a structure and the land (including parking lots, garages, or other appurtenances, on which the structure is situated) over which this Board has ownership or control. This prohibition extends to leased, borrowed or other facilities where a System or Component function, event, or activity takes or is taking place but does not apply to: a) presidentially approved academic or other programs (for example, ROTC or administrator residences, or Component sponsored or approved events); b) law enforcement personnel, acting in performance of their duties; or, c) the transporting of such firearms handguns, or other prohibited weapons for registration with and storage by the Component public safety office.

1.2. “Prohibited Weapons” as defined by Texas Penal Code, section 46.01, includes the following;

1.2.1. “Club” means any instrument (for example, a blackjack, nightstick, mace, numb chuck or tomahawk) that is specifically designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person.
1.2.2. “Explosive weapon,” means any explosive or incendiary bomb, grenade, rocket, or mine that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror (whether such a weapon is designed, made, or adapted for delivery or shooting);

1.2.3. “Firearm,” means any device designed, made, adapted, or readily adaptable to expel a projectile through a barrel by using the energy generated by an explosion or burning substance (excluded are antique or curio firearms manufactured before 1899 or replicas thereof, provided they do not use rim fire or center fire ammunition), including, but not necessarily limited to handguns, machine guns, rifles, “zip guns,” stun guns, and “short-barrel firearms”;

1.2.4. “Illegal knife,” means any bladed, hand instrument that: a) has a blade over five and one-half inches; b) is capable of inflicting serious bodily injury or death on a person by cutting, stabbing, or throwing (for example, a dagger, dirk, stiletto knife, poniard, bowie knife, switchblade knife, sword, or spear);

1.2.5. “Knuckles,” means any instrument that consists of finger rings or guards made of a hard substance and that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

1.2.6. “Hoax bomb,” means a device that; a) reasonably appears to be an explosive or incendiary device; or, b) by its design causes alarm or reaction of any type by policy, public safety, or other administrators at a system component, who are charged with assuring campus safety;

1.2.7. “Chemical dispensing device,” means a device (other than a chemical dispenser sold commercially for personal protection) that is designed, made, or adapted for the purpose of dispensing a substance capable of causing adverse psychological or physiological effect on a human being.

POLICY: 5.24 RECOGNITION OF SERVICE AND RETIREMENT
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 5.24
APPROVED: 
REVISED: January 2006

1. Policy
Lamar State College-Port Arthur offers recognition of service awards to employees who have completed career milestones of five (5) or more years of service to the College and employees who retire under the provisions of the College’s Retirement Plan.

2. Eligibility
Regular full-time employees are eligible for employee recognition awards after completion of five (5) years of College service and every five-year period thereafter.

2.1. Time spent on family medical leave will count toward service.

2.2. Employees not currently employed at the time of the awards ceremony are ineligible for an award.

2.3. Full time employees who retire under the provisions of the College’s Retirement Plan are eligible for a service award if the full required service time has been earned.
2.4. The awards program will recognize service to Lamar State College-Port Arthur in five (5) year increments; thus, awards shall be presented to employees with 5, 10, 15, 20, 25+ years of continuous service. The cost of each award shall not exceed that amount established by the State of Texas.

2.5. At the time of the award the employee must hold a full time or 100% FTE position.

2.6. Part-time Student Assistant, Student Work Study, hourly or part time employment will count toward Staff Awards service time.

2.7. Periods of leave (not including FML) will not be counted toward service time.
SECTION 6: EMPLOYEE BENEFITS

POLICY: 6.0 INSURANCE
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 6.0
APPROVED:
REVISED: March 2002; December 2005

1. Policy

The College has developed a variety of benefits available to eligible employees. Participation in the various benefits is usually voluntary and predicated on meeting certain eligibility requirements. Some benefits have mandatory participation. Each benefit contained in this section is explained in general terms. For specific information employees should contact the Human Resources Office.

2. Insurance

2.1. All benefits-eligible employees may participate in the College group insurance plans administered by the Employee Retirement System of Texas. The Human Resources office is responsible only for administration of the programs and record keeping. The Human Resources office staff is available to provide general assistance to employees in dealing with insurance issues but each employee is individually responsible for meeting the requirements set by the insurance company policies.

2.2. Currently, the College has insurance coverage available in dental, medical/hospitalization, life, dependent life, accidental death and dismemberment, long term care, and short and long term disability. Participation in any of these programs is voluntary.

2.3. The amount of state contribution, by current state law, provides coverage for medical and basic life coverage for the employee only. If the dependents are enrolled, a lesser contribution will be made toward the dependent’s premium.

2.4. The State of Texas provides a contribution towards the premiums for medical and basic life coverage. The amount of the contribution is set each legislative session. The employee must pay for coverage beyond the basic plan through payroll deductions. Long term care premiums are paid to the carrier.

3. Reimbursement Account

The following TexFlex Reimbursement Accounts are administered by the ERS Deferred Compensation and Flexible Benefits Division.

3.1. Health Care Reimbursement Account (HCRA)

The TexFlex HCRA plan allows employees to set aside money from their salary on a pre-tax basis to pay for eligible health care expenses not paid by insurance for themselves and their eligible dependents. Eligible dependent must meet the IRS guidelines as a qualifying child or a qualifying relative.

Eligible health care expenses include eyeglasses, contact lenses, braces, physician and dental visit expenses, prescription drugs, deductibles, copayments, some over-the-counter drugs, and many more items.

3.2. Dependent (Day) Care Reimbursement Account (DCRA)

The DCRA plan allows employees to set aside money from their salary on a pre-tax basis to pay for eligible costs of care for a qualifying child or qualifying relative. If the employee is
married, the spouse must be employed, a full-time student, or be mentally or physically incapable of self-care.

POLICY: 6.1 RETIREMENT PROGRAMS
SCOPE: FACULTY AND STAFF
POLICY: 6.1
APPROVED:
REVISED: March 2002; January 2006; February 2012

1. Policy

This policy will identify and briefly describe the four (4) retirement programs available at the College: Teacher Retirement System (TRS), Optional Retirement Program (ORP), Tax Deferred Account Program (TDA), and Deferred Compensation Program (DCP). The policy also briefly describes the Retiree Insurance Programs offered through the Employees Retirement System of Texas (ERS). Detailed information for all programs is available in Human Resources.

2. Eligibility Criteria

2.1. A regular employee is defined as one (1) who is employed to work at least twenty hours per week for a period of at least four (4) and one-half months, excluding students employed in positions which require student status as a condition of employment.

2.2. All regular College employees are required to become a member of either the Teacher Retirement System (TRS) or the Optional Retirement Program (ORP). All regular employees become eligible for either TRS or ORP the first day of employment.

2.3. If the employee is eligible to choose between TRS and ORP, the eligible employee will make an election. If the election is not made during the first 90-day period, the employee will automatically be enrolled in the TRS. Full-time faculty, certain professionals and administrators may elect the Optional Retirement Program in lieu of TRS within an additional ninety days after becoming eligible. If the employee chooses to participate in ORP during the additional ninety-day period, they will receive a refund for money the employee contributed into TRS.

The decision to choose between the ORP and TRS is a one-time irrevocable choice. The ORP and TRS are two (2) distinct plans suitable to different individual needs.

Eligibility criteria for ORP are published in Chapter 25, Rules and Regulations of the Texas Higher Education Coordinating Board.

2.4. Participation in the TDA and DCP programs is voluntary, is in addition to membership in the TRS or ORP, and is available to both TRS and ORP participants.

3. Definitions

3.1. Teacher Retirement System (TRS).

TRS is a tax-deferred defined-benefit plan in which investment risks are absorbed by the state. Both the employee and the employer make contributions to TRS based on legislatively-determined percentages of the employee’s salary. Contributions go into a large trust fund that is managed by the TRS. It provides stability and does not require any investment decisions from individual members. Benefits are available for retirement, disability and death. Retirement benefits are based on a legislatively-determined formula that uses highest salary and number of years of service at certain ages. Retirement income is provided for a specified number of years or for life. Upon termination from Texas public education, TRS members who do not desire a retirement benefit may withdraw employee contributions (plus interest). Employer contributions remain with TRS.Optional Retirement Program (ORP).
3.2. Optional Retirement Program (ORP)

ORP is a tax-deferred defined-contribution plan under IRS section 403(b) in which each participant selects from a variety of investments offered by several companies through annuity contracts and mutual fund investments. Both the employee and the employer make contributions to ORP based on legislatively-determined percentages of the employee’s salary. Since participants manage their own personal investment accounts, ORP entails more individual risk and responsibility than that associated with TRS membership. Benefits are a direct result of the amounts contributed and the return on investments made by each participant. Upon termination from Texas public higher education, ORP participants who have more than one (1) year of participation retain control over all investments (both employee and employer contributions). In the case of participants with one (1) year or less participation, employer contributions must be returned to Lamar State College-Port Arthur. Post-termination distributions are determined by individual contract provisions and federal income tax law. Contracts may provide for lump sum withdrawals, periodic withdrawals or annuity income for a specified number of years or for life. Administrative costs are paid through varying fees, “loads”, and/or interest paid.

3.3. ORP Employer Contribution Rate

3.3.1. Effective 9/1/91, the Texas Legislature changed the employer contribution rate from 8.5% to 7.31%. Lamar State College-Port Arthur authorized the use of other funds to provide a 1.19% supplement for all participants (new or continuing) to restore the 8.5% rate.

3.3.2. Effective 9/1/95, the Texas Legislature reduced the employer contribution rate to 6% and all new participants became ineligible for the supplement. The rate for participants who were contributing on 8/31/95 remained at 7.31%. For these grandfathered participants, Lamar State College-Port Arthur authorized the use of other fund to continue providing the 1.19% supplement for a total rate of 8.5%.

3.3.3. Effective 6/20/03, the Texas Legislature allowed any participant who had been enrolled in Texas ORP at any time before 9/1/95 (with or without a break in service) to receive the higher grandfathered contribution rate of 8.5%. An employee who transfers from a non-Texas ORP plan, and has never been enrolled in a Texas ORP is considered a new participant and, therefore, only eligible for the 6% contribution rate.

3.3.4. Effective 9/1/2011-8/31/2012, the state contribution rate is 6.0%. Institutions are authorized to provide local supplements to the ORP state base rate (up to 2.5 percent for grandfathered employees).

3.3.5. Effective 9/1/2012 – 8/31/2013, the state contribution rate is 6.4%. Institutions are authorized to provide local supplements to the ORP state base rate (up to 2.5 percent for grandfathered employees).

3.4. Tax Deferred Account (TDA).

The TDA Program is a voluntary 403(b) plan which provides an opportunity for employees to save pre-tax dollars from their salaries in addition to either TRS or ORP. There are no employer contributions under this program. A salary reduction agreement signed by the employee at any time of the year authorizes Lamar State College-Port Arthur to send pre-tax salary amounts to a TDA with an approved carrier.

The maximum allowable deferral is determined by the IRS. Withdrawals are only permitted when an employee separates from service, dies, reaches age 59 ½, becomes disabled or qualifies for financial hardship. Some contracts provide for low-interest loans.
3.5. Deferred Compensation Program (DCP).

This voluntary program called the Texa$aver Plan is a 457 Plan and is separate from and in addition to the other retirement programs. Under DCP, an employee may enter into an agreement with the College at any time to reduce the employee’s taxable income and save for retirement on a tax-deferred basis. The amount of reduction is invested in products approved by the Employees Retirement System of Texas (ERS).

The maximum allowable deferral is determined by the IRS. Withdrawals are only permitted when an employee leaves state employment, dies, reaches age 70 $\frac{1}{2}$ or qualifies for financial hardship.

3.6. Years of Service.

3.6.1. Years of Service include all prior state service where an employee was eligible for ORP, TRS, or ERS retirement programs, as verified by each retirement system.

4. Approval of ORP and TDA Carriers

4.1. All companies which meet federal, state and college conditions and procedures for approval will be allowed to write Optional Retirement Program and Tax Deferred Account contracts.

4.2. All companies desiring approval to sell ORP or Tax Deferred Account contracts must submit the required documentation according to the College’s vendor specifications.

4.3. Human Resources staff will review all applications submitted and recommend additions or deletions to the Board of Regents for Optional Retirement Program carriers or the Vice President for Finance for Tax-Deferred Account carriers.

5. Procedures For Retirement

5.1. An employee must meet the following minimum criteria to be eligible for retirement from Lamar State College-Port Arthur under either ORP or TRS:

5.1.1. Eligibility requirements for unreduced service retirement if you joined TRS before September 1, 2007, and remain a member until retirement:

5.1.1.1. Age 65, with at least 5 years of TRS service credit or

5.1.1.2. Rule of 80 (your age and years of TRS service credit total 80), with at least 5 years of TRS service credit

5.1.2. Eligibility requirements for unreduced service retirement if you join TRS on or after September 1, 2007:

5.1.2.1. Age 65, with at least 5 years of TRS service credit: or

5.1.2.2. Age 60, with at least 5 years of TRS service credit, and you meet the Rule of 80; or

5.1.2.3. Age 55 with at least 20 years of TRS service credit, and you meet Rule of 80, and you are grandfathered. (see TRS Benefits Handbook)

5.1.3. Eligibility requirements for reduced annuity:

5.1.3.1. Age fifty-five with five (5) or more years of service: or

5.1.3.2. Any age below fifty with thirty or more years of service (may or may not be a reduced annuity); or

5.1.3.3. Any age if approved for “disability retirement”.

6. Service is defined as any combination of creditable service as a member of TRS or the ORP in the State of Texas.
6.1. The employee should notify his or her supervisor of an intended retirement date at least thirty (30) days in advance or more if possible.

