

# **Policy and Procedure Manual**

Lamar State College Port Arthur  
*Member Texas State University System™*

May 2022

## PREFACE

The *Policy 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 *Policy 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 1: INTRODUCTION

<b>POLICY:</b>	<b>1.0</b>	<b>POLICY AND PROCEDURE MANUAL</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>	
<b>POLICY NUMBER:</b>	<b>1.0</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>September 2005</b>	

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1. **Purpose of the Policies Manual.**

The *Policy and Procedure Manual* is the official Lamar State College Port Arthur 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 *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 *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 *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 *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.

The *Policy and Procedure Manual* is subject to review and change by the President without notice.

2. **Distribution of Policies and Procedures:** The *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 *Policy and Procedures Manual* and any amendments. The *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 *Policy and Procedure Manual* has been approved by the President by the authority delegated by the TSUS Board of Regents and are hereby established as official policies 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 *Policy and Procedure Manual*. The *Policy and Procedure Manual* shall be maintained by the Office of the President. 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 a *Policy and Procedure Manual* is responsible for keeping that manual current by including all changes as they are issued.

<b>POLICY:</b>	<b>1.1 EQUAL OPPORTUNITY POLICY</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>1.1</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>September 2009; June 2015; May 2022</b>

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**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.

**2. Equal Employment Opportunity**

Lamar State College Port Arthur is an equal opportunity employer. Students, faculty, and staff members are selected without regard to their race, color, creed, sex, national origin or disability 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 Amendment 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 1993.

Lamar State College Port Arthur is mandated to provide EEO training to each new employee on policies regarding discrimination and harassment no later than 30 days after the date of hire. In addition, supplemental training is required every two years. A signed statement verifying attendance is required to be maintained in the employee's personnel file.

**3. Statement on Diversity**

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

**4. Equal Educational Opportunity**

Lamar State College Port Arthur reaffirms its policy of administering all of its educational programs and related supporting services, and benefits in a manner which does not discriminate because of a student's or prospective student's race, color, creed or religion, sex, gender, national origin, or other characteristics which cannot lawfully be the basis for provision of these services.

Further, Lamar State College Port Arthur commits itself to a program of Affirmative Action, to encourage the application of minority and women students, to identify and eliminate the effects of any past discrimination in the provision of educational and related services, and to establish organization structures and procedures which will assure equal treatment and equal access to the facilities and educational benefits of Lamar State College Port Arthur to all students as required by law.

**5. Americans with Disabilities**

Lamar State College Port Arthur is committed to providing "clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities," in accordance with the Americans with Disabilities Act of 1990, which prohibits discrimination against a qualified individual because of a disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, compensation, training, and other terms, conditions, and privileges of employment.

A qualified individual is a person who, with or without reasonable accommodation, has the qualifications and ability to perform the essential functions of the employment position. Lamar State College Port Arthur is responsible for making reasonable accommodations for persons with disabilities, and cannot deny those persons employment because of an unwillingness to provide reasonable accommodations, unless Lamar State College - Port Arthur can prove that such accommodations will cause an undue hardship which imposes significant difficulty or expense.

## 6. **Veterans Preference**

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. Veterans qualify for preference "if the veteran served in the military for not less than 90 consecutive days during a national emergency declared in accordance with federal law or was discharged from military service for an established service-connected disability." The veteran must also have been honorably discharged and must be competent. A veteran's orphan or surviving spouse who has not remarried qualifies for the veterans' preference if the veteran was killed on active duty; the veteran served in the military for no less than 90 consecutive days during a national emergency in accordance with federal law; and the spouse or orphan is competent.

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

## 7. **Non-Discrimination in Services to The Public**

Lamar State College Port Arthur reaffirms its policy of non-discrimination on the basis of minority status, sex, or other impermissible grounds, in the provision or procurement of all services, respectively provided to or purchased from members of the public by facilities or programs under the control of Lamar State College Port Arthur.

Further, Lamar State College Port Arthur commits itself to a continuing program to assure that unlawful discrimination does not occur in the services it renders to the public and that those sectors of the public most affected by this policy be informed of its contents.

## 8. **Compliance with Laws**

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

Institutional policies specifically address the obligations of Lamar State College Port Arthur under federal and state laws and regulations including, but not necessarily limited to the following:

- 8.3. Titles VI & VII of the Civil Rights Act of 1964 as amended
- 8.4. Executive Order #11246 as amended
- 8.5. Revised Order No. 4
- 8.6. The Equal Pay Act of 1963
- 8.7. The Vietnam Era Veterans Rehabilitation Act of 1974
- 8.8. The Rehabilitation Act of 1973
- 8.9. Title IX of the Education Amendments of 1972
- 8.10. The Americans with Disabilities Act of 1990
- 8.11. Civil Rights Act as amended 1991
- 8.12. The Family Medical Leave Act 1993
- 8.13. Veteran's Employment Preferences, Amended by Acts, 1995, 74th Legislature



<b>POLICY:</b>	<b>1.2 MISSION STATEMENT</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>1.2</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>November 2001; June 2011; February 2017; March 2022</b>

1. **Mission Statement**

Lamar State College Port Arthur provides learning experiences that prepare students to continue their education or enter the workforce.
2. **Vision Statement**

Lamar State College Port Arthur strives to enhance lives by expanding opportunities through quality education.
3. **Core Values**
  - 3.1. Shared commitment by faculty, staff and administration to a mission characterized by student learning, diversity, and community involvement.
  - 3.2. General education/core curriculum that develops the values and concepts that allow the student to make a meaningful contribution in the workplace or community.
  - 3.3. 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.
  - 3.4. Technical education programs that provide for the acquisition of the knowledge, skills and behavior necessary for initial and continued employment.
  - 3.5. Student achievement characterized by attainment of individual goals and measured by successful accomplishments and completion of curriculum.
  - 3.6. Co-curricular opportunities that develop social, financial and civic acuity.
4. **Principles**

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

  - 4.1. treated with dignity and respect;
  - 4.2. afforded equal opportunity to acquire a complete educational experience;
  - 4.3. given an opportunity to discover and develop their special aptitudes and insights;
  - 4.4. provided an opportunity to equip themselves for a fulfilling life and responsible citizenship in a world characterized by change.
5. **Regular Review**
  - 5.1. The mission statement should be reviewed and approved by the Board of Regents every five years.
  - 5.2. The mission statement may be reviewed sooner than the regular cycle if an update is warranted.

<b>POLICY:</b>	<b>1.3 ACCREDITATION</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>1.3</b>
<b>APPROVED:</b>	

**REVISED: February 2012; December 2015**

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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.

2.2. Texas State 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.

2.6. U.S. Department of Education and the Veterans Administration.

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*.

**POLICY: 1.31 SUBSTANTIVE CHANGE**

**SCOPE: FACULTY AND STAFF**

**POLICY NUMBER: 1.31**

**APPROVED:**

**REVISED: November 2021**

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1. **Policy.** Lamar State College Port Arthur (LSCPA) adheres to the standards of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) with regard to substantive changes.

2. **Definition**

- 2.1. A substantive change is a “significant modification or expansion of the nature and scope of an accredited institution. Substantive change includes high-impact, high-risk changes and changes that can impact the quality of educational programs and services.”<sup>1</sup>

### **3. Procedure**

- 3.1. All curricular changes are evaluated against SACSCOC standards to determine whether they rise to the level of a substantive change, and if so, appropriate next steps, per SACSCOC guidelines, are taken.
- 3.2. The Vice President for Academic Affairs is responsible for identifying substantive changes and ensuring that LSCPA stays in compliance with SACSCOC substantive change policy.

<b>POLICY:</b>	<b>1.4 ADMINISTRATIVE OFFICERS</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>1.4</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>November 2001; December 2012; June 2015</b>

#### **1. President**

The President is the chief executive officer of Lamar State College Port Arthur and is appointed by the TSUS 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 TSUS 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 (VPAA) 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, 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 Commission on Colleges. The VPAA also assumes other duties and responsibilities assigned by the President.

#### **3. Executive Vice President for Finance and Operations**

The Executive Vice President for Finance and Operations is the chief financial and operating officer. The Executive VP for Finance and Operations reports directly to the President and exercises broad leadership and administrative responsibility over the college’s financial operations and the physical operations of the campus. The Executive Vice President for Finance and

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<sup>1</sup> 2021. SACSCOC Principles of Accreditation.

Operations 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 Executive Vice President works in coordination with appropriate system and state agencies with regard to fiscal matters. The Executive Vice President for Finance and Operations provides leadership and administrative responsibility for information technology and the physical plant and it operation. The Executive Vice President for Finance and Operations also 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, Enrollment Services Student Activities, Disability Services, and Campus Security. 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 also assumes 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 and reports to the Executive Vice President for Finance and Operations. The Director is responsible for shipping and receiving of materials, equipment, and capital expenditure items. The Director of the Physical Plant also assumes 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 also assumes 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 Industrial Technology Department, Allied Health Department, Commercial Music Visual and Performing Arts Department, and Career Development and Placement. 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 also assumes 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 also assumes 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 academic matters.

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

By affirmative vote of a majority of the TSUS 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.

<b>POLICY:</b>	<b>1.5</b>	<b>FACULTY GOVERNANCE</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>1.5</b>	
<b>APPROVED:</b>	<b>March 2021</b>	
<b>REVISED:</b>		

**1. Introduction.**

Lamar State College Port Arthur (LSCPA) recognizes that the President of LSCPA, as well as the Board of Regents of the Texas State University System, have the final authority in matters of governance. However, faculty are also charged with certain responsibilities in regard to these matters. Members of the faculty participate in the governance of LSCPA through their service on committees.

**2. The LSCPA Faculty Senate serves as the official body responsible for ascertaining and relaying the advice and opinions of the faculty of LSCPA to the administration.**

**3. Committee. The following is a list of standing committees whose membership includes faculty:**

- 3.1. Curriculum Review Committee
- 3.2. Data Committee
- 3.3. Developmental Education Committee
- 3.4. Distance Learning Committee
- 3.5. Dual Credit Committee
- 3.6. Hazard and Safety Committee
- 3.7. Math Pathways Committee
- 3.8. Scholarship Committee
- 3.9. Promotion Committee
- 3.10. Tenure Committee
- 3.11. QEP Steering Committee
- 3.12. Open Educational Resources Committee
- 3.13. Scholarship Committee
- 3.14. Student-Faculty Relations Committee
- 3.15. Student Fee Advisory Committee
- 3.16. Teaching Excellence Award Nominating Committee

3.17. Additional ad hoc committees as assigned

<b>POLICY:</b>	<b>1.6 OFFICE OF HUMAN RESOURCES</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>1.6</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>September 2005</b>

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 Executive Vice President for Finance and Operations.
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. (See POLICY: 5.9 GRIEVANCE, page 99).
  - 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:** The Human Resources Office is responsible for faculty and staff members in the following areas:
  - 3.1. Personnel Records: The Human Resources Office 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 the Human Resources Office.
  - 3.2. Training Programs: The Human Resources Office 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): The Human Resources Office 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 Office will aid with the completion of retirement forms for employees.
  - 3.4. Unemployment Compensation: The Human Resources Office 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: The Human Resources Office is responsible for administering the State Workers' Compensation Program, processing claims, and maintaining required records.
  - 3.6. Family Medical Leave: The Human Resources Office 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: The Human Resources Office 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: The Human Resources Office 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 ensure that new employees are familiar with the College and enrolled in insurance and retirement programs.
  - 3.9. Exit Interview: The Human Resources Office 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 Office will record the reason(s) for the employee's termination.

<b>POLICY:</b>	<b>1.7 POLICY ON COMPLIANCE</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>

**POLICY NUMBER:** 1.7  
**APPROVED:** March 2016  
**REVISED:**

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1. **Policy**

- 1.1. **Existing Policies.** Lamar State College Port Arthur will regularly review campus policies.
- 1.2. **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.

<b>POLICY:</b>	<b>1.8</b>	<b>PUBLICATION POLICY</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>	
<b>POLICY NUMBER:</b>	<b>1.8</b>	
<b>APPROVED:</b>	<b>June 2015</b>	
<b>REVISED:</b>	<b>October 2015</b>	

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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 the Southern Association of Colleges and Schools Commission on Colleges accreditation status **MUST** use 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

<b>POLICY:</b>	<b>2.0 NONDISCRIMINATION / EQUAL EMPLOYMENT OPPORTUNITY AND WORKFORCE DIVERSITY</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>2.0</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>November 2009; August 2015</b>

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### 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.

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

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

#### 1.2. 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.

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

#### 1.3. Enforcement

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

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

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

#### 1.4. Complaint

- 1.4.1. Any individual who is the target of discrimination is encouraged to discuss the matter with their supervisor or the Director of Human Resources.
- 1.4.2. Any individual who feels such a discussion would be or has been futile, unsatisfactory or counterproductive should contact the Human Resources Office.
- 1.4.3. A member of the Human Resource staff will be designated to investigate the claim.
- 1.4.4. The accused individual may be suspended pending the outcome of the investigation.
- 1.5. Consequences of discrimination or harassment
  - 1.5.1. Lamar State College Port Arthur employees who engages in discrimination will be subject to disciplinary action, suspension or termination.
  - 1.5.2. 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.
  - 1.5.3. 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.