6.2. A TRS employee should contact TRS four (4) to six months prior to the date of retirement and submit a “Request for Estimate of Retirement Benefits” form (TRS 18). Members must file an “Application of Service Retirement” form (TRS 30) with TRS before the effective date of retirement which is always the last day of the retirement month.

An ORP employee should contact his or her individual carrier or carriers to make arrangement for distribution of funds. Distribution may be delayed if desired. However, a minimum distribution is required by the IRS at age 70 ½.

6.3. The employee should contact Human Resources a minimum of thirty days in advance of retirement to complete necessary paperwork and insurance enrollment forms. Retiree insurance enrollment is open for thirty days after retirement (if applicable).

7. Retiree Insurance Eligibility Criteria

Health and other insurance benefits for members and retirees are subject to change based on available State funding. The Texas Legislature determines the level of funding for such benefits and has no continuing obligation to provide those benefits beyond each fiscal year.

7.1. An employee must meet all of the following criteria to be eligible for retiree insurance through ERS.

7.1.1. Service Credit. General Requirement
You have at least 10 years of service credit in ERS, TRS, the Optional Retirement Program (ORP), or any entity that participates in the state retirement program.

7.1.2. Service Credit. Group Benefits Program participation Requirement
Of the required 10 years of service credit in #1 above, employees hired after 8/31/01 must have 10 years of actual service in a GBP-participating agency or institution to qualify for retiree health insurance. Employees hired prior to 9/1/01 are grandfathered under the old rule, which required 10 years of service, but only three (3) years of actual service with a GBP-participating agency.

There are two (2) exceptions: (1) If you started work for the State before September 2001, you may qualify for insurance benefits if for at least three (3) of your 10 years you were an employee at a state agency or institution of higher education participating in the GBP. (The University of Texas and Texas A&M University Systems and all public independent school districts do not participate in the program.) (2) If your service with the State began after September 2001, you must have 10 years of service credit with an agency or higher education institution participating in the GBP to receive retiree group health, dental and optional insurance benefits.

In addition, any member who has purchased five (5) years of military service and also has five (5) years of state service prior to 9/1/01 can qualify for retiree health insurance.

8. Age or Rule of 80 Requirement
You are at least 65 or retire under the rule of 80. If you do not retire under the Rule of 80 and are less than age 65 with at least 10 years of service credit at the time of retirement, you will not be eligible for GBP health insurance until you reach age 65.

9. Employment Status I
You have terminated employment from all state agencies and institutions that participate in the state insurance program or are no longer eligible for the program as an employee.

10. **Employment Status II**

Your last place of public employment prior to retirement was with an agency or institution participating in the State's insurance program.

11. If an employee retirees below age 65 with at least 10 years eligible service credit and does not meet the Rule of 80 requirement at the time of retirement, the following may apply.

11.1. **Retired at less than age 65 – retired directly from active employment** – and not subject to a 90-day waiting period: The 65th birthday is the event that makes a retiree eligible for health insurance.

   Evidence of insurability is not required to obtain health insurance, provided enrollment occurs during this initial period of eligibility. A positive election for health insurance must be made before the first day of the calendar month following the retiree’s 65th birthday to enroll without EOI.

   If the retiree’s 65th birthday falls on the first day of a month, the effective date will still be the first of the following month.

11.2. **Retired at less than age 65 – retired from a non-contributing status** – and subject to a 90-day waiting period (terminated employment prior to retirement). The 65th birthday is the event that makes a retiree eligible for health insurance. Evidence of insurability is not required to obtain health insurance, provided enrollment occurs during this initial period of eligibility. A positive election for health insurance must be made before the first day of the calendar month following 90 days after the retiree’s 65th birthday to enroll without EOI.

   If the 90th day falls on the first day of a month, the effective date will still be the first of the following month.

12. **COBRA – GBP interim insurance –Optional coverage.** An employee who terminates and/or retires before age 65 may be eligible for up to 18 months of COBRA coverage. In addition, a retiree and his or her dependents are eligible for GBP Interim Insurance until age 65 provided the retiree:

12.1. Served in a position eligible to participate in the GBP as a state officer or employee on or before August 31, 2003; and

12.2. At the time of retirement meets the requirements for retiree health insurance as those requirements existed on August 31, 2003.

13. **A retiree eligible for GBP interim insurance** will pay the total actuarial cost as determined by ERS board. Retirees are encouraged to utilize COBRA coverage first since the premiums for interim insurance are much higher than COBRA.

14. **Procedures For Employment After Retirement**

14.1. TRS service retirees who plan to work in Texas public education after retirement should carefully review all requirements that apply to such work. If the retiree does not effectively terminate employment, or if the retiree’s work is not in compliance with the requirements, the retiree could:

   14.1.1. Revoke his or her retirement entirely, or

   14.1.2. Lose monthly annuity payments for work that exceeds the allowable amount.

14.2. To work after retirement without revocation of retirement or loss of benefits, a retiree must:

   14.2.1. Terminate all employment with a TRS-covered employer
14.2.2. Wait to negotiate a return to employment as permitted under law, 
14.2.3. Not be employed or otherwise work for a TRS-covered employer during the required one (1) full calendar month break in service after the retirement effective date, and 
14.2.4. Work only the amount of time permitted under one (1) of the employment-after-retirement exceptions. The exceptions permit certain kinds of employment without losing the annuity for the month in which the employment is performed. 
These requirements apply to all retirees, service and disability and both normal and early age. However, there are some differences in how the requirements are applied, depending on retirement circumstances. Please contact TRS if you are considering returning to employment in Texas public education after retirement and are unsure whether your employment will affect your retirement or your monthly annuity payment.

14.3. ORP Retirees. Beginning immediately after retirement, retirees may return to work without any restrictions.

15. Procedures For Obtaining Information and Evaluation
15.1. Human Resources Office will maintain current information on all retirement programs, including a list of all approved TDA and ORP carriers, and is responsible for processing all retirement program applications.

16. Certification Statement
The Retirement Programs Policy has been approved by the following individuals in their official capacities and represents Lamar State College-Port Arthur policy and procedure from the date of this document until superseded.

Reviewers of this APP include the following:
President
Director Human Resources

POLICY: 6.2 EMPLOYEE EDUCATION AND TRAINING PLAN
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 6.2
APPROVED:
REVISED: June 2000

1. Purpose
The Employee Education and Training Plan ("the Plan") provides employees of the four Lamar components of The Texas State University System™ ("Lamar components") with assistance in obtaining additional college-level education and training to increase their value to the employing Lamar component. The Plan is intended to operate such that payments made under it qualify, in the case of undergraduate classes required in a degree plan, as qualified tuition reduction under Section 117 of the Internal Revenue Code; or, for all other courses, as business expenses for courses related to the employee's present position, under Section 162 and thus excludible from taxable income under Section 132(d). As such, the Plan represents an internal administrative procedure for the Lamar components. It is not intended to operate as a fringe benefit plan under Section 127 of the Internal Revenue Code.

2. Definitions
2.1. **Benefits-Eligible Employee.** Any Lamar component employee defined as a regular full-time employee by the Teachers Retirement System of Texas is a Benefits-Eligible Employee. This includes all persons employed for a definite period of at least four and one-half months or one (1) long semester at a workload not less than one-half of the standard workload, excluding those employees who are required as a condition of employment to be enrolled as students.

2.2. **Course.** Any course offered by a Texas state institution of higher education for which Academic or Technical credit is awarded upon successful completion of the course. The term "course" shall include any associated laboratory or other practical instruction only if such instruction is an integral part of the course, and is not separately numbered. The term course shall include "Developmental" and "Pre-Collegiate" courses and laboratories that are offered on a regular basis by a Lamar component and published in its official undergraduate academic catalog.

2.3. **First Class Day.** For a class offered under any regularly published semester or term schedule, the official "first class day" established for that semester or term regardless of the actual date of the first meeting of the specific class. For any class for which an official "first class day" is not established or cannot be determined under the preceding definition, the date of the first scheduled meeting of the class.

2.4. **Standard Workload.** The standard workload for an employee (100% FTE) shall be the workload defined in State law or regulation as the standard workload. If no such definition is available, the percent FTE reported for that employee to the Texas Higher Education Coordinating Board in accordance with Lamar component rules and procedures shall be used for purposes of the plan.

3. **Eligibility**

3.1. A Benefits-Eligible Employee is eligible to make application for payment under the plan for any course, the First class day of which falls on or after the day that the employee has been a Benefits-Eligible Employee for a continuous period of six (6) calendar months.

3.2. An employee whose application is significantly incorrect in fact, who violates the provisions or procedures of the plan, or who fails to complete his or her obligations under the Plan, may be declared ineligible for any subsequent participation in the Plan.

4. **Payments**

4.1. Payments will be made, subject to the other provisions of the Plan, for any course which will maintain or improve the skills required for the employee's current job. The institutions have determined that, since the primary business of each is to provide courses leading to a degree, any undergraduate degree will improve the skills required of any employee. Payment will thus be made for any undergraduate course which is required on any degree plan that the employee may be pursuing. Payment for graduate classes or other undergraduate classes will be made only if the employee's supervisor certifies that the specific course is directly relevant to the employee's current position.

4.2. Payments will be made, subject to the other provisions of the Plan, for no more than one (1) course per semester for any employee.

4.3. Payments are applicable only to the course for which approval was granted. A new application must be fully approved as specified in Section V before a different course may be substituted under "drop and add" procedures for the originally approved course.

4.4. If an employee has previously been the beneficiary of payment under this plan for a course, payment will not be made a second time for the same or an equivalent course, except when the course was officially dropped (or the student officially withdrew) owing to documented
medical causes or at the request of the employee's supervisor on account of workload considerations.

4.5. Payments will be made, subject to the other provisions of the Plan, for no more than two (2) courses per academic year (nominally September 1 through August 31) for any employee. Payments will be made during summer terms for eligible employees even though they are not employed during the summer months if such employees are Benefits-eligible during the semester immediately preceding the summer, unless they have resigned or their employment has been permanently or indefinitely terminated.

4.6. The maximum payment for any one (1) course shall comprise tuition and all fees associated with the course. In the event that an employee is enrolling in more than one (1) course at a Lamar component or component(s) during the same semester, the employee shall pay the incremental charges for tuition and other fees resulting from the additional course(s). Payments will not be made for any deposits or other charges which are refundable at the end of the course or subsequently.

4.7. Payments for courses taken at a Lamar component will be paid directly to the component.

4.8. Travel expenses will not be reimbursed under this plan.

4.9. Refunds for dropped or withdrawn Lamar component courses will be refunded back to the Lamar account from which they were paid.

4.10. In order to conform to IRS regulations and guidance, payment will be made for Physical Activity Courses (PEGA or PHED prefixed courses) only to the extent that such courses are required for graduation.

5. Availability of Funds For The Plan

5.1. Payments under the Plan are subject to funds being available in the Lamar component budget. The component is not required to make any funds available in any given fiscal year. In the event that funds available in any given year are not sufficient to fund all applications for payments, approved applications shall be funded in order of receipt by the finance office of the employing component until available funds are exhausted.

6. Applications For Payment

6.1. An employee applying for payment under the Plan must complete the appropriate application form, and submit it to his/her Account Manager and/or Dean (as indicated on the form) for approval of the course to be taken. The Account Manager or Dean may decline to approve payment for a course if the employee is not in good academic standing or is not making satisfactory academic progress as defined in the rules governing federal student financial aid. The application shall then be submitted to the Human Resource Office. Payment will be authorized only after completion by all administrative offices.

7. Miscellaneous

7.1. Nothing in the Plan shall in any way modify or waive any Lamar component entrance or other academic requirements or course prerequisites. Approval of payment under the Plan does not constitute approval to be absent from assigned duties during normal working hours. If the component's Human Resources policies allow, and the employee's supervisor and those above the supervisor approve, release time of up to three (3) hours per week may be granted in order to take the course. Additional time during working hours that may be required must be accounted for under leave and compensatory time procedures. Permission to be absent from assigned duties is at the sole discretion of the employing component. Nothing in this policy shall be construed as requiring any component, administrator or supervisor to approve release time during normal working hours. Components may treat each application for release time based on the particular expertise, duties and
responsibilities of the individual employee involved, even though this may result in some employees being permitted release time and others not.

7.2. An employee shall, within six weeks of the end of any semester in which a course was taken under the Plan, submit a copy of the Semester Grade Report, or a copy of a transcript which includes the grade for the course, to the Human Resources office of the employing component for inclusion in the employee's general employment record file in that office.

7.3. Nothing in the Plan shall be construed as prohibiting a Lamar component from making payment outside this plan for any course or training for any employee when taking such course or training is initiated by a supervisor or administrator.

POLICY: 6.3 CORPORATE TRAVEL CHARGE CARD
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 6.3
APPROVED: 
REVISED: September 2003; January 2006

1. Policy
Employees who are issued a corporate travel charge card accept an obligation to pay all charges incurred on a timely basis and to use a charge card only for official state business use. You will be responsible for full payment of monthly bills received. The College will continue to reimburse employees for all business-related charges in accordance with the State of Texas Travel Allowance Guide published by the Comptroller of Public Accounts. We ask that you use it for all your official state business expenses.

2. Contract Information
The State Travel Management Program (STMP) of the Texas Building and Procurement Commission (TBPC) secured a contract with JPMorgan Chase to provide MasterCard corporate travel charge card services for state travelers.

3. Eligibility
3.1. Employees must take, or be expected to take, three (3) or more trips per fiscal year or
3.2. Expend at least $500 per fiscal year in business related expenses.

4. Procedure
Prior to issuance of an individual charge card, a card use agreement must be signed.

5. Additional Benefits
Some of the benefits which you will receive with the State of Texas issued card are listed below:
5.1. No annual fees.
5.2. No minimum salary requirements.
5.3. Credit limits and payment information are not reported to the credit reporting bureau, thus affecting personal credit history, unless JPMorgan Chase is to the point of charging off a delinquent account. If an account is charged off by JPMorgan Chase then they will report all information to the credit reporting bureau and that will show up on an individual’s credit history report.
5.4. **Travel Accident Insurance:** Each cardholder who purchases a common carrier ticket with their Commercial Card is automatically insured in the amount of $500,000 against Accidental Bodily Injuries that result in death or dismemberment at no additional cost.

5.5. **Lost Luggage Insurance:** When a cardholder pays for the cost of common carrier tickets with his/her Commercial Card or via a card less account, he/she will be eligible to receive supplemental reimbursement for lost luggage of up to $1,250.

5.6. **Automobile Rental Insurance:** JPMorgan Chase also offers primary Collision/Loss Damage Insurance for up to 31 consecutive days of car rental. This insurance covers up to $50,000 per incident on claims for which the cardholder or any other authorized driver is legally responsible to the vehicle rental company. This also includes Secondary Personal Effects Insurance which covers loss, damage or theft of such effects.

6. **Payment Guidelines**

6.1. All accounts are payable upon receipt of the statement.

6.2. An account is considered by JPMorgan Chase to be delinquent 31 days after the billing date.

6.3. When an account reaches 61 days past due, it is suspended until it is paid. Accounts that reach 90 days past due will be cancelled and will not be reopened.

6.4. Individual corporate travel charge cards will be assessed delinquency charges on past due balances. If all or any portion of a payment is not received by JPMorgan Chase by the 58th day after the first Statement Date, Bank One will assess a late fee equal to **2.5% of all Past Due Balances** on such day after the first Statement Date and every thirty days thereafter until payment is received by Bank One. Delinquency assessments **are not reimbursed** by the State.

If you meet the criteria established by JPMorgan Chase and wish to apply for a JPMorgan Chase Card, fill out the application and Card Use Agreement and return them to the Corporate Card Administrator in the Business Office.

7. **Delinquency**

The delinquency assessments for individual accounts, in accordance with the State of Texas contract are as follows:

7.1. If an account ages to sixty (60) days past due, a 2.5% delinquency assessment will be charged and the account will be suspended.

7.2. Accounts that are ninety (90) days past due will receive another 2.5% delinquency assessment and the account will be cancelled.
services (when appropriate) are provided at no cost to the employee. Additional costs to the employee may result from referral. Some costs may be covered by the employee's health insurance.

2. Procedure

2.1 An employee wishing to use the EAP may call directly to schedule an appointment with one (1) of the EAP counselors. Telephone numbers are available on posters throughout the campus, and in the Human Resources Office.

2.2 The EAP is completely confidential. The only exceptions to the guarantee of confidentiality are cases involving life-threatening situations or legal mandatory reporting requirement (for example, child abuse). Participation in the program is not included in an employee's personnel file, and retaliation as the result of participation in the program is prohibited.

2.3 The employee may attend an EAP sessions during work hours without losing pay if the employee requests approval for the absence from his/her supervisor. Sick leave, vacation leave, or compensatory time leave may be used if available. If the employee doesn't have accrued leave available, the time will be considered leave without pay.

POLICY: 6.5 EMPLOYEE HEALTH AND WELLNESS PROGRAM
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 6.5
APPROVED: March 2006
REVISED: April 2014

1. Policy

1.1 The Health and Wellness Program encourages the faculty and staff to practice a sound health maintenance program through regular physical activity and sound health/risk practices. This program outlines the opportunity for regular Lamar State College–Port Arthur employees to participate in a voluntary wellness program utilizing educational and recreational facilities on the Lamar State College–Port Arthur campus.

1.2 Chapter 664 of the Government Code authorizes state agencies to use funds and facilities for fitness programs.

2. Objectives

2.1 Encourage regular physical activity by allowing access to the Fitness Center during recreation hours at no charge.

2.2 Identify early health risks by scheduling medically supervised health appraisals for cardiovascular fitness, body fat composition, and regular preventive physical examinations.

2.3 Provide a fast, efficient reaction to accidents and illness by offering certification courses in Cardiopulmonary Resuscitation, and First Aid.

2.4 Provides information about current research on special topics, i.e. Smoking Cessation, Weight Loss, Nutrition, and Stress Management in a monthly newsletter.

3. Procedures for Participation

3.1 All participants will be asked to sign a waiver-of-liability form.

3.1.1 Faculty/Staff Employees
3.1.1.1 Any faculty/staff employee with a current employee I.D. may have access to the workout facilities in the Parker Center.

3.1.2 Spouses and Community Members

3.1.2.1 Spouses of faculty/staff employees may have access to the Fitness Center by paying $125 annually and receiving an I.D. from the department.

3.1.2.2 Members of the community may have access to the Fitness Center by paying $150 annually and receiving an I.D. from the department.

4. Health and Wellness Program

4.1 Employees receive paid release time of thirty minutes during normal working hours to exercise three (3) times a week. Lamar State College-Port Arthur does not grant release time for off campus wellness activities. Participants may not accrue release time for future use, and must record it on the individual’s time records as “Health and Wellness Program”.

4.2 Approval from the appropriate supervisor must be secured prior to participation in the Health and Wellness Program.

4.3 Supervisors will make reasonable efforts to accommodate Health and Wellness Program participation requests. If the Supervisor determines the employee’s absence will negatively impact office workflow, he or she may disapprove participation. When the supervisor denies a participation request, he or she will provide a written explanation to the employee.

4.4 Only regular employees are eligible to participate in the Health and Wellness Program.

4.5 Abuse of the privilege to participate in the Health and Wellness Program will subject the employee to revocation of the privilege and possible disciplinary action.

5. Certification Statement

5.1 The Employee Health and Wellness Program Policy has been approved by the following individuals in their official capacities and represents Lamar State College-Port Arthur policy and procedure from the date of this document until superseded.

Athletic Director
President
Director Human Resources

POLICY: 6.6 EMPLOYEE TUITION ASSISTANCE PLAN FOR SPOUSES AND DEPENDENTS
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 6.6
APPROVED: August 2010

1. Policy

1.1 Effective August 1, 2010 and beginning with the fall 2010 semester, spouses and Internal Revenue Service (IRS) dependent children (hence, “dependents”) of full-time Lamar State College–Port Arthur employees may qualify for and participate in the Employee Tuition Assistance Plan for Spouses and Dependents (TAPSD).

2. Tuition Benefits

2.1 Spouse. For eligible spouses of full-time employees, tuition assistance of 100% of resident tuition is provided for undergraduate courses for which academic credit is awarded upon successful completion of the course. Applicable college fees are not included.
2.2 Dependent children. For eligible dependent children, tuition assistance of 100% of resident tuition is provided for undergraduate courses for which academic credit is awarded upon successful completion of the course. Applicable college fees are not included.

2.3 The term “course” shall include courses listed in Lamar’s official class schedule, including “developmental” and “pre-collegiate” courses and laboratories. All TAPSD courses must apply and be credited toward a Lamar State College-Port Arthur degree.

3. Eligibility

3.1 The policy applies to Lamar State College-Port Arthur employees that were employed on or after August 1, 2010.

3.2 Spouses and dependents of employees become eligible for the TAPSD if the employee has an appointment of 4 ½ months or longer, is appointed full-time (not less than 1.00 FTE), is paid from Lamar State College-Port Arthur funds, and is NOT in a position requiring student status as a condition of employment as of the census date of the semester/term for which the assistance is received.

3.3 Employee spouses and dependents must apply and be admitted to Lamar State College-Port Arthur and maintain good academic and disciplinary standing as defined by the college. The assistance is provided on a semester/term basis. Application and admission test fees will not be waived or reimbursed.

3.4 Eligible dependents are defined by the IRS in 26 USC § 152 and must be claimed as dependents by employees for IRS income tax purposes.

3.5 Retirees and student employees are not eligible for participation in the TAPSD, unless they are spouses or dependents otherwise included.

4. Application Procedures

4.1 Upon class registration, employees must submit the TAPSD Employee Certification Form before the census date (normally the 12th class day for Fall and Spring semesters) of the term to the Human Resources office.

4.2 Employees must deliver the completed TAPSD Employee Certification form and the first page (with financial information removed) of their most recent Form 1040 U.S. Individual Income Tax Return.

4.3 The Human Resources office will certify eligibility for benefits associated with the TAPSD.

5. Academic Scholarships

5.1 TAPSD was designed and is intended to provide resident tuition for dependents of Lamar State College-Port Arthur employees. For those TAPSD eligible students who received scholarship aid from Lamar State College-Port Arthur (i.e., excluding external scholarships), TAPSD (tuition) funds are applied to a student’s account before any scholarship funds.

5.2 If the value of TAPSD and the scholarship exceed the costs of tuition and fees, the balance may be used for other college related expenses. The only exception is for scholarships which explicitly include and pay the costs of tuition. For these, TAPSD will not be credited to the scholarship recipient’s account.

6. Illustrations

6.1 If tuition for 12 credit hours is $1800 and fees total $900, a TAPSD eligible student who receives a $2000 scholarship will have an $1100 balance that may be used for other college related expenses.
6.2 If tuition for 12 credit hours is $1800 and fees total $900, a TAPSD eligible student who receives a $500 scholarship will owe $400.

6.3 If tuition for 12 credit hours is $1800 and fees total $900, a TAPSD eligible student who receives a $2000 scholarship that explicitly includes tuition will owe $700.

6.4 If tuition for 12 credit hours is $1800 and fees total $900, a TAPSD eligible student who receives a $2000 tuition only scholarship will owe $900.

7. Federal Title IV Funds

7.1 TAPSD was designed and is intended to provide resident tuition for dependents of Lamar State College-Port Arthur full-time employees. For TAPSD students who are eligible for and receive federal Title IV funds (grants and loans), TAPSD funds are applied to a student’s (resident) tuition expenses before any grants or loans.

7.2 If the value of TAPSD and the grant/loan exceed the costs of tuition and fees, the balance may be used for other college related expenses per federal restrictions (Financial Aid). The only exception is for Lamar scholarships which explicitly include and pay the costs of all educational expenses. For these, TAPSD will not be credited to the scholarship recipient’s account.
SECTION 7: OPERATION POLICIES

POLICY: 7.0 VEHICLE SAFETY AND FLEET MANAGEMENT PLAN
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 7.0
APPROVED: July 2008
REVISED: June 2011; August 2011; April 2015

Vehicle Safety

1. Policy

The control of automobile vehicle traffic on the campus is necessary to assure the safety of everybody on campus and the orderly campus operation. These rules and regulations are part of the rules and regulations of Lamar State College-Port Arthur and must be observed by members of the staff, faculty, and student body.

1.3. Texas law governing the use of motor vehicles, in addition to the following regulations, is effective at Lamar State College-Port Arthur.

1.4. The College assumes no responsibility for the care and/or protection of any vehicle or its contents at any time it is on its campus.

1.5. Lamar State College-Port Arthur reserves the right to modify any or all regulations within the Vehicular Safety and Fleet Management Plan.

2. Authority

The policies and regulations contained herein are given the effect of law by Senate Bill 162. 60th Legislature, 1967, of which Section 2 is quoted in part below:

"Each governing board of the State institutions of higher education of this State is hereby authorized to promulgate rules and regulations or safety and welfare of students, employees, and property and such other rules and regulations as it may deem necessary to carry out the provisions of this Act and the governance of the respective institutions, providing for the operation and parking of vehicles upon the grounds, streets, drives and alleys or any other institutional property under its control."

3. Parking

3.1. Parking Permit.

3.1.1. Requirement.

3.1.1.1. Any student, faculty or staff member who wishes to park a motor vehicle on property owned or controlled by the College must purchase a Lamar State College-Port Arthur parking permit. Motor vehicles shall include all automobiles, trucks, motorcycles, motor bikes, motor scooters, or any other vehicle that is self-propelled.

3.1.2. Cost.

3.1.2.1. Students will purchase their parking permit as part of their academic registration procedure at the beginning of each semester.

3.1.3. Parking permits may be obtained on the 2nd Floor of the Student Center.
3.1.4. Faculty and Staff will obtain their parking permit from the office of the Dean of Student Services on or before the beginning of each semester.

3.1.5. Permit registration is for a period of one (1) year starting with the beginning of the fall semester and ending with the following semester, ex. August 2003 through August 2004.

3.1.6. It is the responsibility of the permit holder to report the loss or theft of their permit to the Director of Student Activities Office immediately.

3.1.7. Parking permits may transfer to any vehicle. The individual who purchases the permit, however, will be responsible for violations by any vehicle bearing or displaying the permit.

3.1.8. To be valid, a hanging permit must be hanging from the rear-view mirror of the vehicle. A permit must not be defaced or altered in any way.

4. **Handicapped Parking**

4.1 Handicapped Parking Permit.

4.1.1 Individuals who have a temporary or permanent mobility impairment are allowed to park in handicapped parking locations.