<b>POLICY:</b>	<b>2.1 EMPLOYMENT OF PERSONS WITH DISABILITIES</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>2.1</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>September 2009</b>

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. Reasonable accommodations will be made for individuals with sincerely held religious beliefs and to women affected by pregnancy. 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. **Definitions**

- 2.1. "Disability" means, with respect to an individual, a mental or physical impairment that substantially limits at least one major life activity of that individual, a record of such an impairment, or being regarded as having such an impairment. The term does not include:
  - 2.1.1. a current condition of addiction to the use of alcohol, a drug, an illegal substance, or a federally controlled substance; or
  - 2.1.2. a currently communicable disease or infection as defined in Section [81.003](#), Health and Safety Code, or required to be reported under Section [81.041](#), Health and Safety Code, that constitutes a direct threat to the health or safety of other persons or that makes the affected person unable to perform the duties of the person's employment.
- 2.2. A qualified individual with a disability is a person who has:
  - 2.2.1. A physical or mental impairment that substantially limits one (1) or more major life activities;
  - 2.2.2. A record of such an impairment; or
  - 2.2.3. Is regarded as having such an impairment.
  - 2.2.4. “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.
- 2.3. “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 c) the effect on the safety of the requestor or other individuals.

<b>POLICY:</b>	<b>2.2 VETERANS PREFERENCE IN HIRING</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>2.2</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>March 2002</b>

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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.

<b>POLICY:</b>	<b>2.3 NEPOTISM</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>2.3</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>March 2002</b>

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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 1: Degrees of Relationship**

Employee & Spouse	1st	2nd	3 <sup>rd</sup>	4th
	Child	Grandchild	Great-Grandchild	Great, Great-grandchild
	Parent	Sister/Brother	Niece/nephew	Grandniece/nephew
		Grandparent	Aunt/uncle	First cousin
			Great-Grandparent	Great aunt/uncle
				Great, great-grandparent

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 State College 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 electronic personnel action request form (EPAF). The request and acknowledgment forms will be retained in the Human Resources Office 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 Office 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 Office 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.

<b>POLICY:</b>	<b>2.5</b>	<b>NOMINATIONS AND APPOINTMENTS</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>2.5</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>March 2002</b>	

1. **Appointments**

Appointments to the faculty of Lamar State College Port Arthur are made by the TSUS Board of Regents, pursuant to legal authority as granted in the Texas Education Code<sup>2</sup>.

The President of the College is designated by the TSUS 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**

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<sup>2</sup> Texas Education Code, Chapters 95 and 96.

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.

<b>POLICY:</b>	<b>2.6</b>	<b>LIMITATION ON CONTRACTS WITH PREVIOUS EMPLOYEES</b>
<b>SCOPE:</b>		<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>2.6</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>March 2002</b>	

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1. **Policy**

None of the funds appropriated by the Appropriations Act, 75<sup>th</sup> 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.

<b>POLICY:</b>	<b>2.7</b>	<b>CREDENTIAL EVALUATION</b>
<b>SCOPE:</b>		<b>FACULTY</b>
<b>POLICY NUMBER:</b>	<b>2.7</b>	
<b>APPROVED:</b>	<b>December 2001</b>	
<b>REVISED:</b>		

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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.

<b>POLICY:</b>	<b>2.8</b>	<b>CLEAR ENGLISH REQUIREMENT</b>
<b>SCOPE:</b>		<b>FACULTY</b>
<b>POLICY NUMBER:</b>	<b>2.8</b>	
<b>APPROVED:</b>	<b>December 2001</b>	
<b>REVISED:</b>		

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1. House Bill 638, as enacted by the 71<sup>st</sup> Legislature of the State of Texas (VTCA) Education Code, Section 51.917 requires that public institutions of higher education ensures that all courses (with the exception of foreign languages) are 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 law<sup>3</sup> will be paid by instructional personnel receiving such instruction.”

<b>POLICY:</b>	<b>2.9</b>	<b>CRIMINAL BACKGROUND CHECKS</b>
<b>SCOPE:</b>	<b>FACULTY, STAFF, AND STUDENT EMPLOYEES</b>	
<b>POLICY NUMBER:</b>	<b>2.9</b>	
<b>APPROVED:</b>	<b>July 2002</b>	
<b>REVISED:</b>	<b>February 2008; March 2016</b>	

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.

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<sup>3</sup> Texas Education Code Section, Chapter 51, Section 917

## 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 Office 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 Office 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 Office 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.

<b>POLICY:</b>	<b>2.10 SELECTIVE SERVICE REGISTRATION OR EXEMPTION</b>
<b>SCOPE:</b>	<b>FACULTY, STAFF, STUDENT</b>
<b>POLICY NUMBER:</b>	<b>2.10</b>
<b>APPROVED:</b>	<b>June 1999</b>
<b>REVISED:</b>	<b>November 2005</b>

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#### 1. **Selective Service Registration or Exemption 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.<sup>4</sup> 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.

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<sup>4</sup> Texas Government Code, Section 551.005(a)

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.<sup>5</sup>
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 employment<sup>6</sup>.

<b>POLICY:</b>	<b>2.11 VOLUNTEERS</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>2.11</b>
<b>APPROVED:</b>	<b>August 10, 2010</b>
<b>REVISED:</b>	<b>April 1, 2014</b>

1. **Policy.**

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 Office.
  - 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.

<b>POLICY:</b>	<b>2.12 TERMINATION</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>5.10</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>March 2002; December 2005</b>

1. **Termination 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 TSUS Board of Regents.

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5 Texas Government Code, Section 651.005(b)

6 Opinion, Texas Attorney General, No. JC-0183 (2000)

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. **Guidelines for Termination**

- 2.1. Regular, full-time employees will be given preference for retention over probationary, part-time, or temporary employees.
- 2.2. Decision is to be based on the operation of the job function, not on the performance attributes or seniority of the incumbent.
- 2.3. Employees who are terminated as a result of a reduction in force will be given priority consideration for vacant positions for which they qualify.

3. **Minimum Standards of Conduct.**

- 3.1. 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 Electronic Personnel Action Form (EPAF) through normal channels along with any appropriate documentation such as letters of resignation or termination.

4. **Resignations**

4.1. Faculty

- 4.1.1. 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.

4.2. Staff

- 4.2.1. 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.
- 4.2.2. 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.

5. **Reduction in Force (RIF)**

- 5.1. 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.
- 5.2. 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 Administrators of the President's choice. The consultation shall include a discussion of:
  - 5.2.1. Anticipated income and expenditures;
  - 5.2.2. Retrenchment measures which have been taken;
  - 5.2.3. Reasonable alternatives to reduction in force; and
  - 5.2.4. Any other matter the president deems appropriate.

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 eighteen (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 the Human Resources Office:
  - 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.

<b>POLICY:</b>	<b>2.13</b>	<b>TERMINATION OF ADMINISTRATOR</b>
<b>SCOPE:</b>	<b>ADMINISTRATIVE OFFICERS</b>	
<b>POLICY NUMBER:</b>	<b>5.11</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>December 2005</b>	

**1. Termination of Administrator 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. 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.
- 1.3. The hearing committee will make written findings on the material facts and a recommendation, which findings and recommendation shall be forwarded to the President and to the affected administrative officer. The administrative officer may appeal to the President and ultimately to the TSUS 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.

## SECTION 3: CLASSIFICATION & SALARY ADMINISTRATION

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

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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 TSUS 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 forty (40) hours per week.

9. **Part Time Employees**

Part time employees are hired to work less than forty (40) 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 twenty (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.

<b>POLICY:</b>	<b>3.1</b>	<b>EMPLOYMENT</b>
<b>SCOPE:</b>	<b>STAFF</b>	
<b>POLICY NUMBER:</b>	<b>3.1</b>	
<b>APPROVED:</b>	<b>July 2002</b>	
<b>REVISED:</b>	<b>September 2005</b>	

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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 (6) 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.

<b>POLICY:</b>	<b>3.2 SALARY ADMINISTRATION</b>
<b>SCOPE:</b>	<b>STAFF</b>
<b>POLICY NUMBER:</b>	<b>3.2</b>
<b>APPROVED:</b>	<b>June 1999</b>
<b>REVISED:</b>	<b>November 2005</b>

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**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.

<b>POLICY:</b>	<b>3.3 DIFFERENTIAL PAY</b>
<b>SCOPE:</b>	<b>STAFF</b>
<b>POLICY NUMBER:</b>	<b>3.3</b>
<b>APPROVED:</b>	<b>June 1999</b>
<b>REVISED:</b>	<b>November 2005; May 2022</b>

**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.<sup>7</sup> 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. LSCPA service will count regardless of method of payment, length of service, or FTE.

**Table 2: Longevity Pay**

<b>Years of Service</b>	<b>Monthly Longevity Pay</b>	<b>Years of Service</b>	<b>Monthly Longevity Pay</b>
Less than 2 years	\$0	Greater than 24 and less than 26 years	\$240
Greater than 2 and less than 4 years	\$20	Greater than 26 and less than 28	\$260
Greater than 4 and less than 6 years	\$40	Greater than 28 and less than 30	\$280
Greater than 6 and less than 8 years	\$60	Greater than 30 and less than 32	\$300
Greater than 8 and less than 10 years	\$80	Greater than 32 and less than 34	\$320
Greater than 10 and less than 12 years	\$100	Greater than 34 and less than 36	\$340
Greater than 12 and less than 14 years	\$120	Greater than 36 and less than 38	\$360
Greater than 14 and less than 16 years	\$140	Greater than 38 and less than 40	\$380
Greater than 16 and less than 18 years	\$160	Greater than 40 and less than 42	\$400
Greater than 18 and less than 20 years	\$180	Over 42	\$420
Greater than 20 and less than 22 years	\$200		
Greater than 22 and less than 24 years	\$220		

<sup>7</sup>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 (79<sup>th</sup> Legislature, Regular Session), Section 13.07).

<b>POLICY:</b>	<b>3.4</b>	<b>MINIMUM WAGE, OVERTIME, AND COMPENSATORY TIME</b>
<b>SCOPE:</b>		<b>STAFF</b>
<b>POLICY NUMBER:</b>	<b>3.4</b>	
<b>APPROVED:</b>	<b>June 1999</b>	
<b>REVISED:</b>	<b>November 2005</b>	

### 1. **Fair Labor Standards Act (FLSA)**

#### 1.1. **Minimum Wage**

The minimum wage in Texas is linked to the federal minimum wage<sup>8</sup>.

### 2. **FLSA Overtime/Compensatory Time**

- 2.1. The Fair Labor Standards Act of 1938 (Title 29, United States Code, Section 201, et seq.) as amended required covered employers to compensate nonexempt (hourly/classified)

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<sup>8</sup> Section 6 of the Fair Labor Standards (FLSA) Act of 1938 (29 United State Code, Section 206)

employees for any hours worked above 40 hours in a workweek at a rate of time and a half, or 1.5 times an employee's hourly pay.

- 2.2. Amendments to the FLSA in 1985, which became effective in 1986, provided that all state government employers other than elected officials, their personal staff, policy advisors, and 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 forty (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 twelve (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 forty (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 twelve (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 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.<sup>9</sup>

**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.

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.<sup>10</sup>

**2.4. Holiday Compensatory Time**

2.4.1. An institution of higher education, as defined by the Texas Education Code<sup>11</sup>, 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.

<b>POLICY:</b>	<b>3.5</b>	<b>COMPENSATION</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>3.5</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>March 2002</b>	

**1. Full time Faculty Compensation Policy.**

Nine-month contracts may be paid over nine or twelve months, as determined by 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

<sup>9</sup> Texas Government Code, Section 659.0169 (e)(4)

<sup>10</sup> Opinion, Texas Attorney General, NO. H-899 (1976)

<sup>11</sup> Section 61.003

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 Faculty and Overload Compensation**

Part-time and overload salaries are spread over 4.0 months for fall and 4.0 months for spring. In the fall, checks are distributed on the first working day of October (1), November (1), December (1), and January (1). In the spring, checks are distributed on the first working day of 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 Electronic Personnel Action Request (EPAF) for payment.

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.

<b>POLICY:</b>	<b>3.6 EMPLOYEE PERFORMANCE PAY</b>
<b>SCOPE:</b>	<b>CLASSIFIED STAFF</b>
<b>POLICY NUMBER:</b>	<b>3.6</b>
<b>APPROVED:</b>	<b>June 1999</b>
<b>REVISED:</b>	<b>November 2005</b>

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1. **Merit Increases**

For classified employees, a merit increase consists of an increase within the range of the same salary group<sup>12</sup>. State Agencies may award merit salary increases to employees whose job performance and productivity is consistently above that normally expected and required<sup>13</sup>.

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 (6) 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 (79<sup>th</sup> Legislature, Regular Session), Article III, Special Provisions Relating Only to State Agencies of Higher Education, Section 5.4 and Section 5.5)

<b>POLICY:</b>	<b>3.7</b>	<b>STUDENT SOCIAL SECURITY EXCLUSION</b>
<b>SCOPE:</b>		<b>STUDENT</b>
<b>POLICY NUMBER:</b>	<b>3.7</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>		

1. **Student Social Security Exclusion 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

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<sup>12</sup> Texas Government Code, Section 659.255(a) (3).

<sup>13</sup> Texas Government Code, Section 659.255(e) (4).

Medicare coverage. The Omnibus Appropriations Bill<sup>14</sup>, 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 12<sup>th</sup> class day for Fall and Spring and the 4<sup>th</sup> 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 Electronic Personnel Action Form (EPAF) 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 twenty (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.

<b>POLICY:</b>	<b>3.8</b>	<b>COMPENSATION DISASTER RECALL</b>
<b>SCOPE:</b>	<b>STAFF</b>	

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<sup>14</sup>H.R. 4328

**POLICY NUMBER:** 3.8  
**APPROVED:** December 2005  
**REVISED:**

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1. **Compensation Disaster Recall 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. Executive Vice President for Finance and Operations
- 2.4. Dean of Student Services (Director of Security)
- 2.5. Director of Purchasing and Contracts
- 2.6. Director of Physical Plant
- 2.7. 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 forty (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.