4.1.2 Criteria.

4.1.2.1 Individual has a handicap parking permit issued by the State of Texas or is able to provide documentation from a primary care physician documenting the handicap and the estimated duration of the handicap.

4.2 Cost.

4.2.1 The full parking fee will be assessed.

4.3 For information regarding handicapped parking, students should contact the Student Activities Office.

4.4 There are designated handicapped parking spaces available throughout campus and one (1) entire lot is devoted to handicapped parking.

5. **Reserved Parking**

5.1 Admittance to any reserved parking area or space is by authorization of Lamar State College-Port Arthur only.

5.2 Violation.

5.2.1 Any person who is assigned a designated space and finds an unauthorized vehicle in their space will report this violation to the Dean of Student Services. The unauthorized vehicle may be impounded at the owner's expense.

6. **Bicycle Regulations**

6.1 Definition

6.1.1 A bicycle is any device designated to travel on two (2) no more than three (3) wheels and to move by human power.

6.2 Regulations

1.1.1 All persons owning or riding bicycles on Campus shall observe and obey all applicable state and municipal laws and ordinances. In addition the following College regulations will be enforced.
1.1.2 Bicycles must be parked in parking racks.
1.1.3 Bicycles will not be secured to any tree, shrub, or plant by means of any locking device.
1.1.4 Bicycles shall not be permitted inside any Lamar State College-Port Arthur building except a garage.
1.1.5 The operator of any bicycle must yield right of way to pedestrians at all times.
1.1.6 Violations of this policy will result in the bicycle being removed by Lamar State College-Port Arthur where the owner may retrieve his/her property upon proper owner identification.
1.1.7 All abandoned bicycles on the Campus will be impounded. Said bicycle will be held for a period of 6 months and then disposed of.
1.1.8 There is no fee for bicycle registration.

2. Visitor Parking
2.1 Definition.
2.1.1 A Visitor shall be defined as one (1) who is neither a student nor an employee of Lamar State College-Port Arthur, nor is he a person who uses campus facilities for the benefit of a student or employee.
2.2 Visitors may park in any of the areas designated Visitor Parking.
2.3 Visitors are required to observe all parking and traffic regulations.
2.4 If a citation is issued to a visitor, he/she should comply with the instructions on the citation. There will be no fee for a visitor providing the parking ticket is validated.

3. Parking Regulations
3.1 On special occasions and in emergencies, parking and traffic limitations may be imposed by the College as required by the conditions which prevail.
3.2 All of those regulations embodied in the Statues of the State of Texas and in the Ordinances of the City of Port Arthur governing embodied in the Statues of the State of Texas and in the Ordinances of the City of Port Arthur governing campus.
3.3 Parking Offences unique to the College will be enforced:
3.3.1 No Parking Zone
3.3.2 Parked in Unauthorized Area
3.3.3 Parked at Yellow Curb
3.3.4 Parked in Passenger Zone
3.3.5 Parked across marker lines
3.3.6 Visitor Parking Only
3.3.7 Overtime in Time Zone
3.3.8 Parked in Service Zone
3.3.9 Decal improperly displayed
3.3.10 Reserved Parking Only
3.3.11 No Parking Decal

3.3.12 Other

4. **Traffic Offenses:**
   4.1 Exceeding speed limit. The maximum speed in parking lots is 10 mph unless otherwise posted.
   4.2 Operating motor vehicle upon or over sidewalk.
   4.3 Operating motor vehicle in a prohibited direction on a one-way street or parking lot lane.
   4.4 Failure to yield right-of-way to pedestrians. Pedestrians have right-of-way at all times.
   4.5 Failure to report traffic accidents.
   4.6 Operate motor vehicle upon or over an area not designated as a road or parking area.
   4.7 Any other violation as defined in the Official Texas Motor Vehicle Laws Booklet.
   4.8 Other Violations:
      4.8.1 Failure to comply with a lawful order and direction by a Lamar State College-Port Arthur officer.
      4.8.2 Altering, damaging or moving Lamar State College – Port Arthur traffic signs, markings or signal devices.
      4.8.3 In any event, when a person receives a citation he/she should comply with the instructions on the citation.

5. **Parking Citations**
   5.1 Authority.
      5.1.1 Lamar State College Port Arthur is authorized to issue citations for violations of campus parking and traffic regulations.
      5.1.2 Parking citations issued by the college are managed by the Student Services Division.
   5.2 Parking Citation Fines.
      5.2.1 Special arrangements and/or payment plans for vehicle citation fines must be approved by the Dean of Student Services.
      5.2.2 Fee for parking citations are:
         5.2.2.1 Parking violation #1-9…………………………………….$5.00
         5.2.2.2 Parking violations #10-12 and other……………….$10.00
   5.3 Appeal.
      5.3.1 Citations may be appealed to the Student Traffic Court.
      5.3.2 Student. If a student believes a parking citation is unwarranted, he/she may report to the Director of Student Activities where an appeal may be filed for review by the Student Traffic Court.
      5.3.3 Faculty and Staff. Faculty and Staff members desiring to appeal a citation may do so through appropriate administrative channels.
5.3.4 Failure to file an official appeal within the prescribed time limit of five (5) school days shall constitute a forfeit of all appeal privileges.

5.3.5 Denial. If an appeal is denied, the fine must be paid within seven (7) days after the ruling, or the late fee of $2.00 will be added to the fine.

5.4 When any person has a case filed on him/her in the City Court or Justice of the Peace Court, he cannot appeal to the Student Court, but must appear in the court designated at the time and place specified on the citation.

5.5 Citation Deadlines.

5.5.1 Parking citations must be paid within five (5) business days after the citation is issued. Individuals that receive a citation and fail to pay the fine to the College cashier within five (5) school days will be assessed a penalty.

5.5.2 Failure to pay parking citation fines by the deadline will result in a $2.00 late fee being added to the fine.

5.6 Suspension of Parking Privileges

5.6.1 Any person, who within a period of twelve (12) months commencing on September one (1) of any year, has recorded in his/her name more than five (5) citations, will result in the suspension of his/her parking privileges for a period not to exceed six (6) months.

5.6.2 Faculty/Staff: Faculty and Staff members who persist in violating these regulations or fail to answer a citation will be reported to department heads and/or Deans or through other appropriate channels.

5.7 Other Penalties: Falsification of information on motor vehicle registration cards or other forms pertaining to auto registration, displaying a falsely made permit, displaying a permit that has been reported missing or stolen, or displaying an altered permit.

6. Unattended Vehicles

6.1 Policy.

6.1.1 The College will remove and/or impound abandoned or unattended vehicles, or any vehicle found on campus without a permit, with unanswered traffic tickets, with an unauthorized or altered permit, with no license plates, parked in a tow-away zone or parked in such a way as to constitute a hazard to vehicles or pedestrian traffic or to the movement and operation of emergency equipment.

6.1.2 The College will remove and/or impound unattended vehicles from the streets, parking areas or other areas within the Lamar State College – Port Arthur campus under the following circumstances:

6.1.2.1 A motor vehicle threatens the safety of persons or property because of fire, flood, storm, snow or other emergency reasons.

6.1.2.2 A motor vehicle blocks access to a building, loading zone, parking lot entrance, reserved area, barricades or maintenance equipment.

6.1.2.3 A motor vehicle is displaying a lost, stolen or unauthorized parking permit.

6.1.2.4 A motor vehicle is parked in a designated tow-away zone.

6.1.2.5 A motor vehicle is parked outside of a designated parking area on the grass or turf.
6.1.2.6 A motor vehicle is left unattended continuously for more than 48 hours under such circumstances which indicate it has been abandoned.

6.1.2.7 A motor vehicle is with five (5) or more outstanding unanswered or unpaid parking citations.

6.1.2.8 A motor vehicle is parked in a designated fire zone.

6.1.2.9 Any motor vehicle which has been removed shall receive a traffic citation of parking and shall be released to the owner or operator, or his/her duly authorized representative, upon request and upon payment of the towing fee.

6.2 The owner will be responsible for the cost involved in the removing, impounding and storing of unattended vehicles.

6.3 Lamar State College-Port Arthur will assume no responsibility for damages to vehicles moved by the College.

7. General Information

7.1 The Parking and Traffic Office is located in the Student Center at 1520 Procter, Port Arthur, Texas. Hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

7.2 All thefts, accidents and offenses that occur on campus should be reported to the Dean of Student Services immediately.

7.3 A record of all serial numbers on valuables should be kept. Mark your auto accessories so that they may be identified. Write your name, address, and student number in all textbooks.

7.4 Keys or valuables should not be left in the car. Always keep your car locked.

FLEET MANAGEMENT POLICY

To reduce the cost and risk of operating and managing a motor vehicle fleet, Lamar State College-Port Arthur (LSCPA) will establish a comprehensive group of procedures governing the control, utilization and maintenance of College-owned vehicles in accordance with Texas State statutes, The Comptroller of Public Accounts (CPA) State Vehicle Fleet Management Plan, Insurance Carrier mandates and the State Office of Risk Management requirements.

1. SCOPE: These policy and procedures specify the requirements for utilization, operation and maintenance of all LSCPA controlled motor vehicles. This includes vehicles owned or leased by the College, rental vehicles and personally owned vehicles used on State business.

2. Administration

2.1 Authorization: The LSCPA President is authorized by the Texas State University System™ Board of Regents to establish and administer regulations and procedures for the efficient management of the College. The enabling legislation of this policy consists of House Bill 3125 and Senate Bill 263 of the 76th Texas Legislature. HB 3125 mandates the Office of Vehicle Fleet Management (OVFM) of the Comptroller of Public Accounts (CPA), formerly known as Texas Building and Procurement Commission, as directed by the State Council on Competitive Government (CCG) to develop a management plan for the state fleet. SB 263 entitled Policy Regulating Student Travel sets guidelines for all student travel to college sponsored events more than twenty-five (25) miles from campus.

2.2 On May 24, 2000 The State Vehicle Fleet Management Plan (the Plan) was adopted by CCG. The plan was updated in August 2011. This plan along with the enabling legislation and the College’s President represent the controlling authority of this policy and procedure.
2.3 Administrative Responsibility: In accordance with this policy, the President has delegated the administration of the motor vehicle fleet to the Director of the Physical Plant or an appointed designee (Fleet Manager). The Fleet Manager has the administrative responsibility for the purchase, replacement, maintenance, control and assignment of all LSCPA vehicles. The Fleet Manager or an appointed designee will act as the point of contact with the Office of Vehicle Fleet Management (OVFM) and will be responsible for observing and enforcing the statewide fleet management policies and procedures at the College.

2.4 Staff/Faculty Responsibility: All LSCPA employees who utilize College owned vehicles, vehicles rented/leased to the College or who use their personal vehicles on College business and are reimbursed for mileage shall adhere to the Vehicle Fleet Management Policy and Procedure as written.

3. Definitions
For the purposes of this policy, the following definitions shall apply.

3.1 Employee: Anyone appointed to work for the college in a manner that causes their name to appear on the payroll as a full or part time employee and they are routinely scheduled to work more than twenty (20) hours a week. This specifically excludes all persons designated as Student Employees from operating College vehicles.

3.2 Course and Scope of Employment: An employee is within the course and scope of employment when he or she is engaged in activities that are related to the mission of the College and are in the furtherance of its affairs or business, whether on the College’s premises or elsewhere.

3.3 LSCPA Related Activities: LSCPA related activities are those activities that are consistent with the College’s mission and that are approved by the appropriate administrative department.

3.4 Motor Vehicle: A motor vehicle is defined as a vehicle that is licensed and legal to operate on the highways of Texas. This includes LSCPA fleet vehicles and any vehicles rented or leased by the college for LSCPA related activities. This excludes lawn equipment such as mowers, tractors and all-terrain utility vehicles (Mules or EZGOS).

3.5 Highway: The entire width between property lines of any road, street, way, thoroughfare or bridge in this state not privately owned or controlled, when any part thereof is open to the public for vehicular traffic and over which the State has legislative jurisdiction and police power.

3.6 Approved Driver Certificate: A certificate issued by LSCPA Human Resource office based on a satisfactory driving record, insurability and a demonstrated proficiency in operating a motor vehicle. This certificate allows the holder the privilege of driving a LSCPA owned, leased or rented vehicle for College business. This certificate will be maintained in the Human Resource office and will be a prerequisite for issuance of a LSCPA vehicle.

3.7 Satisfactory Driving Record: A driving record in which an employee has a rating of 1 or 2 based on the formula detailed in the Program Administration section (Section 7.1) of these procedures.

3.8 Motor Vehicle Record (MVR): A form used by the College to compile the driving record of employees that have requested driving privileges for LSCPA controlled motor vehicles. This record will be used by Human Resources to determine driver eligibility. Based on the MVR and a Satisfactory Driving Record, Human Resources will notify the Fleet Manager of all eligible drivers.
3.9 Application for Copy of Driver Record (DR-1 Form): This form is provided by the Texas Department of Public Safety (DPS) and is a release for the DPS to provide information regarding an individual’s driving record.

3.10 Vehicle Use Report: A log that is to be filled out by the vehicle driver, recording the trip purpose, destination, date, time, mileage, passengers and any maintenance, repairs or fueling of the vehicle. This report along with any receipts must be completed and turned in weekly or when returning the vehicle from a trip.

3.11 Vehicle Inspection Form: A form that is used by the Fleet Manager’s designee to evaluate and record the condition of each vehicle on a routine basis and prior to delivery for travel out of the area.

3.12 Operate: To be in actual physical control of a motor vehicle upon a highway.

4. Using College Owned Vehicles

4.1 Appropriate Use: College vehicles should be used only by persons who are acting within the course and scope of LSCPA related activities or employment.

4.2 Eligible Drivers: In addition to meeting all other criteria in this policy, only those persons whose names appear on the LSCPA payroll and are regularly scheduled to work more than twenty (20) hours a week should be asked or allowed to use College owned motor vehicles.

4.3 Exception: The President of the Student Government Association (SGA) may be allowed to drive a campus fleet vehicle under the following circumstances:

4.3.1 The SGA President meets all other criteria set forth in this policy and procedure.

4.3.2 No other eligible driver from LSCPA will be accompanying the SGA President on the trip.

4.3.3 The SGA President has written authorization to drive from the Dean of Student Services or the College President.

4.4 Driver Authorization:

4.4.1 Employees who drive LSCPA vehicles as a function of their employment with the College must maintain a current Approved Driver Certificate on file with Human Resources and hold a Texas Driver’s License. Employees must maintain and provide proof of liability insurance when requested.

4.4.2 Employees who drive only occasionally for special functions or trips must complete a MVR form and a Department of Public Safety Application for Copy or Driver Record (DR-1 form) and submit it to the Human Resources Office four (4) weeks prior to their scheduled departure time. This will allow time for insurance and a DPS driver record check prior to issuance of an Approved Driver Certificate. Human Resources will notify the Fleet Manager regarding approval status. Employees must maintain and provide proof of liability insurance when requested and by pre-approved by the travel committee.

4.5 Authorization: Use of a LSCPA vehicle for an off campus trip by those employees that are not routinely assigned a vehicle to drive must be authorized in writing by completing a Vehicle Request form which can be sent through campus mail or faxed to the Physical Plant department (409-984-6007). The Vehicle Request form can be accessed on the Physical Plant web page at http://www.lamarpa.edu/dept/pp/forms/vehicle-request.pdf. This authorization may be made by the employee’s Department Chair, Dean or Director, Vice President or President of the College.
4.6 Secondary Drivers: Trips of long duration may require a secondary driver to assist the designated driver. A secondary driver must have an Approved Driver Certificate on file, hold a Texas Driver’s License and have their travel appropriately authorized prior to departing the campus. Secondary Drivers must be listed on the Vehicle Reservation form. Employees must maintain and provide proof of liability insurance when requested.

4.7 Vehicle Passengers:

4.7.1 Family members:

4.7.1.1 Unless a family member is also an employee, student or participation of such a person is approved as part of a sanctioned event of this institution; each employee who operates a College-owned vehicle should be made aware that there is no liability coverage for members of any employee-driver’s immediate family who are passengers in College-owned vehicles. Therefore, sufficient personal insurance coverage should be in place if a family member accompanies an employee who is driving a College-owned vehicle. It is the driver’s responsibility to verify passenger’s insurance coverage prior to departure.

4.7.2 Students/Other Passengers:

4.7.2.1 Additional limited trip insurance for students traveling on authorized trips conducted and sanctioned by the College is available and recommended for all such travel. Arrangements for this coverage require prior notification of and confirmation by the Office of the Director of Student Activities. This additional liability coverage is available to students only. All other authorized passengers must have sufficient personal insurance coverage. It is the driver’s responsibility to verify passenger’s insurance coverage prior to departure.

4.7.3 Hitchhikers

4.7.3.1 Hitchhikers are not allowed to ride in any fleet vehicle.

5. Using Personal Vehicles

5.1 Notice of Potential for Personal Liability: LSCPA recognizes that employees occasionally use personal vehicles while engaged in College-related activities on campus and in the local area. Because personal automobile insurance will be looked to first in the event of an accident, all persons who use their vehicles while conducting College business should be made aware of the possibility of personal liability related to such use. Employees using their personal vehicles for College-related activities are required to carry the state minimum of auto liability insurance. In addition, the employee may be asked to produce proof of insurance prior to approval of travel. The College provides limited secondary liability coverage for damages arising from use of a personal vehicle; however, members of the driver’s family and other employees are excluded from coverage under that policy.

5.2 Reimbursement for Costs of Using Personal Vehicles: College fuel cards will not be issued for use in personal vehicles used to conduct college-related business. Mileage costs related to any significant use of personal vehicles to conduct College-related business may be reimbursed to employees upon approval of department chair, dean or director and the Travel Committee. Reimbursement is contingent upon travel approval by the Travel Committee. Employees can access the Request to Travel at College Expense form at http://www.lamarpa.edu/?url=/dept/fa/index.html. The rate of reimbursement per mile is set by the State of Texas (Web site: http://ecpa.cpa.state.tx.us/mileage/Mileage.jsp).
5.3 Use of Personal Vehicles Not Required: No individual shall be required to use his or her vehicle to perform College-related activities.

6. **Rental Vehicles**

6.1 Travel Authorization: Rentals are only for employees whose travel is *authorized* by LSCPA. Authorization requires written approval from the dean or director of the traveling employee’s department and the Travel Committee. Employees using rental vehicles for College-related activities are required to carry the state minimum of auto liability insurance. The employee may be asked to produce proof of insurance prior to approval of travel.

6.2 Approved Driver Certificate: Employees who drive College rental vehicles as a function of their employment must maintain a current Approved Driver Certificate on file in the Human Resource office.

6.3 Use of Travel Agent: Please refer to the Web Link for state agency contracts: [http://www.window.state.tx.us/procurement/proc/stmp/](http://www.window.state.tx.us/procurement/proc/stmp/)

LSCPA is exempt from state taxes. Present the rental agency with the Motor Vehicle Rental Exemption Certificate, Motor Vehicle Verification Certificate for Rental Tax and Texas Sales and Use Tax Coordinator in the Business Office.

6.4 Reimbursement of Rental Car Insurance: The state will not reimburse employees for car rental insurance.

6.5 Fueling for a Rental: Fuel cards will be issued by the Fleet Manager upon presentation of rental agreement. When the rental is returned, the fuel card and all fuel receipts must be turned into the Fleet Manager.

7. **Driver Requirements**

7.1 Driver Eligibility: All LSCPA employees who may be called upon to drive a College vehicle or to be reimbursed for travel in their own vehicle shall have a Motor Vehicle Record (MVR) as required by law (Article 6687b, Section 37, V.A.C.S.) and shall be assigned a driver rating as indicated below. The records will be obtained and maintained by the Human Resources Office. Establishment and maintenance of driver ratings will be the responsibility of the Director of Human Resources. An acceptable rating to drive a College vehicle shall be a 2 or above. An Approved Driver Certificate will be issued only to an employee with a rating of 1 or 2. An employee with a rating of 3 must attend a Defensive Driver training class before returning to an approved status. It is the responsibility of the employee to schedule required remedial training on his/her own time and bear the cost of the training. Any employee with a rating of a 4 or 5 shall not be eligible to operate a LSCPA vehicle or be allowed to rent a vehicle under the College’s name. Employees using vehicles for College-related activities are required to carry the state minimum of auto liability insurance and hold a Texas Driver’s License.

7.2 The MVR rating shall be based on the last 3 years of driving experience and will be judged under the following criteria.

7.2.1 Superior. No traffic citations or motor vehicle accidents.

7.2.2 Good. No more than one (1) moving traffic citation and one (1) motor vehicle accident (not at fault).

7.2.3 Marginal. No more than two (2) moving traffic citations, two (2) motor vehicle accidents (not at fault) or one (1) at fault motor vehicle accident.

7.2.4 Probationary status. Anything in excess of a Marginal rating. Probationary status will require a six (6) month suspension of driving privileges. At the end of the suspension the employee must present a certificate of completion from a State
certified defensive driver training course along with a current valid Texas driver’s license. Resumption of driving privileges will be contingent upon approval from the institution’s insurance carrier.

7.2.5 Unacceptable. Any driver whose MVR shows any one (1) of the following records is not acceptable:

7.2.5.1 Three (3) or more accidents (regardless of fault) in the last three (3) years.
7.2.5.2 One or more Type A violations in the last three (3) years.
7.2.5.3 Any combination of accidents and Type B violations which equal four (4) or more in the last three (3) years.
7.2.5.4 An operator’s license that has been suspended or revoked within the past three (3) years.

7.2.6 Type “A” Violations

7.2.6.1 Driving while intoxicated (alcohol or drugs).
7.2.6.2 Homicide arising out of the use of a motor vehicle.
7.2.6.3 Operating a motor vehicle during a period of suspension or revocation of an operator’s license.
7.2.6.4 Using a motor vehicle for the commission of a felony.
7.2.6.5 Aggravated assault with a motor vehicle.
7.2.6.6 Operating a motor vehicle without the owner’s permission (stolen vehicle).
7.2.6.7 Permitting an unlicensed person to drive.
7.2.6.8 Reckless driving.
7.2.6.9 Hit and run involving bodily injury and/or physical damage.
7.2.6.10 For the purposes of these guidelines, a plea of ‘No Contest’ to the Type A violations will be considered a violation.

7.2.7 Type “B” Violations

7.2.7.1 All moving violations not listed as Type “A” violations.

7.3 M.V.R. Review Schedule: A motor vehicle record (M.V.R.) shall be obtained on all employees whose job duties would include driving a LSCPA owned, rented or personal vehicle while on College business. The M.V.R. shall be reviewed and updated regularly based on the following schedule:

7.3.1 Prior to employment: The Human Resources Department will ensure that prospective employees, requiring a M.V.R., submit driving records before a job offer is extended. Human Resources will review those records to ensure acceptability for positions requiring the driving of a vehicle while conducting College business.

7.3.2 Annually: The driving records of employees who are required to drive will be reviewed annually by the Human Resources Department. The employee’s Department Director and the College Fleet Manager will be notified of any change in the driver’s status. The Human Resources Director will distribute the Department of Public Safety’s Application for Copy of Driver Record (DR-1) on
or about August 1 of each year. Employees will be given a thirty-day window to complete and return the form to the HR office. Failure to do this will result in a temporary suspension from driving any LSCPA owned, rented or personal vehicle while conducting business for the College. The Director of Human Resources will submit a DR-1 form for each driver to the local D.P.S. office in order to acquire driving records. All information from these records will be kept confidential.

7.3.3 Upon notification of an accident or citation: If an employee has been involved in a motor vehicle accident or receives a traffic citation it is the employee’s responsibility to notify the Human Resources Office of the change in their driver status. *Failure to make such notification in a timely manner could result in a revocation of driving privileges, and/or disciplinary action up to and including termination.*

7.3.4 Upon notification of suspension, revocation or expiration of the operator’s license: Driving privileges are automatically suspended when the employee’s valid Texas Driver’s License has been suspended, revoked or expired. It is *mandatory* that an employee inform the Human Resources Department when such a suspension, revocation or expiration occurs.

7.3.5 *Individuals who do not have a valid Texas driver’s license are forbidden from operating any state-owned or rented vehicles. They are also banned from driving personal vehicles on State business while collecting for mileage.*

7.3.6 M.V.R. Administrative Responsibility: The Human Resources Department shall maintain a list of all regular LSCPA drivers. Fleet Policy and Procedures training will be made available for employees and is in addition to counseling/training for any driver involved in a motor vehicle accident or who has received a traffic citation. Information gathered as part of this program shall be confidential. Assignment of additional driver training will be the responsibility of the Director of Human Resources. An employee may be required to bear the expense and time of any remedial training assigned due to a poor rating on the MVR. Driver training can include, but is not limited to

7.3.6.1 Defensive Driving Classes
7.3.6.2 One-day seminars on driving improvement
7.3.6.3 Driver training videos on needed specific driving skills.

7.4 The Director of Human Resources shall notify the Fleet Manager regarding approval status for each employee that is eligible to drive a College vehicle. The Director of Human Resources shall also notify the Fleet Manager immediately upon revocation of an employee’s driving privileges.

8. **Vehicle Operations**

8.1 **Vehicle Assignments:**

8.1.1 Vehicle Motor Pool Reservations: A vehicle may be requested by completing a Vehicle Request Form (including authorizing signature) or by having the authorizing agent request a vehicle through the work order link located at [http://www.lamarpa.edu/dept/pp/forms/workorder.aspx](http://www.lamarpa.edu/dept/pp/forms/workorder.aspx). A separate form is required for each vehicle or trip requested. The request for vehicle reservations should be made at least seventy-two (72) hours in advance if possible. Vehicles are generally available on a first come, first serve basis. If a conflict arises, Administration will determine vehicle availability and make the assignment. Reservations will not be made for drivers that do not have an *Approved Driver*
Certificate and a Texas driver’s license. Only LSCPA eligible drivers will be issued a reservation (reference Driver Eligibility 8.1).

8.1.2 Vehicle Assignments: Vehicle assignments are determined by the necessity to fulfill the mission of the Physical Plant. Motor Pool Vehicles are provided for transport of students and faculty to school sponsored events, as well as, transporting of cargo for school sponsored events.

8.2 Vehicle Pick-up/Drop-off: A reserved vehicle may be picked up or dropped off by the authorized driver at the Physical Plant Building, 1848 Procter from 8 a.m. until 5:00 p.m. Monday through Friday. Vehicles can be delivered anywhere on campus if requested. A trip packet is provided which includes, mandatory Vehicle Use Report, Vehicle Accident Report, Traffic-Parking Safety and Fleet Management Plan, keys, a Texas road map and a Fuel Card.