## SECTION 4: ATTENDANCE AND LEAVE

<b>POLICY:</b>	<b>4.0 ATTENDANCE</b>
<b>SCOPE:</b>	<b>STAFF AND FACULTY</b>
<b>POLICY NUMBER:</b>	<b>4.0</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>November 2005, July 2020</b>

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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 forty (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 a one (1) 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 twenty (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.<sup>15, 16</sup>

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.

**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.

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<sup>15</sup> Texas Government Code, Section 662.010

<sup>16</sup> *Payroll Policies and Procedures Guide*, Office of the Comptroller of Public Accounts, August 2000, page 2.15



- 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 another 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.

<b>POLICY:</b>	<b>4.1 ANNUAL LEAVE</b>
<b>SCOPE:</b>	<b>STAFF</b>
<b>POLICY NUMBER:</b>	<b>4.1</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>November 2005</b>

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<sup>17</sup>**

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<sup>17</sup> Texas Government Code, Section 661.152(c).

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. 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.<sup>18</sup>

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

Length of State Service	Hours Accrued Per Month	Days Accrued Per Year	Allowable Carry-Over (Hours)
Less than 2 years	8	12	180
At least 2 but less than 5 years	9	13.5	244
At least 5 but less than 10 years	10	15	268
At least 10 but less than 15 years	11	16.5	292
At least 15 but less than 20 years	13	19.5	340
At least 20 but less than 25 years	15	22.5	388
At least 25 but less than 30 years	17	25.5	436
At least 30 but less than 35 years	19	28.5	484
At least 35 years or more	21	31.5	532

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.<sup>19</sup> 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

<sup>18</sup> Texas Government Code, Section 661.152 (d)

<sup>19</sup> Texas Government Code, Section 661.152 (d)

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.<sup>20</sup>

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.<sup>21, 22</sup>

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.<sup>23</sup>

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. 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.

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<sup>20</sup> Texas Government Code, Section 661.062(a)

<sup>21</sup> Texas Government Code, Section 661.067 (b)(3)

<sup>22</sup> State Auditor Leave Interpretation Letter No. 99-01(1998)

<sup>23</sup> Texas Government Code, Section 661.063 (c) (2)

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 (Electronic Personnel Action Request Form (EPAF) and Vacation/Sick Leave Form (F3.6) to process the requested leave in a timely manner.

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.

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

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 employee's immediate family, and which require the employee to be absent from work. It is also designed to protect other employees from being exposed to contagious diseases. All employees are expected to work if their health permits and to remain at home if it does not.

Sick leave may be used when an employee is prevented from performing his or her job 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<sup>24</sup>.

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.

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<sup>24</sup> Texas Government Code, Section 661.202 (e)

- 2.3. An employee accrues sick leave at a rate of eight hours 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, 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 Electronic Personnel Action Form (EPAF) 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.<sup>25</sup>
- 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.

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<sup>25</sup> Texas Government Code, Section 661.203

- 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 twelve (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 twelve (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 thirty (30) calendar days; or
    - 4.4.2. The employee is re-employed by a different state agency or institution of higher education within twelve (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.

<b>POLICY:</b>	<b>4.3</b>	<b>CATASTROPHIC SICK LEAVE POOL<sup>26</sup></b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>	
<b>POLICY NUMBER:</b>	<b>4.3</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>March 2002, July 2017; December 2021</b>	

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1. **Catastrophic Sick Leave Pool 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

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<sup>26</sup> House Bill 1771, 84<sup>th</sup> Legislature, Government Code Section 661.207; IRS Revenue Ruling 90-29

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. **General Provisions**

- 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.<sup>27</sup>

7. **Donation of Sick Leave to an Individual**

Employees eligible for sick leave and with available sick leave accruals may donate a portion of their sick leave balance to another employee provided the receiving employee has exhausted his or her sick leave, including any time he or she may be eligible to withdraw from the university's sick leave pool.

Sick leave donation to a specific individual is a taxable event to the donor unless the situation qualifies as a medical emergency pursuant to IRS guidelines. For taxation purposes, a medical emergency is defined as "a major illness or other medical condition that requires a prolonged absence from work (40 hours), including intermittent absences that are related to the same illness or condition". The cash value of donations not qualified as medical emergencies are included in the gross income of the donor and treated as wages for employment tax purposes.

- 7.1. Employees may not provide or receive remuneration or gift in exchange for sick leave donation.
- 7.2. Sick leave donations are non-returnable whether used or not by the receiving employee.
- 7.3. **Recipient Information:**
  - 7.3.1. An intended recipient of donated sick leave will be notified of the potential donation by Human Resources.
  - 7.3.2. An intended recipient seeking to accept a donation must provide requested documentation and participate in Human Resources assessment of the potential taxability of the donation and whether the recipient qualifies for Sick Leave Pool, FMLA, and/or other leave options.
  - 7.3.3. Upon confirmation of donation, a recipient employee must submit a Sick Leave Donation to an Individual-Recipient Form to affect a sick leave transfer.
  - 7.3.4. Use of donated sick leave must be consistent with provisions of sick leave use contained in this policy.
  - 7.3.5. Employees receiving donated sick leave may not receive service credit in the Employees Retirement System of Texas (ERS) or the Teacher Retirement System of Texas (TRS) for any donated sick leave that is unused on the last day of employment.
- 7.4. **Donor Information:**
  - 7.4.1. An employee donor initiates a potential transfer by submitting a Sick Leave Donation to an Individual-Donor Form to the Human Resources Office for processing.

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<sup>27</sup> S.B. 1624, 75<sup>th</sup> Legislature, General Appropriations Act.



7.4.2. A potential donor may make the donation contingent upon the tax-exempt status of the leave transfer.

7.4.3. When the leave does not qualify for tax-exempt status, the dollar value of donated sick leave is taxable to the donor and such taxes are withheld from the donor's paycheck.

## 8. **Contribution to Family Leave Pool**

A state employee may contribute to the family leave pool one or more days of the employee's accrued sick or vacation leave.<sup>28</sup>

8.1. The pool administrator shall credit the family leave pool with the amount of time contributed by a state employee and deduct a corresponding amount of time from the employee's earned sick or vacation leave as if the employee had used the time for personal purposes.

8.2. A retiring state employee may designate the number of the retiring employee's accrued sick or vacation leave hours to be used for retirement credit and the number of the retiring employee's accrued sick or vacation leave hours to be donated on retirement to the sick or family leave pool.

8.3. Use of Time in Pool <sup>29</sup>

A state employee is eligible to use time contributed to the family leave pool of the state agency that employs the employee if the employee has exhausted the employee's eligible compensatory, discretionary, sick, and vacation leave because of:

8.3.1. the birth of a child;

8.3.2. the placement of a foster child or adoption of a child under 18 years of age;

8.3.3. the placement of any person 18 years of age or older requiring guardianship;

8.3.4. a serious illness to an immediate family member or the employee, including a pandemic-related illness;

8.3.5. an extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member; or

8.3.6. a previous donation of time to the pool.

8.4. A state employee who applies to use time under Subsection (a) to care for another person must submit and be listed on the other person's birth certificate, birth facts, or adoption or foster paperwork for a child under 18 years of age, including being listed as the mother, father, adoptive parent, foster parent, or partner of the child's mother, adoptive parent, or foster parent, or provide documentation that the employee is the guardian of a person who is 18 years of age or older and requiring guardianship.

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28 Sec. 661.023. Added by Acts 2021, 87th Leg., R.S., Ch. 684 (H.B. [2063](#)), Sec. 1, eff. September 1, 2021.

29 Sec. 661.024.

<b>POLICY:</b>	<b>4.4 LEAVE WITHOUT PAY (LWOP)</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>4.4</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>November 2005</b>

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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 twelve (12) months.
- 1.3. Except in instances of disciplinary suspension, worker's compensation, and military situations:
  - 1.3.1. Annual leave must be exhausted.
  - 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<sup>30</sup>. 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 (1) 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.

<b>POLICY:</b>	<b>4.5 EXTENDED LEAVE WITHOUT PAY</b>
<b>SCOPE:</b>	<b>ADMINISTRATION AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>4.5</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>November 2005</b>

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**1. Extended Leave Without Pay Policy.**

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<sup>30</sup> Texas Government Code, Section 661.909).

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 Leave Without Pay (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 twelve (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.

<b>POLICY:</b>	<b>4.6</b>	<b>FAMILY MEDICAL LEAVE ACT (FMLA)</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>	
<b>POLICY NUMBER:</b>	<b>4.6</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>September 2009</b>	

1. **Family Medical Leave 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.<sup>31</sup>

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 twelve (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 twelve (12) week entitlement. State compensatory time, holiday time, and administrative leave that 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 twelve (12) months of state service or who have worked less than 1250 hours in the twelve (12) month period immediately preceding the commencement of leave are eligible to take a parental leave of absence, not to exceed twelve (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,

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<sup>31</sup> SB5, 73rd Legislature, Regular Session, Article V, Section 8 U.S. Public Law 1033, Family Medical Leave Act, 29CFR825

- 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 twelve (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 twenty-six (26) weeks of all types of FMLA leave during the single twelve (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 POLICY: 4.4 LEAVE WITHOUT PAY (LWOP), page 58).

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 eighteen (18) years is of age but incapable of caring for themselves or over eighteen (18) years of age but incapable of caring for themselves because of a serious health condition.

- 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:
  - 10.7.1. Physical and psychological care, and
  - 10.7.2. Where the employee is needed to fill in for others providing care or to arrange for third party to care for the family member.
- 10.8. The phrase unable to perform the functions of his/her job means an employee is:
  - 10.8.1. Unable to work at all; or
  - 10.8.2. Unable to perform any of the essential functions of his/her position. The term "essential functions" is borrowed from the Americans with Disabilities Act ("ADA") to mean "the fundamental job duties of the employment position," and does not include the marginal functions of the position.

<b>POLICY:</b>	<b>4.7</b>	<b>OTHER LEAVES AND ABSENCES</b>
<b>SCOPE:</b>		<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>4.7</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>November 2005</b>	

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.<sup>32</sup>
- 1.1.2. Activation of the State's National Guard by the Governor.<sup>33</sup>
- 1.1.3. National emergency activation for members of a reserve branch of the U.S. Armed Forces.<sup>34</sup>
- 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.<sup>35</sup>
- 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 fifteen (15) 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 fifteen (15) days need not be consecutive. In addition, these days are business days, not calendar days. After exhausting the fifteen (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.<sup>36</sup>
- 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.

  - 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

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<sup>32</sup> Texas Government Code, Section 431.005(a).

<sup>33</sup> Texas Government Code, Section 661.903

<sup>34</sup> Texas Government Code, 661.904

<sup>35</sup> Texas Government Code, 658.008

<sup>36</sup> Texas Government Code, Section 431.0825



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.<sup>37</sup>

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 (5) 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**

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.<sup>38</sup>

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

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<sup>37</sup> Texas Government Code, Section 613.002

<sup>38</sup> Texas Government Code, Section 661.906

grade. The employee must give reasonable notice of his or her intention to use this leave.<sup>39</sup> 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**

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

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<sup>39</sup>Texas Government Code, Section 661.902

10.2. Thirty (30) working days in a fiscal year to serve as an organ donor.<sup>40</sup>

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.<sup>41</sup>

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.<sup>42</sup> The payment is calculated at the employee's salary rate at the time of death.<sup>43</sup> Employees that normally work at least 900 hours per year are eligible for this benefit.<sup>44</sup>

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<sup>40</sup> Texas Government Code, Section 661.916

<sup>41</sup> Texas Government Code, Section 661.907(a)

<sup>42</sup> Texas Government Code, Section 661.033

<sup>43</sup> Texas Government Code, Section 661.034

<sup>44</sup> Texas Government Code, Section 661.031(2)

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.<sup>45</sup>

<b>POLICY:</b>	<b>4.8</b>	<b>WORKERS' COMPENSATION</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>	
<b>POLICY NUMBER:</b>	<b>4.8</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>December 2005</b>	

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 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.<sup>46</sup> 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

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<sup>45</sup> 29 CFR Part 553.27; and Opinion, Texas Attorney General, No. H-899 (1976)

<sup>46</sup> Texas Government Code, Section 408.022(a)

example, temporary income, impairment increment, or supplemental income) expires 401 weeks after the date of the disabling injury.<sup>47</sup>

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.<sup>48</sup> 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.<sup>49</sup>

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.

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<sup>47</sup> Texas Government Code, Section 408-081, Section 408.082, and Section 408.083

<sup>48</sup> Texas Government Code, Section 501.044

<sup>49</sup> Opinion, Texas Attorney General No. JC-0188 (2000)

The employee receives this benefit until his or her death.<sup>50</sup>

- 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.<sup>51</sup>

## 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.<sup>52</sup>

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.<sup>53</sup>

## 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.<sup>54</sup>

<b>POLICY:</b>	<b>4.9</b>	<b>RETURN TO WORK</b>
<b>SCOPE:</b>		<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>4.9</b>	
<b>APPROVED:</b>		

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<sup>50</sup> Texas Labor Code, Section 408.161

<sup>51</sup> Texas Labor Code, Section 408.181, Section 408.061, Section 408.186

<sup>52</sup> Texas Labor Code, Section 409.001 and Section 409.002

<sup>53</sup> Texas Labor Code, Section 409.007

<sup>54</sup> State Auditor's Leave Interpretation Letter No. 01-02 (2000)

**REVISED: March 2002; December 2005; May 2014**

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1. **Return to Work 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.