8.3 Fleet Manager Obligations: LSCPA will provide vehicles that are in safe and good driving condition. The Fleet Manager will be responsible for monitoring the care and maintenance of vehicles; keeping up with items such as inspections, manufacture recalls and general preventive maintenance of the vehicles. The Fleet Manager will report all required information on the maintenance and utilization of the fleet to Office of Vehicle Fleet Management (OVFM). The Fleet Manager or designee must report complete vehicle information through TxFS online reporting system in compliance with Texas Government Code 2171.101. An agency that fails to report complete vehicle information shall be reported to the Legislature in the OVFM annual report.

It will also be the responsibility of the Fleet Manager to assure that the vehicles to be used by people having reservations are clean and have been serviced appropriately for their trip. The Fleet Manager will use information gathered from the fleet management program to determine appropriate repair and replacement schedules for the College’s vehicles. Fleet Manager or designee will provide training regarding the use of the vehicles and the Traffic-Parking Safety and Fleet Management Plan. It is the responsibility of the driver to obtain and understand the laws that govern the roadways.

8.4 Driver Requirements: The following conditions apply to all drivers who use LSCPA vehicles. Drivers should read these obligations carefully before operating a College vehicle.

Caution: The driver of the vehicle has ultimate responsibility for seeking and possessing information about driving safety and applicable laws. LSCPA will not be responsible for any traffic citations resulting from the actions of the driver.

8.5 The driver must:

8.5.1 Have a valid Texas Driver’s License, appropriate for the weight and class vehicle that they are operating.

8.5.2 Employees are required to carry the state minimum of auto liability insurance, and be ready to produce proof of insurance prior to approval of travel.

8.5.3 Have a current Motor Vehicle Record Form on file with the Human Resources Office.

8.5.4 Notify the Human Resources Office of any change in his/her license status. This includes notification of moving violations and/or traffic accidents.

8.5.5 Complete a Vehicle Use Report by recording information such as the beginning and ending odometer readings, how many passengers including the driver, name of the driver(s), license plate of vehicle, purpose of the trip and fill-ups or emergency mechanical work.
8.5.6 Turn in fuel tickets from trip with mileage and license plate number recorded on the fuel ticket as this information must be reported to OVFM.
8.5.7 Wear seat belts when driving or occupying a LSCPA vehicle.
8.5.8 Assume responsibility for any and all fines or traffic violations associated with your use of a College vehicle.
8.5.9 Never drive while under the influence of drugs or alcohol. This includes over the counter or prescription medication that may affect the driver’s ability. Refer to LSCPA’s Drug and Alcohol Abuse Policy 5.8.
8.5.10 Never transport passengers such as hitchhikers, family members or friends for unauthorized use.
8.5.11 Turn the vehicle ignition off, remove the keys, and lock the vehicle when you leave it unattended.
8.5.12 Never drive the vehicle at speeds that are inappropriate for the road conditions.
8.5.13 Report all accidents to the College’s Fleet Manager and to the Police Department in the jurisdiction where the accident occurred. In the case of an accident complete the Vehicle Accident/ Incident Report located in the trip packet.
8.5.14 Not allow smoking in the vehicle.
8.5.15 Not eat, drink or operate any equipment that may distract or interfere with the safe operation of the vehicle.
8.5.16 Not use radar/laser detection devices or wear headphones/earphones while operating the vehicle.
8.5.17 Observe State and municipal traffic laws at all times.
8.5.18 Drive courteously and defensively.
8.5.19 Return the vehicle with a full tank of gas, remove all litter, noting any problems with the vehicle on the Vehicle Use Report.

8.6 Roadside Assistance. Texas Roadside Assistance (1-800-525-5555) should be contacted when operating a state vehicle and in need of Roadside Assistance. Employees should inform the operator that they are from a state agency and operating a state vehicle.

8.7 Cell Phone Use. Employees should comply with the guidelines below while using State-owned and personal cell phones while operating a moving vehicle:
8.7.1 Do not text while driving.
8.7.2 Do not make cell phone calls while driving unless required.
8.7.3 Do not use cell phones to utilize the internet.
8.7.4 Do use your cellular phone to request assistance or report emergencies.

8.8 Accidents involving vehicles. The driver is responsible for the immediate reporting of any accidents or damage incurred while operating a LSCPA vehicle. An incident should be first reported to the local police department having jurisdiction. Notify the Fleet Manager as soon as practical after an accident or incident resulting in injury or damage to the college vehicle.

When you have an accident, you must:
8.8.1 Do seek medical attention if you or your passengers are injured.
8.8.2 Do not make statements concerning guilt or fault.
8.8.3 Do not agree to make payments for the accident.
8.8.4 Do notify the police. A police report may be necessary for some insurance claims.
8.8.5 Do not discuss the accident with anybody other than police officers, the College’s Insurance Claims Adjuster or a LSCPA official.
8.8.6 Do record information about the parties to the accident. This information may include names of individuals involved, driver’s license number, addresses, vehicle make, model and year, witness names and telephone numbers. Do not forget to get the name of the city or jurisdiction in which the accident occurred and the name of the investigating officer.
8.8.7 Do complete a Vehicle Accident/ Incident Report and forward it to the Property Manager as soon as possible
8.8.8 Do refer questions from lawyers, the other party to the accident and others to the Office of Human Resources.

9. **Student Travel**

9.1 **Student Travel Authorization and Supervision.** College related activities that require student travel must be authorized by the sponsoring department’s Dean or Department Chair. The authorizing Dean or Department Chair must designate a Trip Sponsor who will be responsible for the safety and conduct of the trip. The Trip Sponsor is responsible for each student who is a passenger being transported to a college related activity in a college vehicle.

**Exception.** Student employees of the College, in the course of their employment, may be drivers on and in the vicinity of campus. All student travel must be noted to the Director of Student Activities and Dean of Student Services prior to the trip.

9.2 **Use of Students as Drivers.** Students, except student employees, are expressly excluded from operating College vehicles. Student employees must 1) hold a valid Texas Driver’s License and 2) have an approved Driver Certificate issued by LSCPA.

9.3 **Insurance Requirements for Transporting Students.** Special event insurance is available through the Student Services office. If students are transported in rental vehicles, the college, through the State of Texas, has rental sources that offer special rates and inclusive insurance for travel. The Trip Sponsor will use their State Travel Card which includes the LSCPA agency code to the rental agency. Without the State Travel Card a sponsor must contact the Travel Coordinator in the Business Office to make such reservations and rental for the trip. If students are to be transported in rental vehicles on the sponsor’s personal payment, personal injury and personal effects insurance must be purchased as part of the vehicle rental agreement. This is particularly important where vans or buses are rented to transport a large number of students in a single vehicle.

Each student who travels by motor vehicle or any other form of transportation to participate in a college-related activity, including but not limited to academically related fieldtrips or courses, competitions or contest; or non-academic activities such as those sponsored by Student Services, must execute a copy of the Release and Indemnification Agreement and Authorization for Emergency Medical Treatment. Copies of these documents are available from the Student Activities Director.

If students use their own vehicles to drive themselves or transport other students to college related activities, they should be informed in advance that their personal insurance will be responsible for any liability arising from the trip.
9.4 Guidelines for transporting students involved in college related activities:

9.4.1 Load vehicles in accordance with vehicle manufacturer recommendations. When loading the large (¾ ton) vans no more than eleven (11) passengers should be transported. Drivers of the ¾ ton vans must maneuver with caution to avoid roll overs.

9.4.2 All occupants must remain seated with their seat belts fastened while the vehicle is in motion. The number of occupants must never exceed the number of working seat belts in the vehicle.

9.4.3 The use of tobacco products is not allowed in any of the College’s vehicles.

9.4.4 The Trip Manifest, Itinerary and Authorization for Student Travel documents shall be verified by the LSCPA sponsor of the trip and the driver.

9.4.5 Each vehicle transporting Students involved in College related activities shall be equipped with a first aid kit, a fire extinguisher, a flash light, a State Map of Texas, and a Comdata MasterCard. The Trip Sponsor makes arrangements to provide a cell phone for emergency communication.

9.4.6 Student trips will be planned in accordance with the following restrictions:

9.4.6.1 The maximum number of hours that a driver may drive in any calendar day is eight (8) hours.

9.4.6.2 The maximum number of hours that a driver may drive in a week is forty-eight (48) hours.

9.4.6.3 Every driver must take a rest period of at least twelve (12) hours between his/her driving period.

9.4.6.4 The maximum number of hours any passenger car or van may be driven during any calendar day is twelve (12) hours.

10. Fleet Size & Maintenance

10.1 Vehicle Disposal. Once the decision to dispose of a vehicle has been made, the vehicle should be sold as soon as practical.

10.2 Vehicle Replacement Schedule. The need to dispose of a fleet vehicle should be based on the State Vehicle Fleet Management Plan Replacement Schedule. Consideration should be given to age of the vehicle, mileage, and the cost of maintenance. State replacement guidelines indicate that a passenger vehicle with nine years of service and more than 100,000 miles should be evaluated for replacement. Cargo vehicles should be replaced when they have ten (10) years of service and accrue 110,000 miles. This replacement determination will also consider the use of the vehicle and if it has been exempted from the minimum mileage requirement.

10.3 Vehicle Acquisition: In order to make best use of the vehicles in the fleet and minimize overall fleet cost, the purchase of a new vehicle should be made only after careful consideration.

10.4 Vehicle Specifications. Specification for the new vehicle will be identified for the vehicle needed. The most cost effective manner will be pursued including purchasing through a Term Contract, purchase of a surplus or seized vehicle or acceptance of a donated vehicle (Texas State Vehicle Fleet Management Plan Phase III Section).

10.5 Fleet Evaluation. Fleet evaluation will occur on an annual basis to identify vehicles that meet the established replacement criteria, or vehicles with excessive repair, maintenance or operating expenses.
10.6 Approval. The President of the College and the OVFM must approve all additions to the LSCPA fleet.

10.7 Vehicle Delivery: All new vehicles will be inspected by the Fleet Manager or his designee upon delivery. Particular attention will be paid to any damage that might have occurred during shipment. All warranty papers and owner/operator documents will be listed and reviewed prior to accepting delivery. OVFM will be notified and provided with all of the required information concerning the addition, as soon as possible, after the College accepts a new vehicle into the fleet. The new vehicle will be added to the Fleet Maintenance Management Software (FMMS) database and a preventive maintenance schedule will be developed for the care of the vehicle.

10.8 Titles and Registration: All original vehicle titles and registration receipts will be acquired and maintained by the Office of the Property Manager.

10.9 Warrantees, Recalls and Inspections: The Fleet Manager or his designee shall be responsible for the review and appropriate response to all factory recall issues. All warranty information and inspection dates will be entered in the Fleet Maintenance Management Software and Preventative Maintenance Software which will generate reminders for the maintenance staff of upcoming inspections or service requirements.

10.10 Fleet Maintenance.

10.10.1 Preventive Maintenance: Each vehicle in the fleet shall have a Preventive Maintenance (PM) plan for regularly scheduled maintenance. This plan shall be based on manufacturer recommendations for the vehicle model, type of use the vehicle typically encounters and the College’s previous experience in maintaining similar vehicles. Items such as tires, brakes, lubrication/fluids and spark plugs should be placed on a regular maintenance interval. All PM work will be assigned and tracked through the Fleet Maintenance Management Software. The Fleet Manager will review the PM program annually to determine if the task and frequencies are adequate and if the results indicate the PM program is helpful in maintaining the vehicles and reducing operating cost.

10.10.2 Cleaning. Cleaning of vehicles is included in the Preventative Maintenance Schedule.

10.10.3 Repairs. Repairs are accomplished by in-house mechanics or taking to a mechanic shop as discovered through the PM process or by complaints reported by drivers.

10.10.4 Refueling. All of the vehicles in the LSCPA fleet are designed to operate on regular unleaded gasoline. Unless labeled otherwise, only Regular Unleaded Gasoline should be used when fueling. State employees are mandated to use the self-service island when refueling at retail fueling stations.

10.10.5 Fuel and Service Credit Cards. The College provides commercial fleet fueling cards to authorized drivers on an as needed basis. Although gasoline companies may promote the use of these cards for such charges as meals, motel rooms, or other services, it is not permissible for LSCPA held fleet fueling cards to be used for any service other than those associated with the operation of State-owned vehicles. These cards may be used to purchase fluids for the vehicle or pay for minor repairs that may become necessary during traveling.

11. Certification Statement

11.1 The Fleet Management Policy has been approved by the following individuals in their official capacities and represents Lamar State College-Port Arthur policy and procedure from the date of this document until superseded.
1. **Keys**

   1.1 The Lamar State College-Port Arthur President is authorized by the Texas State University System™ Board of Regents to establish and administer regulations and procedures in order to provide for physical security of campus buildings and their occupants, and to provide for administration and control of campus keys. In accordance with this policy, the President has delegated the administration of the Key Control System to the Director of Physical Plant.

2. **Definitions**

   2.1 **College Keys.** Those keys which open buildings, interior doors and other locks in Lamar State College-Port Arthur (LSCPA) facilities including furniture and equipment with the exception of the campus mailbox system which is administered through the office of the President.

   2.2 **Central Key Control File.** Records maintained by the Physical Plant Department identifying keys by number and assignment. These files also include key/lock authorization request and key issue record forms with signatures of personnel having possession of campus keys. Confidentiality of this information will be maintained under authority of the President.