The Return To Work Program provides opportunities for any employee 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 construed 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 twelve (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, if 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 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/or her supervisor, or a person in a management position, that an injury or serious health condition exists. Such notification should occur at the earliest possible time after occurrence of injury or knowledge that a serious health condition exists. Such notification should ideally occur within twenty-four (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 twenty-four (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, aid 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.

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<b>POLICY:</b>	<b>4.10 CHILDREN IN THE WORKPLACE</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>4.10</b>
<b>APPROVED:</b>	<b>March 2014</b>
<b>REVISED:</b>	

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1. **Children in the Workplace Policy.**

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
- 2.3. Decreased employee productivity due to distractions and disruptions.

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<b>POLICY:</b>	<b>4.11 WORKPLACE LACTATION PROGRAM</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>4.11</b>
<b>APPROVED:</b>	<b>July 17, 2017</b>
<b>REVISED:</b>	

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1. **Purpose**

Lamar State College Port Arthur recognizes that maintaining a balance between work and family is necessary for optimized employee work performance. The college is committed to supporting employees who choose to breastfeed. To assist employees with challenges associated with workplace milk expression, and to comply with the Texas State Health and Safety Code Chapter 165.003 which recognizes that a mother is entitled to breastfeed her baby in any location in which the mother is entitled to be, the college has implemented a Workplace Lactation Program.

2. **Benefits**

Healthier babies. Research shows that breastfed babies get sick less often and have fewer visits to the doctor than babies that receive formula. No formula can duplicate the special nutrients that human milk provides.

- 2.1 Increased attendance. Due to less time lost for care of sick children;

- 2.2 Reduced cost. Due to fewer insurance claims for sick children and mothers;
- 2.3 Reduced turnover. Due to mothers opting to return to work because private locations are provided for milk expression and breastfeeding; and
- 2.4 Increased morale. Due to the college's support for breastfeeding employees.

### **3. Policy and Procedure**

- 3.1 Support for Workplace Lactation:
  - 3.1.1 Employees who wish to express milk or breastfeed during work hours are entitled to take reasonable breaks as frequently as needed for up to one year following the birth of the employee's child. Exceptions beyond one year should be discussed in advance with the supervisor
  - 3.1.2 The frequency and duration of breaks for this purpose may vary as determined by the needs of the mother. This is considered paid time; however, nursing mothers should first utilize their normal break periods. The frequency and amount of break time allowed to express breast milk may vary and will include the time required to gather, clean, store necessary equipment, and any necessary travel time to and from the location used to express milk.
  - 3.1.3 Employees may work predetermined and approved flexible work schedules to accommodate lactation.
  - 3.1.4 In addition to the college providing break time for an employee to express breast milk as needed, the college must provide a place (other than a public restroom) that is shielded from view and free from intrusion from other employees and the public where the employee can express milk. Employees and supervisors are encouraged to contact Human Resources for assistance.
  - 3.1.5 The college shall provide access to a nearby clean, safe water source and a sink for washing hands and rinsing out any needed breast-pumping equipment. Expressed milk should be stored in the employee's personal cooler or in a common refrigerator.

### **4. Responsibilities**

- 4.1 Supervisors shall discuss with an expectant mother her potential plans to express milk upon return to work. This will allow planning time to adjust as needed. The supervisor may delegate this responsibility to an appropriate female staff member. Management and employees are encouraged to have a positive, accepting attitude toward employees opting to breastfeed their children.
  - 4.1.1 Human Resources will work with the supervisor to designate an appropriate area for the employee to breast feed or express milk.
  - 4.1.2 Supervisors are responsible for ensuring that the duties of the nursing mother are covered during her expression or breastfeeding breaks.
  - 4.1.3 Supervisors are responsible for alerting pregnant and breastfeeding employees about this policy for lactation support.
- 4.2 Employees who are breastfeeding shall:
  - 4.2.1 Communicate with their supervisor regarding scheduling or other needs as far in advance as possible if planning to express breast milk or breast feeding while at work and comply with agreed flexible schedules.

- 4.2.2 When more than one employee needs to use the designated private room, employees will need to work together and coordinate with the key contact person for the room to negotiate milk expression times to meet everyone needs.
- 4.2.3 If an employee prefers, she may also express milk in her own private office, or in another private location agreed upon in consultation with the employee's supervisor and Human Resources.

## **SECTION 5: CONDITIONS OF EMPLOYMENT**

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

### **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. 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 act 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:

- 9.1. Not to make or permit unauthorized use of any information or files.
- 9.2. Not to seek personal benefit or permit others to benefit personally by any confidential information which has come to them through their work assignment.
- 9.3. Not to exhibit or divulge the contents of any record or report to any person except in the conduct of their regular work assignment.
- 9.4. 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.
- 9.5. Not to operate or request others to operate any College data processing equipment for personal business.
- 9.6. Not to aid, abet or act in conspiracy with any other person to violate any part of this code; and,
- 9.7. To immediately report any violation of this code to management.
- 9.8. 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 TSUS 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.
- 14.8. Engage in any form of sexual harassment or racial harassment as defined in the Administrative Policies and Procedures Manual.

## 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.

<b>POLICY:</b>	<b>5.1 STANDARDS OF CONDUCT</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>5.1</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>October 2004; December 2005; May 2012; November 2020</b>

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### 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:

- 1.1. 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;
- 1.2. 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;
- 1.3. Disclose confidential information that is exempt from public disclosure under the Texas Public Information Act.<sup>55</sup>
- 1.4. 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;
- 1.5. 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;
- 1.6. Makes personal investments that could reasonably be expected to create a substantial conflict between the employee's private interest and the public interest; or
- 1.7. 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;
- 1.8. Knowingly make misleading statements, either oral or written, or provide false information, in the course of official state business; or

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<sup>55</sup> Texas Government Code Chapter 552

- 1.9. Engage in any political activity while on state time or utilize state resources for any political activity.
- 1.10. Disrupt or interfere with the expressive activities of others on campus.
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.

**POLICY: 5.2 CONFLICTS OF INTEREST**

**SCOPE: FACULTY AND STAFF**

**POLICY NUMBER: 5.2**

**APPROVED:**

**REVISED: October 2004; December 2005**

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## 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<sup>th</sup> 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:

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

1.5.2. A fee prescribed by law to be received by an employee or any other benefit to which he or she is lawfully entitled or for which he or she gives legitimate

consideration in a capacity other than as an employee of Lamar State College Port Arthur;

1.5.3. A gift, award, or memento that is received from a lobbyist who is required to make reports;<sup>56</sup> and,

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

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

1.6. 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.

1.7. 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.

1.8. Awards

Employees may accept plaques and similar recognition awards.

1.9. 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.

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56 Chapter 305 of the Government Code

2.2. Perishable Food Items

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

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 TSUS 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:<sup>57</sup>

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.

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<sup>57</sup> 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.

- 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 TSUS 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.

<b>POLICY:</b>	<b>5.3 FRAUD</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>5.3</b>
<b>APPROVED:</b>	<b>May 2006</b>
<b>REVISED:</b>	

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### 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.<sup>58</sup>

#### 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:

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<sup>58</sup> Black's Law Dictionary



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

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 and 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 another 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. 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.

<b>POLICY:</b>	<b>5.4</b>	<b>PERFORMANCE RATING PROCEDURE</b>
<b>SCOPE:</b>	<b>STAFF</b>	
<b>POLICY NUMBER:</b>	<b>5.4</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>March 2002</b>	

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**1. Policy**

1.1. 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**

2.1. 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.**

2.2. 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:

- 2.3. Determining staff personnel deserving of merit pay increases
- 2.4. Identifying staff personnel for promotion
- 2.5. Informing staff personnel of deficiencies, training needs, and improvements expected
- 2.6. Justification for disciplinary actions
- 2.7. **Nothing in this policy or process shall be interpreted as an abdication, by the College, of its employment at will policy.**

### 3. **Application**

- 3.1. 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.
- 3.2. The Human Resources Office is authorized to prepare and submit to all departments suggested guidelines and forms for developing performance evaluation systems.

### 4. **Procedures**

- 4.1. 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.
- 4.2. Each department's employee performance evaluation system shall produce overall ratings of at least five (5) levels as follows:
  - 4.2.1. Unsatisfactory. Performance and results achieved consistently do not meet established objectives.
  - 4.2.2. Needs Improvement. Performance and results achieved generally do not meet established objectives. Performance requires more than normal degree of supervision.
  - 4.2.3. Meets Expectations. Performance and results generally meet the expectations for the position requirements and objectives. Performance requires normal degree of supervision.
  - 4.2.4. Exceeds Expectations. Performance and results achieved consistently exceed expectations for the position requirements and objectives.
  - 4.2.5. Exceptional. Performance and results achieved always exceed the standards and expectations for the position requirements and objectives.
- 4.3. 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 for EEO compliance. It is suggested that, in all cases, the immediate supervisor doing the rating must be familiar with the performance of the staff employee during a major portion of the rating period.

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. Rating should be based upon objective, measurable, and consistently applied criteria.

- 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 (See POLICY: 5.7 DISCIPLINE FOR STAFF, page 96).

<b>POLICY:</b>	<b>5.5 PERFORMANCE EVALUATION</b>
<b>SCOPE:</b>	<b>STUDENT</b>
<b>POLICY NUMBER:</b>	<b>5.5</b>
<b>APPROVED:</b>	<b>October 2012</b>
<b>REVISED:</b>	<b>December 2021</b>

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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:

- 4.1. **Exemplary (E).** The employee's performance significantly and consistently surpassed job performance standards when measured by quality, quantity and value to the institution.
- 4.2. **Exceeds Expectations (EE).** The employee's performance frequently surpassed job performance standards when measured by quality, quantity and value to the institution; the work produced overall added value to the institution.
- 4.3. **Achieves (A).** The employee's performance met job performance standards when measured by quality, quantity and value to the institution, and was consistent and reliable.

- 4.4. **In Development or Improvement Needed (I).** The employee's performance is still developing and/or did not consistently achieve job performance standards when measured by quality, quantity and value to the institution; some improvement is needed.
  - 4.5. **Unsatisfactory (U).** The employee's performance was consistently below expectations when measured by quality, quantity and value to the institution; immediate corrective action is necessary.
5. 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.

<b>POLICY:</b>	<b>5.6</b>	<b>PERFORMANCE RATING PURPOSE</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>5.6</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>March 2002</b>	

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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.

<b>POLICY:</b>	<b>5.7</b>	<b>DISCIPLINE FOR STAFF</b>
<b>SCOPE:</b>	<b>STAFF</b>	
<b>POLICY NUMBER:</b>	<b>5.7</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>March 2004; May 2016</b>	

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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 ensure 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.

The President 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.

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 Electronic Personnel Action Request Form (EPAF) 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. An Electronic Personnel Action Request Form (EPAF) 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 Electronic Personnel Action Request Form (EPAF) 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 Electronic Personnel Action Request Form (EPAF) 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.

<b>POLICY:</b>	<b>5.8</b>	<b>DISCIPLINE FOR FACULTY</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>5.8</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>December 2003</b>	

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:

<b>Incident</b>	<b>Action Required</b>
<b>First incident</b>	Oral reprimand
<b>Second incident</b>	Written reprimand
<b>Third incident</b>	Probation
<b>Fourth incident</b>	Dismissal

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.

<b>POLICY:</b>	<b>5.9</b>	<b>GRIEVANCE</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>	
<b>POLICY NUMBER:</b>	<b>5.9</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>March 2002; December 2005; July 2018</b>	

#### **1. Grievances on Terms and Conditions of Employment**

- 1.1. Every employee of Lamar State College Port Arthur, individually or through a representative that does not claim the right to strike, shall be entitled to present grievances to a hearing officer designated by the president concerning such employee's

wages, hours of work, or conditions of work. Such grievance shall not involve formal hearings.<sup>59</sup>

<b>POLICY:</b>	<b>5.10 USE OF STATE PROPERTY</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>5.10</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>March 2002; December 2005</b>

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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.<sup>60</sup>

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 reasons may lead to restrictions or disciplinary actions. In no case will personal long-distance phone calls be charged to LSCPA 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 and the computer center.

<b>POLICY:</b>	<b>5.11 SOCIAL EVENTS WITH ALCOHOL</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>5.11</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>March 2002</b>

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1. **Policy**

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<sup>59</sup> TSUS Rules and Regulations, Chapter V, 2.15.

<sup>60</sup> Personnel Action Request For; Texas Government Code, Section 2101.0115.

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, Performing Arts Center, and other campus spaces 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 thru Thursday, 5 p.m. until midnight; Friday, 5 p.m. until 2 a.m.; Saturday, 10 a.m. until 2 a.m.; Sunday, noon until midnight. Facilities are typically unavailable during some 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, 1<sup>st</sup> and 4<sup>th</sup> Floor
  - 3.4.5. Vuylsteke Home
  - 3.4.6. 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 *LSCPA Policy Governing On-Campus Social Events* and the *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 adjust these policies in the best interest of the College.

<b>POLICY:</b>	<b>5.12 ACQUIRED IMMUNE DEFICIENCY SYNDROME</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>5.12</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>March 2002</b>

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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).

<b>POLICY:</b>	<b>5.13 WHISTLE BLOWER</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>5.13</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>March 2002; December 2005; May 2014</b>

1. **Policy.**

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.

2. **Violation of Policy.**

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.

3. **Wrongful Suspension.**

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.<sup>61</sup>

<b>POLICY:</b>	<b>5.14</b>	<b>RELEASE OF EMPLOYEE INFORMATION (OPEN RECORDS ACT)</b>
<b>SCOPE:</b>	<b>FACULTY, STAFF and STUDENT EMPLOYEES</b>	
<b>POLICY NUMBER:</b>	<b>5.14</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>March 2002; May 2012</b>	

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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. 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 Office 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:<sup>62</sup>

- 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
- 2.5 Emergency contact

3. **Reference Checks and Employment Verifications**

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<sup>61</sup> Texas Government Code, Chapter 5

<sup>62</sup> Texas Public Information Act, Government Code, Chapter 552



- 3.1 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.<sup>63</sup>

- 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.<sup>64</sup> 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.
  - 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.<sup>65</sup>
  - 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:<sup>66</sup>
  - 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.

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63 Government Code, Section 552.024

64 Texas Public Information Act, Government Code, Chapter 552

65 Senate Bill 1638, 82<sup>nd</sup> Legislature, Regular Session, amended Section 552.024 to include emergency contact information

66 Texas Public Information Act, Government Code, Chapter 552

- 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 the Human Resources Office 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.<sup>67</sup> 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.<sup>68</sup>

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.

<b>POLICY:</b>	<b>5.15 RECOGNITION OF SERVICE AND RETIREMENT</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>5.15</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>January 2006</b>

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.

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<sup>67</sup> Texas Government Code, Section 552.023.511

<sup>68</sup> Texas Public Information Act, Government Code, chapter §559.003(a)

- 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.

**POLICY:** 5.16 SOCIAL MEDIA  
**SCOPE:** FACULTY AND STAFF  
**POLICY NUMBER:** 5.16  
**APPROVED:**  
**REVISED:**

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1. **Introduction**

Social media networks such as Facebook, MySpace, Twitter and others are a constantly evolving channel of communication that provides many opportunities for LSCPA members of the campus community, including students, faculty, staff, applicants for admissions and employment, visitors, guests, vendors and other third parties while they are on college premises or at college sponsored events. Social media enables connections with people in ways no other medium can. Having a presence in social media can prove to be invaluable.

2. **Policy**

Employees that want to use social media networks as a tool to communicate with students and the public must comply with the Acceptable Use of Social Media and Principles of Use outlined within the Social Media Policy. Employees must also apply for a social media account as a “College Affiliate”.

Employees must not use personal social media accounts to communicate with students or the public.

3. **Acceptable Use of Social Media.**

- 3.1. Authentic. Lamar State College Port Arthur is committed to maintaining an authentic presence online. Authenticity builds credibility and reliability among our audiences while increasing the engagement value of our online communities.
- 3.2. Engaging. Provide content that promotes and encourages conversation, communication, interaction, and that will build loyalty among college audiences.
- 3.3. Service Oriented. Lamar State College Port Arthur recognizes social media as a channel for providing better service to our audiences. College accounts are held to the high standards of service. Those that manage college accounts are responsible for being timely and accurate when providing service to its constituents.
- 3.4. Thoughtful. Individuals managing a college social media account are required to carefully consider the content of social media communications before posting.

All members of the college community who engage in communication through social media are encouraged to respect others, their ideas, and discussions. Remain constructive

and respectful when communicating and remember that content is not “private” and all users should be thoughtful in posting and sharing content.

4. **“College Affiliate” Account.**

4.1. Register as a “College Affiliate” with the Director of Public Information.

4.2. Principles of Use.

4.2.1. By registering as a College Affiliate, the user of social media accounts agree to:

4.2.1.1. Maintain culture of the college and follow the branding guidelines set forth by LSCPA.

4.2.1.2. Post Responsibly. Affiliates agree not to post content that is threatening, obscene, a violation of intellectual property rights or privacy laws, or otherwise injurious or illegal. Users who post such content and/or who refuse to remove such content when requested by the college may be subject to revocation of their Affiliate status in addition to possible disciplinary action.

4.2.1.3. Confidentiality. Maintain confidentiality and respect the privacy and personal rights of others. Do not access or copy another user's electronic data, programs, or other files without permission. All members of the LSCPA community using social media are responsible for maintaining and protecting confidential information (e.g., financial information, personal information about members of the college, etc.).

4.2.1.4. Copyright and Fair Use Laws. When posting, be mindful of the copyright and intellectual property rights of others and of the college. Unless you own the rights in the content, you may not reproduce, adapt, or communicate without the written permission of the copyright owner, nor use the content for commercial purposes.

4.2.1.5. Personal Opinion versus College Approved Messages. All members of LSCPA must clearly distinguish personal opinion from college approved messages and may not represent that their personal opinions as having been approved or endorsed by the LSCPA. Lamar State College Port Arthur’s name or marks may not be used to endorse any opinion, product, private business, cause, or political candidate or cause. All Affiliated social media accounts are required to post the social media disclaimer on their social media properties.

4.2.1.6. Terms of Service. Obey the Terms of Service of any social media platform used.

4.2.1.7. Monitor. It is the responsibility of those employees with “Affiliated Accounts” to monitor the use of their accounts to ensure compliance with the Social Media Policy.

5. **Monitor of Social Media:** Lamar State College Port Arthur monitors and tracks pages that identify themselves as being connected with the college (e.g., student clubs/orgs, sports teams, administrative departments, etc.), whether or not they have gone through the Affiliate registration process. Additionally, the college monitors hashtags and content associated with LSCPA, including, but not limited to, Facebook, Instagram, Twitter, and Snapchat.

The release of information to the public without the consent of the student will be limited to the categories of information listed below which have been designated by the institution as directory information and which will be routinely released. The student may request that any or all of this information be withheld from the public by making written request to the Records Office. The request must be made by the last official day to register for a given session and applies to that session only. The following information will be considered directory information:

1) Name; 2) Current and permanent address; 3) Telephone listing; 4) Date and place of birth; 5) Sex; 6) Marital status; 7) Major and minor; 8) Semester hour load; 9) Classification; 10) Class schedule; 11) Eligibility for and participation in officially recognized activities and sports; 12) Weight and height of members of athletic teams; 13) Dates of attendance; 14) Degrees and awards received with dates; 15) Previous educational agencies or institutions attended.

6. Deletion of Records

It is the policy of the institution to review records according to its approved record retention schedule and the State Records Retention Act, and expunge records or parts of records that have served their purpose. Records are destroyed only as allowed by law.

7. Types and Location of Records

The types of educational records and information contained therein which are directly related to students are listed in the table below.

ADMINISTRATION	TITLE	LOCATION	TYPES OF STUDENT RECORDS
<b>Admissions and Records</b>	Dean for Student Services and Registrar	Student Center	Admissions Permanent Academic Enrollment
<b>Divisions</b>	Vice President for Academic Affairs Dean of Technical Programs	Madison Monroe Education Building	Academic
<b>Financial Aid</b>	Director of Financial Aid	Student Center	Student financial aid
<b>Administration</b>	Human Resources Coordinator	Business Building	Employee personnel records
<b>Finance</b>	Controller/Business Manager	Business Building	Financial
<b>Student Affairs</b>	Director of Student Activities Dean for Student Services	Student Center	Student Government, Personnel, Disciplinary, Student Organizations & Activities, Recruitment, Advisement, Registration, Test Scores

Note: Medical, Police and Guidance Records are exempt from access provisions.

## SECTION 6: EMPLOYEE BENEFITS

<b>POLICY:</b>	<b>6.0 INSURANCE</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>6.0</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>March 2002; December 2005</b>

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### 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.

<b>POLICY:</b>	<b>6.1 RETIREMENT PROGRAMS</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY:</b>	<b>6.1</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>March 2002; January 2006; February 2012</b>

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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 TexaSaver 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 70½ 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 TSUS Board of Regents for Optional Retirement Program carriers or the Executive Vice President for Finance and Operations 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 five (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 (6) 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 ten (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 ten (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 ten (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 retires before 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 65<sup>th</sup> 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 65<sup>th</sup> birthday to enroll without EOI.

If the retiree's 65<sup>th</sup> 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 65<sup>th</sup> 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 65<sup>th</sup> birthday to enroll without EOI.

If the 90<sup>th</sup> 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 retirees 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.

<b>POLICY:</b>	<b>6.2</b>	<b>EMPLOYEE EDUCATION AND TRAINING PLAN</b>
<b>SCOPE:</b>		<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>6.2</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>June 2000</b>	

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 I 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.

<b>POLICY:</b>	<b>6.3 CORPORATE TRAVEL CHARGE CARD</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>6.3</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>September 2003; January 2006</b>

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 are responsible for full payment of monthly bills received. The College will continue to reimburse employees for approved business-related charges in accordance with the State of Texas Travel Allowance Guide published by the Comptroller of Public Accounts.

Employees with a corporate travel charge card shall use the card for 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 58<sup>th</sup> 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.

<b>POLICY:</b>	<b>6.3</b>	<b>EMPLOYEE ASSISTANCE PROGRAM</b>
<b>SCOPE:</b>		<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>6.3</b>	



**APPROVED:**

**REVISED:**

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1. **Policy**

An employee who believes that a personal problem may be affecting job performance is encouraged to use the Employee Assistance Program (EAP). Lamar State College Port Arthur, through the Employee Assistance Program, offers short-term counseling and referral services to an employee or an employee's immediate family member (as defined in Sick Leave section). Short-term counseling services (when appropriate) are provided at no cost to the employee. Additional costs to the employee may result from referral. Some costs may be covered by the employee's health insurance.

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.

<b>POLICY:</b>	<b>6.4</b>	<b>EMPLOYEE HEALTH AND WELLNESS PROGRAM</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>	
<b>POLICY NUMBER:</b>	<b>6.4</b>	
<b>APPROVED:</b>	<b>March 2006</b>	
<b>REVISED:</b>	<b>April 2014</b>	

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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.

<b>POLICY:</b>	<b>6.5 EMPLOYEE TUITION ASSISTANCE PLAN FOR SPOUSES AND DEPENDENTS</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>6.5</b>
<b>APPROVED:</b>	<b>August 2010</b>
<b>REVISED:</b>	

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- 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 4½ 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 12<sup>th</sup> 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: FACULTY

<b>POLICY:</b>	<b>7.0 INITIAL APPOINTMENT, RANK, AND PROMOTION</b>
<b>SCOPE:</b>	<b>FACULTY</b>
<b>POLICY NUMBER:</b>	<b>7.0</b>
<b>APPROVED:</b>	<b>September 2012</b>
<b>REVISED:</b>	<b>9-30-2012; August 2020</b>

1. **Appointment of Administrative Officers.**
  - 1.1 **President.** Appointment of the President is the prerogative and responsibility of the Board of Regents of the Texas State University System. Specific guidelines for the selection of a new President are found in Chapter IV of the Texas State University System *Rules and Regulations*.
  - 1.2 **Vice President for Academic Affairs.** The appointment of the Vice President for Academic Affairs is the prerogative and responsibility of the President, acting with the approval of the TSUS Board of Regents. A search committee, appointed by the President, may be utilized to provide input from students, faculty, Department Chairs, and Deans regarding the appointment
  - 1.3 **Deans.** The appointment of Instructional Deans and the Dean of Library Services is the prerogative and responsibility of the President. Such appointments shall be included in the personnel actions approved by the TSUS Board of Regents in their public meetings. The President will normally solicit a recommendation from the Vice President for Academic Affairs. A search committee, appointed by the Vice President, may be utilized to provide input from the students, faculty members, and Department Chairs regarding the appointment.

- 1.4 **Department Chairs.** Appointment of Department Chairs is the responsibility of the respective Division Dean after input from the faculty, consultation with the Vice President for Academic Affairs, and with the approval of the President. The President will present these appointments to the TSUS Board of Regents for approval.
- 1.5 **Program Coordinators/Directors.** Appointment of Program Coordinators/Directors is the responsibility of the respective Dean with input from the Department Chair, consultation with the Vice President for Academic Affairs, and with the approval of the President.
2. **Faculty Appointment and Employment.** The philosophy of Lamar State College Port Arthur is to maintain a learned faculty who, by precept and example, will instruct and inspire their students and reflect credit upon the institution. Scholarship, creative activity, research, and public service are encouraged, but Lamar State College Port Arthur reaffirms that the primary goal of each faculty member shall be to attain a greater proficiency in teaching
  - 2.1 All appointments to the faculty of Lamar State College Port Arthur are subject to the approval of the TSUS Board of Regents. The President shall recommend to the Board the employment or re-employment of faculty members to be awarded term or annual appointments.
  - 2.2 The President is designated by the TSUS Board of Regents to both offer employment and accept resignation of faculty and staff. Authority is vested in the President to designate ranks, titles, and salaries of those appointed members of the faculty.
3. **Faculty Re-appointment.**
  - 3.1 Written notice of a decision not to appoint will be given to a tenure-track faculty member not later than March 1<sup>st</sup> of the first year, or not later than December 15 of the second year of probationary service. After two or more academic years, written notice shall be given not later than August 31 that the subsequent academic year will be the terminal year of appointment.
  - 3.2 The notice required by this section is not applicable where termination of employment is for good cause as described elsewhere in this *Policy and Procedure Manual* or Section 4.4 of the Texas State University System *Rules and Regulations*, or for faculty members appointed on a term basis.
  - 3.3 Official notice of employment status will be issued by the President prior to the beginning of each academic year. Faculty members will receive notice by May 15 of each year of their status, number of years acceptable toward tenure, designated length of probationary service, special conditions, responsibilities, and any special prerequisites. Faculty will be notified of their status by May 15 except when the Legislature and Governor have not acted upon the budget, in which case notice will be given as soon as possible.
4. **Selection of Faculty and Terms of Appointment.** New faculty are recruited by divisions to assure balance among fields and sub-fields within Academic Programs, Technical Programs, and Developmental Education, and to provide diversity in the origin of degrees and training of faculty. In the employment of faculty the following procedures will be followed:
  - 4.1 Each hiring department must complete form F3.1, Request to Fill a Position, and receive administrative approval prior to posting full-time faculty vacancies. Teaching field, qualifications, and duties must be provided on the job description accompanying the F3.1.
  - 4.2 Upon receiving administrative approval, advertising in the approved recruitment sources may begin. Positions may be advertised in one or more of the following ways:

- 4.2.2 On campus only
- 4.2.3 In the "Position Available" circulation only
- 4.2.4 In newspapers and journals
- 4.2.5 Internet
- 4.2.6 By other means calculated to assure the recruitment of qualified faculty
- 4.3 All vitae/resumes must be returned to Human Resources Office, Lamar State College Port Arthur, P.O. Box 310, Port Arthur, TX 77641-0310.
- 4.4 Applicants for faculty positions can be screened by a member of the Human Resources staff to determine that the applicant meets the minimum qualifications for the position.
- 4.5 The applicant packet will be sent to the Department Chair when a position closes and will contain:
  - 4.5.2 Hiring memo
  - 4.5.3 Applicant list
  - 4.5.4 Applications and resumes
  - 4.5.5 Applicant screening form
  - 4.5.6 Applicant rank order form
  - 4.5.7 Interview rank order form
  - 4.5.8 Authorization for reference checks
  - 4.5.9 Other materials that may be used to assure the employment of qualified faculty
- 4.6 When employing new faculty the College must ascertain that 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.
- 4.7 After the preliminary screening process has been completed, the chairperson of the hiring department will consult with the appropriate Dean, who will forward to the Vice President for Academic Affairs the names and credentials of applicants selected for interview. The Vice President may add to the list of those invited or delete applicants from consideration.
- 4.8 After receiving the Vice President for Academic Affairs' approval / recommendation the hiring department may begin the interview process. The Division Dean in consultation with the Department Chair will appoint a search committee that will ordinarily consist of the Department Chair, Program Coordinator (if applicable), faculty in the department, and in selected cases faculty from related disciplines or departments. The Division Dean may invite other members of campus community to serve on the search committee in an ex officio capacity. Interviews conducted by the search committee should be directed toward the applicants' qualifications related to the duties and responsibilities of the position, as well as conditions of the work. The hiring department must interview a minimum of three applicants unless the applicant pool is three or less. The candidates

selected for interviews should reflect the most qualified applicants based on their applications. Reference checks and educational verification are the responsibility of the hiring department unless it requests the Human Resources Office to conduct checks on the top two candidates.

- 4.9 After the search committee has completed the interviews it will make a recommendation to the Division Dean, who in turn will recommend an applicant to the Vice President for concurrence. If the Vice President concurs with the recommendation, the department then forwards a completed applicant hiring packet to the Human Resources Office. The hiring packet must contain all completed forms, a completed Electronic Personnel Action Request Form (EPAF), and a letter of recommendation.
- 4.10 After review by the Human Resources Office, the recommendation and EPAF is forwarded to the President for approval. The hiring department will be notified of the approval by the Human Resources Office, and the EPAF will be forwarded to the Finance Office.
- 4.11 It is the policy of Lamar State College Port Arthur to recruit, employ, and promote all faculty and staff without regard to race, color, age, sex, religion, national origin, handicap, or veteran status.

## 5. **Faculty Credentials.**

- 5.1 It is the policy of Lamar State College Port Arthur to employ only faculty members, full-time and part-time, who possess the credentials identified by the Southern Association of Colleges and Schools Commission on Colleges under Faculty Credentials Guidelines, with the Vice President for Academic Affairs having the authority to override those guidelines when justified, with approval from the President. In such cases, a Statement of Qualifications will be developed to identify the rationale upon which the exception was made. To ensure that only instructors with proper credentials are employed for any full-time position, the following measures are included as part of the process for selection of faculty described elsewhere in Section II:
- 5.2 The Human Resources staff shall review the applications to determine which applicants meet the minimum qualifications stated on the position announcement. Preferred qualifications for faculty positions are those identified by the Southern Association of Colleges and Schools Commission on Colleges under Faculty Credentials Guidelines, with the Vice President for Academic Affairs having the authority to override those guidelines when justified, with approval from the President. At this stage the Human Resources staff may eliminate from consideration any candidate who does not possess the minimum standards for academic preparation. Other questions regarding credentials shall be called to the attention of the chair of the hiring department.
- 5.3 The Department Chair shall conduct a thorough review of the qualifications and credentials included in the application packets provided by the Human Resources Office. Part of the review shall include deciding of each applicant's compliance with LSCPA's faculty credential requirements.
- 5.4 Upon completing the review of the applications, the Department Chair shall recommend a pool of qualified candidates to the Division Dean, who in turn will recommend the applicants to the Vice President for Academic Affairs for review and consideration. The Dean shall review the credentials of the applicants prior to recommending them to the Vice President for Academic Affairs for further consideration. Concerns that the Dean might have about credentials shall be shared with the Vice President at this stage.
- 5.5 The Vice President for Academic Affairs shall review the applications submitted by the Division Dean. The Vice President's review shall include an examination of the credentials of each candidate, and the Vice President may eliminate candidates from

consideration who do not meet LSCPA criteria. The applications shall then be returned to the department and subsequently forwarded to a search committee.

- 5.6 Although by this stage the applicants under consideration should clearly meet LSCPA requirements, the search committee shall include inspection of faculty credentials as part of its decision-making activities. An interview can be used to clarify credential issues, or as a result of the interview a candidate may be asked to supply additional information. After the search committee has completed its interviews and deliberations it will submit a recommendation to the Division Dean. Search committees shall nominate only applicants with appropriate credentials for all faculty position.
- 5.7 All part-time instructors must possess the credentials required by LSCPA. Department Chairs are responsible for verifying that the credentials of any person nominated for employment as a part-time instructor shall meet the LSCPA credentialing criteria. Questions regarding credentials should be presented to the Division Dean and, if necessary, forwarded to the Vice President for Academic Affairs.

## 6. **Exceptions.**

- 6.1 **Policy Pertaining to Creditable Full-time Experience.** At the time of initial employment, a faculty member should be informed in writing of the institutional policy regarding creditable full-time experience. The President, upon recommendation of the Vice President for Academic Affairs, establishes the amount of creditable experience, notes it in the initial letter of appointment, and records it in the permanent file of the faculty member. Unless specifically noted otherwise, the years of creditable experience noted in the initial letter of appointment and permanent file shall be used to determine eligibility for promotion and tenure consideration. Establishment of creditable service is based upon the recommendation of the Department Chair and Dean, and shall not exceed three years.
- 6.2 In a demonstrably exceptional case, a talented and productive applicant for a faculty position may be considered for appointment or promotion to instructional rank although the applicant does not technically fulfill the minimum criteria for holding such rank. In such an instance, the appointment must be determined by the President to be in the best interest of the institution. The Department Chair, Dean, and Vice President for Academic Affairs may submit a recommendation regarding initial rank, but the final decision rests with the President.
- 6.3 Administrative Personnel.
- 6.3.2 Administrative personnel considered for promotion in instructional rank must meet the stated criteria for promotion to that rank. In order to be considered for promotion in rank in either of the instructional divisions or the Developmental Education Department, a faculty member must have a regular teaching assignment during all years counted as time in rank. "Regular teaching assignment" is interpreted to mean at least 20 percent of load during both the fall and spring semester during each year to be counted.
- 6.4 Allied Health Department Faculty.
- 6.4.2 Faculty members in the Allied Health Department who are required to possess master's degrees as a condition of employment are eligible for instructional rank according to the guidelines of the Academic Programs Division.
- 6.4.3 Faculty members in the Allied Health Department who are not required to possess a master's degree as a condition of employment are eligible for instructional rank within the guidelines of the Technical Programs Division.

## 7. **Initial Appointment of Academic Division Faculty to Instructional Rank, Creditable**



### **Experience Policy, and Criteria for Promotion in Instructional Rank.**

- 7.1 The academic ranks for full-time faculty in Academic Programs are Instructor, Assistant Professor, Associate Professor, and Professor.
- 7.2 In most cases the initial instructional rank assigned at the time of employment will be Instructor. Faculty may petition for higher rank at the time of employment if they qualify under existing policy. The minimum criteria for initial appointment or promotion to the instructional ranks are as follows. In special circumstances, the Vice President for Academic Affairs, with the approval of the President, has the authority to override the criteria.
- 7.2.2 **Instructor**  
Master's degree from a regionally accredited institution.
- 7.2.3 **Assistant Professor**  
Doctorate or approved terminal degree from a regionally accredited institution; or thirty hours beyond the master's degree and four years of creditable experience.
- 7.2.4 **Associate Professor**  
Doctorate or approved terminal degree from an accredited institution; six years of creditable experience; demonstrated proficiency in teaching; recognized scholarly production, research, or professional achievement; and productive participation in departmental and campus affairs.
- 7.2.5 **Professor**  
Doctorate or approved terminal degree from a regionally accredited institution; twelve years of creditable experience; superior teaching effectiveness; recognized scholarly production, research, or professional achievement; substantial contributions to departmental and campus affairs; and demonstrated performance as a leader.

### **8. Criteria for Promotion.**

- 8.1 Decisions regarding the promotion of faculty in the Academic Programs Division are based on the following criteria. In special circumstances, the Vice President for Academic Affairs, with the approval of the President, has the authority to override the criteria.
- 8.1.2 **Instructor**  
Master's degree from a regionally accredited institution.
- 8.1.3 **Assistant Professor**  
Doctorate or approved terminal degree from a regionally accredited institution or thirty hours beyond the master's; four years of full-time teaching at Lamar State College Port Arthur; productive participation in campus affairs; and demonstrated proficiency in teaching, recognized scholarly production, research, or professional achievement (See Policy on Terminal Degrees).
- 8.1.4 **Associate Professor**  
Doctorate or approved terminal degree from a regionally accredited institution; four years as a full-time Assistant Professor at Lamar State College Port Arthur; demonstrated proficiency in teaching; recognized scholarly production, research,

or professional achievement; and productive participation in campus affairs (See Policy on Terminal Degrees).

8.1.5 Professor

Doctorate or approved terminal degree from a regionally accredited institution, six years as a full-time Associate Professor at Lamar State College Port Arthur; superior teaching effectiveness; recognized scholarly production, research, or professional achievement; substantial contribution to campus affairs; and demonstrated performance as a leader.

8.2 The criteria listed represent minimum levels of academic achievement necessary for a faculty member to be considered for promotion; however, neither attainment of minimum qualifications nor fulfillment of the criteria for promotion guarantees promotion. Other factors may make it necessary or desirable, in the institution's judgment, to limit the number of promotions available in a particular year. Thus, promotion may be based not only on merit but on competition with one's colleagues and other factors as determined by the institution.

8.3 Claims of excellence or distinction in any area must be documented. In the review process, attention will be focused upon the accomplishments since appointment to the present rank.

9. **Policy on Terminal Degrees.**

An earned doctoral degree is the standard for promotion or appointment beyond the rank of Assistant Professor except in those fields which normally do not have the degree available or which recognize other evidence of academic or professional achievement in lieu of the doctorate (example: Master of Fine Arts). The President, upon recommendation of the Vice President for Academic Affairs, shall establish the status of the degrees in these areas.

10. **Technical Division Faculty, Initial Appointment, Creditable Experience Policy, and Criteria for Promotion in Rank.**

10.1 Exceptions to the Terminal Degree Policy.

Requests for exceptions to the terminal degree policy must demonstrate superior teaching effectiveness, recognized scholarly production, research, professional achievement, and productive participation in departmental and campus affairs. They have a special obligation to demonstrate superior performance in scholarly and/or creative production.

10.2 The instructional ranks for regular, full-time faculty in the Technical Programs Division are Instructor I, Instructor II, Instructor III, and Instructor IV. Faculty members teaching in the Allied Health Department who are not required to possess a master's degree as a condition of employment are eligible for the same instructional rank as technical faculty.

10.3 Initial technical rank is established at the time of employment, based on the following criteria. In special circumstances, the Vice President for Academic Affairs, with the approval of the President, has the authority to override the criteria.

10.3.2 Instructor I

10.3.2.1 Business Related: Bachelor's degree and necessary certification, or master's degree, and three years of acceptable experience.

10.3.2.2 Industrial Related: a) Associate degree and four years' experience; or b) eight years of acceptable experience.

10.3.2.3 Allied Health Related: The appropriate level of academic preparation and three years of acceptable experience.

10.3.3 Instructor II

10.3.3.1 Business Related: Master's degree and four years of experience.

10.3.3.2 Industrial Related: Bachelor's degree and four years of experience.

10.3.3.3 Allied Health Related: Bachelor's degree and four years of experience.

10.4 "Degree" in the preceding criteria refers to a degree in the instructor's teaching field. Ranks III and IV are not listed because instructors normally are not initially employed into the upper ranks. When required, instructors must have the appropriate approval from state or national accrediting bodies.

11. **Promotion to Technical Ranks.**

11.1 For instructors initially employed at the Instructor I rank, the following criteria must be met to be considered for promotion from Instructor I to Instructor II. In special circumstances, the Vice President for Academic Affairs, with the approval of the President, has the authority to override the criteria.