   2.3 **Key Control Methods.** Methods used by the Physical Plant Department and Security Department to assure access to facilities by only such personnel as are authorized by the proper authority.

   2.4 **Keying System.** Numerical combinations used to extend or limit the variety of keys in use.

   2.5 **Key Control Manager.** The person in the Physical Plant Department who the Physical Plant Director designates to perform key transactions, i.e., issuing, recording and recovering keys in accordance with this policy.

3. **Building Access**

   3.1 The buildings and facilities of Lamar State College-Port Arthur are available for general use by LSCPA employees and students for educational purposes. Under normal circumstances, the buildings will be opened (outside doors unlocked) for business, scheduled activities, classes, labs and library hours. After 10:30 p.m. and before 6:30 a.m., access will be restricted according to the Building Security Policy.

4. **Key Duplicates**

   4.1 Duplication of keys by anyone other than the person designated by the Director of Physical Plant is prohibited.

5. **Key Control Responsibility**
5.1 The Physical Plant Director will create and maintain a keying system in cooperation with LSCPA Security Department which will ensure a reasonable balance of physical security and convenience to persons duly authorized to possess keys to LSCPA facilities.

5.2 The Physical Plant Department will make and issue all College keys. No other source for keys is authorized except by approval of the President.

5.3 The Director of Physical Plant Department will control all lock work on existing campus facilities and property. Only the Physical Plant Department or its designee is authorized to install, alter or remove locks on any LSCPA property when approved by the Director of Physical Plant or the President.

5.4 The Director of Physical Plant Department is responsible for coordinating lost-key records with Campus Security Department and Administrators and to determine whether re-keying of an area is required because of lost or misused keys.

5.5 The Physical Plant Department Director will furnish key information to LSCPA Security and to other individuals only as authorized in writing by the President or Dean of Student Services.

6. Responsibilities of Vice Presidents, Deans and Department Heads.

6.1 In no case shall the issuance of a key or keys be authorized by the same person to whom the key or keys are to be issued, nor may keys be authorized by anyone with less than Department Head authority.

6.2 Keys shall not be exchanged between individuals. When no longer needed by the individual to whom they were issued, LSCPA keys shall be returned to the Physical Plant Department.

6.3 All individuals beginning extended leave or sabbatical shall return campus keys to the Physical Plant Department.

6.4 Eligibility to possess LSCPA keys may be terminated at any time by the individual’s supervisor, even though the individual may not have terminated employment.

6.5 Authorizing the issuing of keys to their subordinate staff as they deem necessary and in accordance with this policy and the Building Security Policy.

6.6 Reporting to the Physical Plant Department Director or his designee, all key holders who are terminating employment or who are transferring to another office.

6.7 Ensuring the reporting of loss of keys to the Director of Physical Plant Department and to the Security Office.

7. Responsibilities of Key Recipients

7.1 Completing and signing key authorization (requests) and key issue record. Maintaining possession and security of any and all College keys issued by the Physical Plant Department.

7.2 Immediately reporting loss or theft of College Keys to their Department Head or the Director of Physical Plant Department and the Security Office.

7.3 All full-time employees authorized to control space or access buildings, or to access or operate key-protected devices are expected to request and be responsible for their own key(s) and to have on their person their own key(s) in order to unlock doors or operate the keyed devices where and when they are authorized. Maintenance personnel (including custodians) and the Security Office is not authorized to unlock doors for individuals at any time except when approved in advance from their Department Director or Dean.
8. Special Security Keying and Keying Changes

8.1 Special security locks and keys for areas of special consideration may be permitted upon approval of the President.

8.2 No individual may use a personal lock for space control, nor may locks be changed or re-keyed without prior approval of the President or the Director of Physical Plant Department.

8.3 Areas approved for special locks or keys, if any, will not receive maintenance or custodial services except by special arrangement with the Director of Physical Plant Department. A representative of the office or department may be required to unlock the space and be present while maintenance or custodial work is done in the area with a special lock or key.

8.4 Special arrangements may also need to be made with Campus Security.

9. Eligibility For Keys

9.1 When authorized by a Department Head and the appropriate Dean or Director, individual room keys will be issued to full-time employees controlling access to a space or facility, i.e., office, storage room, work room, lab, etc.

9.2 College keys will not be issued to students or other individual who are not full-time LSCPA employees except on approval by the President or the Dean of Student Services. A key may be issued to a full-time employee for use by a student or other person when requested by a Dean or Director and authorized by the President or Vice President. The employee to whom the key is issued will retain personal responsibility for how the key is used and for return of the key(s).

9.3 Temporary assignment of keys may be requested for a specific purpose and for a specific period of time as approved by the appropriate Vice President, Dean or Department Head. Such a request must comply with all other sections of this policy. Keys requested for a specific purpose and period of time shall be returned to the Physical Plant Department at the beginning of the first work day following the end of the specific period of time. Disregard of this procedure may result in disciplinary action and may result in denial of future requests.

9.4 Building entrance keys may be issued to full-time employees if the employee’s job responsibilities require such assignment and if approved by the appropriate Vice President or Dean responsible for the building.

9.5 Master keys may be issued to the LSCPA employees as determined by the President.

10. Lost Or Un-Returned Keys

10.1 The President is authorized to require payment of a reasonable cost to the College for each key not returned. The Department where the individual is (was) employed is responsible for the cost if the College is unable to secure payment by the individual.

10.2 Lost or un-returned individual key: $10.00 each key lost and $20.00 for each lock that is re-keyed in order to restore security. An individual key may unlock more than one (1) door.

10.3 Lost or un-returned sub-master key: $50.00 each key lost and $20.00 for each lock that is re-keyed in order to restore security.

10.4 Lost or un-returned Master key: Cost or re-keying the entire campus lock system.

11. Certification Statement

The Key Control Policy has been approved by the following individuals in their official capacities and represents Lamar State College-Port Arthur policy and procedure from the date of this document until superseded.
POLICY: 7.2 FUND RAISING
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 7.2
APPROVED: March 2011
REVISED:

1. Scope.
   1.1 Lamar State College-Port Arthur, views fundraising is a community endeavor. Students, faculty and staff are encouraged to participate in supporting the College. However, the Office of the President is the gatekeeper for all College fundraising and coordinates the efforts of all. The Fundraising Policies and Procedures document is a guide that directs fundraising activities to achieve success across the campus.

   In order to maximize success, avoid duplication of effort, and assure adherence to the College’s professional priorities and policies, the Office of the President serves as the coordinating agent for all Lamar State College-Port Arthur fundraising. Gift solicitation, proposals for gift solicitation, or fundraising events to be conducted by anyone (including faculty, staff, students, alumni, friends, etc.) for the benefit of Lamar State College-Port Arthur and its affiliates requires prior approval from the Office of the President of Lamar State College-Port Arthur.

2. Definitions of Fundraising Activities
   2.1 The Office of the President includes the following in its scope of fundraising initiatives under its supervision, as defined by the Association of Fundraising Professionals:
      
      2.1.1 Proposal: a written request or application for a gift, grant, or service.
      
      2.1.2 Direct-mail fundraising: the solicitation of funds by mass mail, whether electronic or paper.

   2.2 Target market solicitation: a group of potential donors or other constituents that have certain characteristics in common, toward which a concerted effort is to be directed.

   Examples of activities to be coordinated through the Office of the President include, but are not limited to, the following:
      
      2.2.1 Any program or event designed to solicit or acknowledge/recognize financial support and donors, including banquets, special events, phone-a-thons (telephone fundraising), golf classic events, etc.
      
      2.2.2 Requests to private or public sources, such as foundations or government agencies, for the funding of new or existing instructional programs or in support of individual faculty members, scholarships, students, staff, or projects.
      
      2.2.3 All other programs or activities to solicit gifts.

3. Tax-Exempt Status
   3.1 The ability of Lamar State College-Port Arthur to seek and receive philanthropic gifts and grants is dependent upon the continuing recognition of its tax-exempt status by the IRS. The College protects this status by abiding by all relevant laws and regulations, including
using its tax-exempt status solely for its own benefit and by not sharing it with other organizations.

3.2 A ruling by the Internal Revenue Service states that Lamar State College-Port Arthur is exempt under section 501(c)(3) of the Code as an organization described in sections 509(a)(1) and 170(b)(1)(A)(ii).

3.3 This ruling is important for Lamar State College-Port Arthur because it establishes the following:

3.3.1 The exemption of the College from federal income tax and federal unemployment tax.

3.3.2 The deductibility, for general income, gift, and estate tax purposes, of contributions by donors to the College.

4. Requests to Conduct Fundraising

4.1 Requests to Conduct Fundraising Activity Not Benefiting the College

4.1.1 The College is aware that students and employees often engage in fundraising activities which the College is not the intended beneficiary. These activities may range from campus based efforts to raise funds for groups such as the United Way or Habitat for Humanity or employee/student participation in their local churches or clubs.

When fundraising activities do not directly benefit Lamar State College-Port Arthur, administrative approval is still required from the Office of the President.

4.2 Requests to Conduct Fundraising Activity Benefiting the College

4.2.1 The primary responsibility for leading Lamar State College-Port Arthur in its fundraising efforts belongs to the President.

4.2.2 Any faculty, department, school, or student organization, or any employee or student of the College shall secure the approval of the President, prior to engaging in any form of solicitation in the name Lamar State College-Port Arthur or otherwise.

4.2.3 Fundraising activities on campus through campus organizations should contact the Director of Student Activities to complete the ‘Event Form’ as documentation to attach to the 'Fundraising Project Request Form'.

4.3 Further, the Office of the President must be consulted prior to the solicitation of individuals, corporations, foundations, government agencies or constituent groups to ensure the effective coordination of the College’s effort in fundraising.

5. Prohibited Fundraising Activities

5.1 When a fundraising activity is not one (1) that benefits the College directly or is not sanctioned by the College, members of the College community are prohibited from engaging in the following activities:

5.1.1 Using home addresses from the College telephone directory to compile calling or mailing lists

5.1.2 Using the Lamar State College-Port Arthur Alumni Directory to compile calling or mailing lists

5.1.3 Using one’s status as a Lamar State College-Port Arthur employee or student to secure a gift commitment
5.1.4 Using “blast e-mails” on the campus internet system to solicit gifts

6. Fundraising Procedures

6.1 Prior to any solicitation of gifts or contributions, a Fundraising Project Request Form must be submitted and approved by the Office of the President.

6.2 The following steps will be completed for submission of the Fundraising Project Request Form:

6.2.1 The Fundraising Project Request Form will be submitted to the Office of the President via inter-campus mail or in person prior to the onset of any fundraising activities.

6.2.2 Fundraising activities on campus through campus organizations should contact the Director of Student Activities to complete the ‘Event Form’ as documentation to attach to the Fundraising Project Request Form.

6.2.3 Upon review and approval of the Fundraising Project Request Form by the Office of the President, the form will be returned to the applicant to begin the fundraising process.

6.2.4 For all proposals, direct-mail, or target market solicitations, the applicant will submit all materials (including but not limited to applications, grant proposals, cover letters, recommendation letters, solicitation letters, pledge cards, flyers, and brochures) to the Office of the President for approval prior to submission to the prospective donor(s).

6.2.5 All funds are submitted to the Business Office. The gifts will be posted to the appropriate account of the department that made the original appeal for its intended purpose. If gifts are initially received by the Office of the President the original applicant will be notified of its receipt.

7. Reports of Private Philanthropy

7.1 The Office of the President will be responsible for compiling official donor records on all gifts. Therefore, all subsections or parts of the College shall report all gifts to the Office of the President, including bequests, deferred gifts, gifts-in-kind, gifts of land, stock gifts, and insurance policies, as well as checks and cash. These reports should be made in a timely fashion in accordance with these Policies and Procedures. (See Fundraising Procedures)

8. Public Statements on Gifts to the College

8.1 The Office of the President will determine appropriate means of public recognition (i.e. press releases, Honor Roll of Donors, gifts of stewardship) for gifts to the College. Each applicant for fundraising may separately recognize their donors if they so desire, but must submit this information, along with the Fundraising Project Request Form, to the Office of the President.

9. Fundraising Committee

9.1 Fundraising Committee members meet to review various fundraising activities, including: the Gulf Coast Gala, Discovery, athletics, etc. The members of this committee include the following:

9.1.1 President
9.1.2 Dean for Student Services
9.1.3 Director of Athletics
9.1.4 Dean of Technical Programs
9.1.5 Other employees appointed by the President

10. Fundraising Partners
10.1 The college partners with the following organizations in its development efforts. Each of these organizations enjoys tax exempt status under provisions of the Internal Revenue Code.

10.1.1 Port Arthur Higher Education Foundation
10.1.2 Port Arthur Historical Society
10.1.3 Lamar State College-Port Arthur Alumni Association

POLICY: 7.3 HAZARD COMMUNICATION PROGRAM
SCOPE: FACULTY, STAFF AND STUDENTS
POLICY NUMBER: 7.3
APPROVED: DECEMBER 2010
REVISED:

1. Policy
Lamar State College–Port Arthur will maintain an effective “Hazard Communication Program” in accordance with the current State and federal requirements.51, 52

2. Purpose
The above noted regulation sets forth “to ensure that the hazards of chemicals produced or imported by chemical manufacturers or importers are evaluated, and that information concerning their hazards is transmitted to affected employers and employees. The transmittal of information is to be accomplished by means of comprehensive hazard communication programs, which are to include container labeling and other forms of warning, material safety data sheets and personnel training."

3. Responsibility
3.1 Hazard Communication Program Administrator (HCPA) shall be designated and will have the responsibility for the “Hazard Communication Program.”

3.2 HCPA will be responsible for the initiation of the program.

3.3 HCPA will be responsible for the annual update of the program.

3.4 Departmental Hazard Communication Coordinators (DHCC) will be appointed and report information regarding the Hazard Communication Program in their respective departments to the Hazard Communication Program Administrator. DHCCs will be responsible for the following:

3.4.1 To provide an initial list of potentially hazardous materials/chemicals and electronic copies of MSDSs of potentially hazardous materials/chemicals on the list.

3.4.2 To make sure all chemicals are labeled with the minimum of the following:

3.4.2.1 Chemical name

3.4.2.2 Any specific warning or other hazard information

51 https://www.osha.gov/Publications/OSHA3514.html
52 http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.502.htm
3.4.2.3 Identification of the manufacturer or supplier and address

3.4.3 Provide an updated list annually and any changes during the year to the Hazard Communication Program Administrator.

3.4.4 The dissemination of safety information for handling and disposing of potentially hazardous chemicals or materials to the persons responsible or who oversee the use of the potentially hazardous chemicals or materials.

3.5 All personnel (faculty, staff, technical assistants and certain matriculating students) will fully participate in the program as it may apply to their work area and work responsibility.

3.6 The “Hazard Communication Program” will consist of five (5) basic components:

3.6.1 Inventory and audit of hazardous chemicals and materials.

3.6.2 Labels and labeling of hazardous chemicals and materials containers.

3.6.3 Material safety data sheets (MSDS) maintenance, distribution, availability and locations.

3.6.4 Personal training and information, general and specific.

3.6.5 A written “Hazard Communication Program” as herewith prescribed.

3.7 The written “Hazard Communication Program” for each department with its associated inventory list, records, materials, etc., will be maintained, located and accessible in the Hazard Communication Program Binder in the department.

4. Materials, Inventory, Audits

4.1 Inventory. An initial inventory of all chemicals and materials will be made of all work areas and facilities that house potentially hazardous materials or chemicals. An annual audit will be conducted thereafter. All hazardous chemicals and materials required will be identified and listed. A copy of the listing for each work area will be kept with the MSDSs for that area (or in a secure location if the MSDSs are in the public areas) and all the lists compiled to make a master list for the department will be kept in the Hazard Communication Program Binder. Each listing will note at least the following information:

4.1.1 Name and contact information for persons responsible for the area or chemicals.

4.1.2 Date the list was compiled or updated, chemical or product common name and manufacturer, and typical maximum quantity of the chemical or material (volume, mass or weight).

4.1.3 General location within the work area where material is kept (storage cabinet, shelves, etc.).

4.1.4 Hazard Type (See MSDS or http://chemlabs.uoregon.edu/Safety/NFPA.html).

4.2 Additions of new potentially hazardous materials or chemicals must be reported to the supervisor and then to the HCPA. Typically the person responsible for material will update the list for the specific work area and ensure that the master list is updated by forwarding the changes and an electronic copy of the MSDS to the HCPA or appointee via the Work Order Request located at http://www.lamarpa.edu/dept/pp/forms/workorder.sapx. The HCPA or appointee will forward the information to the webmaster for MSDS list on the website and a copy will be filed in the master Hazard Communication Program Binder, Section 1 in the Physical Plant Resource Library.

5. Material Safety Data Sheets (MSDS)
5.1 An MSDS will be provided on all required chemicals and materials used within the department located in Section 4 of the Hazard Communication Program Binder.

5.2 A Master MSDS File will be located at http://www.lamarpa.edu/?url=/dept/pp/msds/index.html. A master list of chemicals and materials will be located in the Resource Library at the Physical Plant.

5.3 An MSDS with associated inventory on all required chemicals and materials used in a specific work area or for a specific work assignment will be available to personnel during their work period in the Hazard Communication Program Binder. The locations are:

5.3.1 Automotive Mechanics Labs
5.3.2 Allied Health Labs
5.3.3 Armory
5.3.4 Carl Parker Multipurpose Center
5.3.5 Cosmetology Labs
5.3.6 Paint Shop
5.3.7 Physical Plant, Mechanic Shop, Housekeeping, Grounds Maintenance
5.3.8 Science Labs: Biology, Chemistry

5.4 The original inventory listing and audits will be used to ascertain that there is an MSDS as may be required for each chemical or material item and that all containers are properly labeled and stored.

5.5 In the event an MSDS is not available or should a new chemical or material be introduced for use without a required MSDS, the immediate supervisor should be promptly notified. That supervisor will contact the responsible DHCC to see that the matter is corrected. MSDS electronic files will be forwarded to the Physical Plant via the Work Order system http://www.lamarpa.edu/dept/pp/forms/workorder.aspx throughout the year for items added for master list update. New chemicals should be added to the list in Section 1. Hazardous Chemical Inventory in the Hazard Communication Program Binder for that department along with a hard copy of the MSDS for the new chemical.

6. Labels

6.1 All hazardous chemicals or materials on hand or received must have a label that will specify at least:

6.1.1 Product identifier used on the label and any other common names or synonyms by which the substance is known.

6.1.2 Name, address, phone number of the manufacturer, importer, or other responsible party, and emergency phone number.

6.1.3 Recommended use of the chemical (e.g., a brief description of what it actually does, such as flame retardant) and any restrictions on use (including recommendations given by the supplier).

6.2 A hazardous chemical or material label will not be removed from its container, nor will such a label be defaced.

6.3 Should it become necessary for a label to either be introduced by the department or replaced on a hazardous chemical or material container, such a label will display the

53 https://www.osha.gov/Publications/OSHA3514.html
information noted in Paragraph A. above. The department label will follow the National Fire Protection Association (NFPA) Hazard Identification System located at http://chemlabs.uoregon.edu/Safety/NFPA.html. All containers of hazardous chemicals or materials will be received, and the label assured to be affixed on each and all containers by qualified/trained staff, faculty, graduate and undergraduate students.

6.4 It will be the responsibility of each DHCC to ensure that all secondary containers are properly labeled with a duplicate of the manufacturer’s label or a department’s label described above.

7. **Information and Training**

7.1 All personnel will be informed of the “Hazard Communication Program”/”Right to Know Law” annually, and/or at time of initial assignment and annually thereafter.

7.2 Personnel will sign a form or list that they attended a general or specific training session indicating they received any written material, understood the department’s policy on Hazard Communication or received any technical or specific training relative to hazardous chemicals or materials.

7.3 General program information and training will be accomplished by lecture, photo slides, movie, video, literature, or combination, and will cover the contents of this program to include a review of the following:

7.3.1 Department’s policy statement

7.3.2 The basic definition of the regulation. Statements of responsibility, both program and personnel.

7.3.3 Information relating to labels and general warning signs (See Labels, page 172).

7.3.4 Description of MSDS and how to read.

7.3.5 Location and availability of the written hazard communication program, MSDS’s master and locations, and chemical listing (See Labels, page 172).

7.3.6 Definition of hazardous chemicals or materials:

7.3.6.1 Hazardous chemicals

7.3.6.2 Health hazard

7.3.6.3 Physical hazard

7.3.6.4 Personal Protective Equipment Required

7.3.7 Steps that department personnel can take to lessen or prevent exposure to hazardous chemicals or materials, i.e., knowledge of chemicals, storage, posting, personal protective equipment, chemical loads, warning, eye wash and safety showers, training, etc.

7.3.8 Methods and observation techniques used to determine the presence or release of hazardous chemicals or materials in a work area, i.e., flame or fire, smell or odor, fumes, etching, color, irritation, etc.

7.3.9 The emergency procedure to take in the event there is exposure to a hazardous chemical.

7.3.10 Notice of hazardous chemicals or materials in an individual’s work area.

8. **Non-Routine Work or Tasks**
8.1 Periodically, departmental personnel may be required to perform non-routine work or tasks which will require the use of hazardous chemicals, materials or work in associated hazardous locations. The HCPA will be informed about and prior to starting such projects.

8.2 As needed the DHCC or the Safety Office will complete (or arrange) a hazard analysis of the task and ensure that each affected individual is given information about the chemicals, materials, or exposure of such activity. Such information shall include:

8.2.1 Specific hazards that may be associated with the chemical or material.

8.2.2 Protective and other safety measures to be taken.

8.2.3 Measures the department is taking to lessen or prevent hazards, i.e., ventilation, respirators, storage, safety watch personnel, postings and barriers, fire extinguishers, other personal protective equipment, etc.

8.2.4 Review of the chemical or material, MSDS or other technical information applicable to the work.

8.2.5 Review emergency procedures to be taken.

9. Informing Contractors

9.1 It will be responsibility of the HCPA to provide contractors working in departmental areas with the following information:

9.1.1 Any hazardous chemicals to which they may be exposed while on the site.

9.1.2 Precautions and controls to be taken to lessen or prevent possible exposure by use of appropriate protective measures.

9.2 HCPA will also be responsible for contacting each and all contractors before work is started to gather and disseminate any information concerning chemical hazards that the contractor may be bringing onto the worksite.

10. Program Maintenance

10.1 Purchasing/MSDS supply:

10.2 A statement will be applied to all purchase orders on request in order to obtain applicable MSDS on all required chemicals or materials. “Suppliers must furnish a “Material Safety Data Sheet” applicable to any item on this purchase request.”

10.3 Other supplied chemicals or materials: No chemical or material requiring a MSDS will be introduced into the department or any work area of the department by petty cash purchase, supplier samples or other means without the knowledge of the HCPA.

POLICY: 7.4 CAMPUS PROGRAM FOR MINORS
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 7.4
APPROVED: APRIL 2014
REVISED:

1. Policy

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

2. Definitions

2.1. Campus program for minors

2.1.1. The program must:

2.1.1.1. Be operated by an institution of higher education or be on the campus of the institution;

2.1.1.2. Offer recreational, athletic, religious or educational activities; and

2.1.1.3. Be offered to at least twenty (20) minors who:

2.1.1.3.1. Are not enrolled at the institution, and

2.1.1.3.2. Attend or temporarily reside at the camp for all or part of at least four (4) days.

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

2.2. Designated individual

2.2.1. Any person, whether employed, an independent contractor, or volunteer that has contact with a minor (age 17 or younger). Examples of designated individuals include, but are not limited to, faculty, staff, student workers, volunteers and contracted employees.

2.2.2. This policy covers all LSCPA employees, including student assistants having contact with minors.

2.3. Minor

2.3.1. An individual age seventeen (17) or younger.

2.3.2. Generally, under Texas law a minor is anyone under the age of 18. (However, state law does provide that anyone under the age of 18 who is or has been married, or has a court order declaring the minor may legally act as an adult, is not considered a minor.)

2.4. Program Director

2.4.1. Any person responsible for staffing the program that delivers services to minors.

3. Responsibilities

3.1. Human Resources:

3.1.1. Oversee and direct the Sexual Abuse and Child Molestation Awareness training and examination program which includes determining the definition and/or scope of what constitutes a “campus program for minors” and “designated individuals” as permitted by law.

3.1.2. Determines who meets the definition of “designated individuals.”

3.1.3. Determines which programs meet the definition of “campus programs for minors” that falls within the scope of this policy as permitted by law.
3.1.4. Conducts criminal and sex offender background checks for those designated individuals involved in the campus program for minors.

3.2. **Vice Presidents, Dean and Department Heads are:**

3.2.1. Responsible for enforcing this policy within their assigned departments.

3.3. **Program Directors of Camps for Minors:**

3.3.1. Are responsible for enforcing this policy for their summer camp employees.

3.3.2. Are responsible for informing the Human Resources office the times and dates of scheduled camps.

3.3.3. Are responsible for informing the Human Resources Office of all individuals (participating) having contact with minors during a designated camp for minors.

3.3.4. Are responsible for insuring all designated individuals participating in campus programs for minors receive training in sexual abuse and child molestation awareness as well as undergo criminal and sex offender background authorization forms to Human Resources for designated individuals participating in the campus programs for minors.

3.3.5. Are responsible for submitting completed and signed Sexual Abuse and Child Molestation Awareness Certification Forms to LSCPA’s Office of Human Resources.

4. **Training**

The Sexual Abuse and Child Molestation Awareness Training includes information and examination concerning warning signs of sexual abuse and child molestation.

4.1. **Requirements**

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

4.1.2. LSCPA employees and designated individuals having contact with minors must complete the Sexual Abuse and Child Molestation Awareness training and examination upon hire and recertify every two (2) years.

4.1.3. Volunteers acting as a guest speaker, entertainer or a person who visits for a limited purpose or limited time if the person has no direct and unsupervised interaction with minors does not have to take this training.

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

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

6. A Program Director for camps and/or programs involving minors must complete and submit to the Office of Human Resources a signed document stating the dates of the camp/program and a list of camp staff no later than ten (10) business days prior to the start of the Program so all designated individuals can be scheduled for the online Sexual Abuse and Child Molestation Awareness training and examination. Human Resources will file the “Campus Program for Minors Information Form” which is available on the Texas Department of State Health Services website.
7. **Non-Compliance**

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

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

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

8. **Certification Statement**

The *Campus Program for Minors Policy* has been approved by the following individuals in their official capacities and represents Lamar State College-Port Arthur policy and procedure from the date of this document until superseded.

President
Director, Human Resources
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