11.1.2 First Promotion (From I to II): Four (4) years of teaching experience at Lamar State College Port Arthur and evidence of effective teaching, professional growth, and campus service.

11.1.3 Second Promotion (From II to III): Ten (10) years of teaching experience at Lamar State College Port Arthur; minimum of bachelor's degree for faculty in Industrial Technology and Allied Health; master's degree for faculty in Business Technology; demonstrated proficiency in teaching; recognized scholarly production, research, and/or record of professional growth and achievement; and productive participation in departmental and campus affairs.

11.1.4 Promotion to Instructor IV Rank: Fifteen (15) years of teaching experience at Lamar State College Port Arthur; superior teaching effectiveness; recognized scholarly production, research, and/or record of professional achievement and growth; demonstrated performance as a leader in departmental and campus affairs.

11.2 Instructors initially employed at the Instructor II level must meet the following criteria to be eligible for promotion to higher rank:

11.2.2 Promotion (From II to III): Five (5) years of teaching experience at Lamar State College Port Arthur, proven mastery in teaching; recognized scholarly production, record of professional attainment and growth, and/or research; and productive participation in campus and departmental affairs.

11.2.3 Promotion to Instructor IV Rank: Ten (10) years of teaching experience at Lamar State College Port Arthur; superior teaching effectiveness; recognized scholarly production, research, and/or record of professional achievement and growth; demonstrated leadership in departmental and campus affairs.

12. **Alternative Ranks for Faculty Members in the Technical Programs Division.**

Faculty members in the Technical Programs Division who meet the qualifications established for instructional rank in the Academic Programs Division may petition for that rank in lieu of the standard technical ranks. Technical Division faculty members eligible for the alternative rank who are employed at the time of the adoption of this *Policy and Procedure Manual*, and faculty members who subsequently become eligible for the alternative ranks, must follow all of the application procedures for Academic Programs Division faculty members specified elsewhere in Section II.

13. **Initial Appointment of Developmental Education Faculty, Policy on Creditable Experience, and Criteria for Promotion in Rank**

13.1 The instructional ranks for contracted, full-time faculty in the Developmental Education Department are Instructor, Assistant Professor, Associate Professor, and Professor.

13.2 In most cases the initial instructional rank assigned at the time of employment will be Instructor. Faculty may petition for higher rank at the time of employment if they qualify under existing policy. The minimum criteria for initial appointment or promotion to the instructional ranks are as follows (with the Vice President for Academic Affairs having the authority to override these criteria when appropriate, with approval from the President):

13.2.2 Instructor

Master's degree from a regionally accredited institution.

13.2.3 Assistant Professor

Doctorate from a regionally accredited institution; or thirty hours beyond the master's degree and four years of creditable experience.

13.2.4 Associate Professor

Doctorate from a regionally accredited institution; six years of creditable experience; demonstrated proficiency in teaching; recognized scholarly production or research; professional achievement; productive participation in departmental and campus affairs.

13.2.5 Professor

Doctorate from a regionally accredited institution; twelve years of creditable experience; superior teaching effectiveness; recognized scholarly production, research, or professional achievement; substantial contributions to departmental and campus affairs; and demonstrated performance as a leader.

13.3 The criteria listed above represent minimum levels of achievement necessary for a faculty member to be considered for appointment; neither attainment of minimum qualifications nor fulfillment of the criteria for promotion guarantees promotion. Other factors may make it necessary, or desirable, in the institution's opinion to limit the number of promotions available in a particular year. Thus, promotion may be based not only on merit but also on competition with one's colleagues and other factors as determined by the college. Claims of excellence or distinction in any area must be documented. In the review process, attention will be focused upon the accomplishments since appointment to the present rank.

14. **Review and Recommendation Procedures for Faculty Promotion.**

14.1 The promotion of a faculty member is discretionary on the part of Lamar State College Port Arthur. Faculty members do not have entitlement to a prospective promotion rising to the level of a property interest, and the denial of a prospective promotion is not sufficiently stigmatic to constitute a liberty interest. No commitments, implied or otherwise, shall be made by any individual regarding faculty promotions without the prior written approval of the President, and all faculty promotions shall be subject to the approval of the TSUS Board of Regents. Faculty members who are not recommended for promotion shall not be entitled to a statement of reasons for the decision against the recommendation. At the institution's discretion, a supervisor may offer suggestions for a program of professional development in teaching, scholarly or creative work, and leadership or service that may enhance the likelihood of promotions in the future.

- 14.2 Decisions regarding promotion include but shall not be limited to:
  - 14.3 Teaching in the classroom, laboratory, or clinic;
  - 14.4 Studying, investigating, discovering, and creating;
  - 14.5 Performing curricular tasks auxiliary to teaching and research, e.g., serving on faculty committees, attending to administrative and disciplinary tasks, and promoting diligence and honest work in the student body;
  - 14.6 Advising and counseling of students, including the posting or publishing of office hours in such a manner as may be required by the President;
  - 14.7 Influencing beneficially students and citizens in various extracurricular ways.
  - 14.8 A faculty member becomes eligible for promotions by meeting or exceeding these criteria, although such eligibility shall not entitle him or her to a promotion.

15. **Procedures for Applying for and Approving Promotions.**

The following procedures have been established for applying for and awarding promotions:

- 15.1 The individual faculty member may initiate a documented application for consideration for promotion when he or she believes the criteria for promotion have been met. The member should prepare application forms and supporting materials, in sufficient copies, and present them to the Department Chair. The Department Chair shall review all applications and recommend for or against promotion. In those cases where more than one applicant is recommended for promotion to a specific rank, the Department Chair shall rank the applicants. The applications and Department Chair's recommendations shall be submitted to the Division Promotion Committee. The Chair shall notify the applicant, in writing, of the decision regarding the promotion application.
- 15.2 Department Chairs are encouraged to forward all meritorious applications for promotion. Division committees and deans are encouraged to be cognizant of any limitations on the number of available promotions and to consider those limitations in making recommendations. Consideration for promotion should be given separately by rank, rating the candidates in each rank separately.
- 15.3 The Promotion Committee shall review the applications and recommend for or against promotion. In those cases where more than one applicant is recommended for promotion to a specific rank, the committee shall rank the applicants. The application and recommendations of the Department Chair and the Division Committee shall be submitted to the Division Dean. The Division Promotion Committee shall notify the applicant, in writing, of the decision regarding the promotion application.
- 15.4 The Division Dean shall review the application. The Dean should rank all applicants whom he or she chooses to recommend for promotion. The application and recommendations of the Department Chair, Division Committee, and Dean shall be submitted to the Vice President for Academic Affairs. The Dean shall notify the applicant, in writing, of the decision regarding the promotion application.
- 15.5 The Vice President for Academic Affairs shall review the applications and all previous recommendations and prepare a recommendation for the President. In the event that the Vice President for Academic Affairs recommends against promotion, the Vice President shall, in writing, inform the candidate and the appropriate Dean and Department Chair of the disposition of the candidate's application.
- 15.6 The applications of candidates recommended for promotion by the Vice President for Academic Affairs shall be forwarded to the President for review and recommendations.

15.7 The President, after reviewing all pertinent information, shall forward the recommendations for promotion to the TSUS Board of Regents.

**16. Composition of Promotion Committee.**

16.1 The Academic Programs Division and the Technical Programs Division shall each establish a five-member Division Promotion Committee. The Division Promotion Committees makes recommendations to the division Deans concerning the promotion of faculty members. Each committee should be as representative as possible of its respective division. The election is supervised by the Dean. Each committee shall elect its own chairperson.

16.1.2 Tenured faculty (excluding Deans and Department Chairs) should be chosen to serve on the division committees; if the number of tenured faculty is insufficient to fill committee positions and provide adequate faculty representation, tenure-track, full-time faculty with at least three (3) years teaching experience at Lamar State College Port Arthur shall be eligible to serve.

16.1.3 Full-time teaching faculty with a minimum of one year's service at Lamar State College Port Arthur, except Deans and Department Chairs/Program Coordinators, are eligible to vote for committee membership.

16.1.4 A person shall be permitted to strike his or her name from the list of eligible faculty to serve on a committee, for cause, prior to election. No person who is applying for promotion may serve on a promotion committee.

16.1.5 While it may not be possible to have all members present for each committee meeting, a majority of members must be present to constitute a quorum. It may be necessary for some committee members to vote on promotions to a rank higher than their own.

16.1.6 The Technical Division Promotion Committee represents the Allied Health, Business and Technology and Commercial Music Departments. The Academic Division Promotion Committee represents the Math and Science, Developmental Education, and Liberal Arts Departments.

**17. Distinguished Professor, Emeritus Faculty, and Distinguished Emeritus Faculty.**

17.1 Selection. Upon the recommendation of the President, the TSUS Board of Regents may bestow the title of "Distinguished Professor" upon a very select number of tenured faculty members who already have held the rank of Professor for at least five (5) years or upon tenured faculty members whose achievements, in the judgment of the President, are sufficiently outstanding to be worthy of this title.

17.2 The academic title of 'Emeritus' may be conferred after retirement, or in anticipation of retirement, by the President for exceptional and distinguished service to the institution. The Board, upon the recommendation of the President, may bestow the title of "Distinguished Professor Emeritus" or "Distinguished Associate Professor Emeritus" upon retired members of the faculty or in anticipation of the retirement of a faculty member. The title becomes effective upon retirement. The conferring of these titles is not automatic upon retirement but shall be based upon individual distinction, exceptionally high-quality service, and outstanding contributions to Lamar State College Port Arthur, which clearly demonstrate individual's worthiness for this honor.

<b>POLICY:</b>	<b>7.1 ACADEMIC TENURE</b>
<b>SCOPE:</b>	<b>FACULTY</b>
<b>POLICY NUMBER:</b>	<b>7.1</b>

**APPROVED:**                      **September 2012**  
**REVISED:**

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1.     **Tenure**

Tenure denotes an entitlement to continued employment as a member of the faculty at Lamar State College Port Arthur in accordance with the *Policy and Procedure Manual* and the Texas State University System *Rules and Regulations*. Only faculty members with the title of Professor, Associate Professor, Assistant Professor, Instructor, Instructor I, Instructor II, Instructor III, and Instructor IV may be granted tenure. In exceptional cases, tenure may be granted at the time of appointment to any of such academic ranks by the TSUS Board of Regents or may be withheld pending satisfactory completion of a probationary period of faculty service.

2.     **Tenure Track Faculty**

In accordance with the TSUS *Rules and Regulations*, only full-time service in the instructional ranks of Professor, Associate Professor, Assistant Professor, Instructor, Instructor I, Instructor II, Instructor III, or Instructor IV shall be counted toward fulfillment of a required probationary period. All contract faculty members at the rank of Instructor or above are eligible to apply for tenure after completing the appropriate years of probationary service. Periods during which a faculty member is on leave of absence shall not be counted toward fulfillment of a required probationary period.

3.     **Prior Service Credit**

At the discretion of the institution, and in accordance with the TSUS *Rules and Regulations*, up to three years of prior service at other academic institutions may be counted toward fulfillment of the required probationary period.

4.     **Maximum Probationary Service**

The maximum period of probationary faculty service in tenure track status in any instructional rank or combination of ranks shall not exceed six years of full-time academic service. Not later than August 31 of the last academic year of the maximum probationary period in effect, a tenure track faculty member shall be given written notice that the subsequent academic year will be the terminal year of employment or that, beginning with the subsequent academic year, tenure will be granted. In the event that the employment of a tenure track faculty member is to be terminated prior to the end of the maximum probationary period, notice shall be given in accordance with the termination and due process procedures described in the Texas State University System *Rules and Regulations* and the *Policy and Procedure Manual*. Faculty members who have not been granted tenure by the TSUS Board of Regents shall not be entitled to tenure by virtue of being employed past the probationary period, i.e., such faculty members do not have de facto tenure.

Unless specified otherwise in the initial employment contract, faculty members shall apply for tenure in the final year of probationary service.

5.     **Calculating Service**

For purposes of calculating the period of probationary service, an "academic year" shall be the approximate nine-month period from September through May designated in the common calendar established by the Texas Higher Education Coordinating Board. One (1) year of probationary service is accrued by at least nine months of full-time academic service during any academic year, regardless of whether contracted on an annual basis or for a consecutive fall and spring semester. A faculty member shall be considered to be on full-time academic service if in full compliance with Board standards pertaining to minimum faculty workloads. If a faculty member is initially appointed during an academic year, the period of service from the date of appointment until the beginning of the following academic year shall not be counted as academic service toward fulfillment of the maximum probationary period.

6. **Non-tenured Faculty**

No non-tenured member of the faculty should expect continued employment beyond the period of current appointment as approved by the TSUS Board of Regents. Any commitment to employ a non-tenured member of the faculty beyond the period of current appointment shall have no force and effect until approved by the TSUS Board of Regents. Non-tenured faculty members serve at the pleasure of the President and the TSUS Board of Regents, subject to the provisions of proper notice as required by the Texas State University System *Rules and Regulations* and the *Policy and Procedure Manual*.

7. **Non-reappointment and Denial of Tenure**

A non-tenured faculty member who is notified of non-reappointment, or is notified that the following academic year will be the terminal year of appointment, in accordance with procedures identified in the Texas State University System *Rules and Regulations* and the *Policy and Procedure Manual*, shall not be entitled to a statement of the reasons upon which the decision for such action is based. No hearing to review such a decision shall be held unless the affected faculty member submits in writing to the President factual allegations that the decision to terminate constitutes a violation of a right guaranteed by the laws or Constitution of the State of Texas or the United States of America and requests an administrative hearing to review these allegations. Such allegations shall be heard under the same procedures as in the case of dismissal for cause, with the following exceptions:

7.1 The faculty member shall bear the burden of proving his or her allegations.

7.2 The administration of the institution need not state the reasons for the questioned decision or offer evidence in support thereof unless the affected faculty member presents a prima facie case in support of such allegations, in which case, the hearing panel or other decision-making body shall determine whether the administration has stated a non-discriminatory reason for its decision.

8. **Post Tenure Review of Tenured Faculty**

Lamar State College Port Arthur has developed post-tenure policies and procedures to determine whether a tenured faculty member is consistently at an acceptable professional level as well as a mechanism whereby a faculty member is informed of any deficiencies and provided opportunity to improve his or her performance. The policy and supporting procedures are consistent with the tenure policies of the Texas State University System, Lamar State College Port Arthur, and Senate Bill 149 (75th Legislature, 1997) and shall provide faculty members fundamental due process and a right of appeal in accordance with institutional and TSUS Board of Regents policies. The institutionally specific policy is described in the section "Performance Review of Tenured Faculty".

9. **Prohibition Against *De Facto* Tenure**

Reappointment or the award of tenure shall be accomplished only upon the President's written recommendation and the Board's approval. If the faculty member does not receive notice as prescribed in the *Policy and Procedure Manual* or the Texas State University System *Rules and Regulations*, it shall be his or her duty to inquire as to the decision of the President, who shall give the required notice to the faculty member. Failure of the institution to comply with this policy shall not entitle a faculty member to de facto tenure, and the Texas State University System *Rules and Regulations* expressly prohibit the awarding of *de facto* tenure.

10. **Requirements for Granting Tenure**

10.1 A master's degree from a regionally accredited institution in the discipline taught or a related discipline, or the level of training that is adjudged necessary in a special field or discipline is usually considered a requirement for granting tenure. ***Faculty members must***



*meet the minimum criteria for professional preparation established by the Southern Association of Colleges and Schools in order to be eligible for consideration for tenure.*

- 10.2 Effectiveness as a teacher is an essential criterion.
- 10.3 Research, scholarship (evidenced by publication, oral presentations to learned societies, creative production, holding office in professional organizations, etc.), other types of professional growth and development, and organizational and committee service should be considered.
- 10.4 Student relationships, including advising, counseling, and supervision, can be considered.

11. **Probationary Period**

- 11.1 Faculty members who, at the time of employment have not had prior tenured service at an accredited college or university, shall, at the determination of the President, serve a probationary period **not less than three (3) nor more than six (6) years**.
- 11.2 Tenure may be postponed beyond the originally assigned period of probation upon written notice, subject to the Maximum Probationary Period as defined in number 3 below.
- 11.3 Beginning with the appointment to the rank of full-time instructor or a higher rank, the probationary period for a faculty member shall not exceed six (6) years, including within this period appropriate full-time service in all institutions of higher education.
- 11.4 Only continuous full-time service may be used to satisfy the probationary period requirement. Part-time service or time on leave without pay is not creditable service. However, full-time service prior to leave and after leave and full-time service prior to part-time service and after part-time service are creditable service. Creditable service shall be defined as both teaching and professional research or other scholarly or creative activities in a related field.
- 11.5 Interim reviews shall be conducted in conjunction with the faculty evaluation procedure a minimum of two times, during the second and fourth years of the probationary period, for faculty members with academic rank. The Department Chair will conduct the interim review and may request peer participation. The results of the interim review will be reviewed in conference by the Department Chair and faculty member. The Department Chair will discuss any weak areas and recommend a professional growth plan.
- 11.6 One (1) semester of paid leave granted through the faculty development program shall count as full-time service for tenure probation purposes. However, two semesters of paid leave under this program within the same academic year shall invalidate the entire year for the purpose of counting it toward satisfying the institution's probationary period for tenure.

12. **Appointment to Administrative Office**

- 12.1 Appointment to an administrative office, or loss of same, shall not deprive the appointee of tenure nor credit toward earning tenure in the highest instructional rank held prior to or during his or her appointment in such administrative office.

13. **Procedures for Granting Tenure.**

The Department Chair, after evaluating the application materials of the candidate, shall forward a written recommendation to the Dean of the division in which the candidate holds rank. Reasons to support the recommendation, an explanation of the data used to support the decision, and any other appropriate comment should be included in the recommendation to the Dean.

- 13.1 The Dean shall review the recommendation and approve or disapprove it. The Dean shall forward his recommendation to both the Vice President for Academic Affairs and to the Campus Tenure Committee for review.
- 13.2 The Vice President for Academic Affairs, after consultation with the Campus Faculty Tenure Committee, shall forward his or her own recommendation and that of the Campus Faculty Tenure Committee to the President.
- 13.3 The President shall forward a recommendation to the TSUS Board of Regents in advance of the meeting of the Board when recommendations for tenure are considered.
- 13.4 The procedures described herein shall be conducted on a schedule which will permit Lamar State College Port Arthur to notify a non-tenured faculty member no later than August 31 of the year of consideration that he or she will be awarded tenure at the end of the probationary period, or that the decision on awarding tenure will be postponed if applicable, or that employment will not be continued beyond the end of the next academic year.

#### 14. **Tenure Committee**

- 14.1 **Membership.** The membership of the Campus Faculty Tenure Committee should consist of six members and should be as representative as possible of each department/program in the Technical and Academic Divisions. There should be three members from each division. The committee members representing the Academic Division will be drawn from the Math and Science, Developmental Education, Health, Fitness and Sport, and Liberal Arts Departments. The committee members from the Technical Division will be members of the Allied Health, Business and Technology and Commercial Music Departments.
- 14.2 Any tenured faculty member other than Deans or equivalent will be eligible for membership on this committee. When practical, this committee should exclude Department Chairs and Program Coordinators. It may be necessary, at times, to have a Department Chair or Program Coordinator serve on the committee when there are no other eligible tenured faculty to give adequate representation in a division, department, or program.
- 14.3 Committee members shall be elected to serve for three (3) years. All full-time contract faculty, excluding deans, shall elect members from a list of tenured faculty divided into representative categories. They may not be re-elected until an intervening three-year period has elapsed unless such a prohibition would severely limit the representation of various departments and programs. If possible, terms of membership should be staggered so that part of the committee retires and is replaced each year and the entire committee rotates its membership each three years. The Vice President for Academic Affairs will be responsible for conducting the election.
- 14.4 Vacancies will be filled by an election of full-time contract faculty from a slate of tenured faculty. Newly elected members will serve three consecutive years unless elected to fulfill a term that has not expired.
- 14.5 Committee membership will begin at the time it is elected each year and last until a new election is held in the following year. The Campus Faculty Tenure Committee will elect its chairperson at a yearly meeting to be held immediately after elections, and that chairperson will hold office until the following annual meeting.

Division Deans, Department Chairs, or Program Coordinators who are elected to this committee will not be able to take part in any deliberations involving faculty on whom they have made a recommendation as an administrative officer.

<b>POLICY:</b>	<b>7.2</b>	<b>PERFORMANCE REVIEW OF TENURED FACULTY</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>7.2</b>	
<b>APPROVED:</b>	<b>September 1997</b>	
<b>REVISED:</b>	<b>September 2012</b>	

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1. **Policy**

This policy provides 1) a process for evaluating tenured faculty to determine retention or revocation of tenure, 2) a procedure for counseling faculty members who fail to meet minimum standards for retention of tenure, and 3) the criteria that a tenured faculty member must meet for retention of tenure. The criteria and procedures described below are consistent with the policies described in the Rules and Regulations of the Board of Regents, Texas State University System (hereinafter cited as Rules and Regulations) (V, 4.2), which govern in the event of a conflict with these regulations.

Adoption of this policy by the Texas State University System and the implementation of it by Lamar State College Port Arthur does not preclude the termination of any tenured faculty member at any time for good cause shown. Good cause includes but is not limited to the examples cited by the TSUS Board of Regents (V, 4.24, Rules and Regulations).

2. **Definitions**

- 2.1. Faculty are those employees "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" (V, 1.1, *Rules and Regulations*).
- 2.2. Tenure is defined as "an entitlement to continuing appointment as a member of the faculty at a component university" (V, 4.22, Rules and Regulations).

3. **Evaluation Process**

- 3.1. The categories of criteria for evaluating the performance of tenured faculty are the same as those used in awarding tenure and include: effectiveness as a teacher; evidence of professional growth and development; organizational and committee service; and student relationships, including advising, counseling and supervision as defined by the Lamar State College Port Arthur tenure and promotion regulations and guidelines.
- 3.2. Evaluation of the tenured faculty is a periodic process.
- 3.3. In the event of an overall unsatisfactory performance by a tenured faculty member on the six-year performance evaluation, a more comprehensive evaluation process is initiated.
- 3.4. The performance of tenured faculty members will be reviewed under the terms of this policy on a six-year cycle and will be first conducted in the sixth year after a faculty member receives tenure or an academic promotion. The first faculty members who will be evaluated under this policy will be all faculty members who received tenure during or before the 1991-1992 academic year.
- 3.5. An application for promotion will include a review of the same elements included in the performance evaluation of tenured faculty. Promotions that occur within six years of receipt of tenure or six years from the last performance evaluation will be considered to be a successful performance evaluation and will signify the beginning of a new six-year cycle.
- 3.6. The six-year performance evaluations as described in this policy will replace the annual evaluation for that year only.

4. Department Review

- 4.1. The comprehensive performance evaluation for all tenured members of the faculty includes an appraisal of teaching, including prior annual evaluations; evidence of professional growth and development; organizational and community service; and student relationships. The process will at a minimum include peer review, student evaluations, and department head evaluation.
- 4.2. The tenured faculty members in each department shall develop the departmental plans for peer review. Peer review will include a review by a tenured faculty member, or a committee of tenured faculty members, teaching in the same department or division. The decision regarding evaluation by a single faculty member or a committee of tenured faculty members shall be left to the discretion of the tenured faculty member.
- 4.3. A department head or instructional division dean with tenure will be evaluated as a tenured member of the faculty by the same standards as other tenured faculty members.
- 4.4. The written evaluation of each faculty member will be given to the faculty member, kept on file by the department head, and forwarded to the appropriate instructional dean

5. Administrative Review

- 5.1. The dean of the instructional division will review the evaluation documents prepared by the department head. The dean will add evaluative comments to the document, and make recommendations as needed concerning professional development and retention of tenure.
- 5.2. The Vice President for Academic Affairs will review the evaluation documents prepared by the dean and department head. The Vice President will add evaluative comments to the document, and make recommendations as needed concerning professional development and retention of tenure.

6. Results.

- 6.1. Satisfactory Six-Year Evaluation.
  - 6.1.1. If the Vice President for Academic Affairs rates the tenured faculty member's performance as satisfactory, then no further action by the faculty member, the department, or institution is required.
- 6.2. Unsatisfactory Six-Year Evaluation.
  - 6.2.1. In the event that a tenured faculty member receives an unsatisfactory six-year performance evaluation from the Vice President for Academic Affairs, the following procedure will be used; 1) the department head and dean will counsel the faculty member as to the reasons for unsatisfactory performance and will work with the faculty member to develop written improvement plan with goals, time lines, expected outcomes, and monitoring, 2) institutional support will be provided where available as appropriate, 3) progress will be assessed in each of the following two years.
  - 6.2.2. If a tenured faculty member receives an unsatisfactory performance evaluation for two consecutive years following the initial unsatisfactory evaluation described in paragraph "B" above, the normal channels for revocation of tenure for just cause will be implemented by the college (V, 4.24, *Rules and Regulations*). The faculty member may appeal a termination to the Campus Performance Evaluation of Tenured Faculty Appeals Committee (V, 4.243, *Rules and Regulations*).

- 6.2.3. A faculty member subject to termination on the basis of an evaluation conducted pursuant to this policy must be given the opportunity for referral of the matter to a non-binding alternative dispute resolution process as described in Chapter 154, Civil Practice and Remedies Code. If both parties agree, another type of alternative dispute resolution method may be elected.

## 7. **Appeal of Evaluation Results**

The Tenure Appeals Committee is made up of five tenured faculty members. The tenured faculty of each instructional division will elect two tenured faculty members to the committee to serve two-year terms, except for the first year of the committee's existence, when each division shall elect one (1) member to a one-year position and one (1) member to a two-year position. The President of the Faculty Senate will serve as an at-large member of the committee if tenured. If the Faculty Senate President is not tenured, the Senate shall elect a tenured faculty member to serve in the at-large position. The committee shall elect a chairperson from its membership.

In matters regarding the revocation of tenure, the committee will review annual performance evaluations of a faculty member to ensure that all institutional policies relative to tenure have been followed. The committee will ensure that the affected faculty member has been treated fairly by those involved in the evaluation process. The committee will vote as to its support or non-support of the revocation of tenure. It will submit its recommendation and all supporting documentation to the President of Lamar State College Port Arthur.

<b>POLICY:</b>	<b>7.3</b>	<b>NON-REAPPOINTMENT OF NON-TENURED FACULTY</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>7.3</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>December 14, 2001</b>	

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### 1. **Status of Non-tenured Faculty**

- 1.1 No non-tenured member of the faculty should expect continued employment beyond the period of current appointment as approved by the Board. Any commitment to employ a non-tenured member of the faculty beyond the period of current appointment shall have no force and effect until approved by the board. Non-tenured members of the faculty serve at the pleasure of the President and the TSUS Board of Regents.

### 2. **Notice of Non-reappointment**

- 2.1 Written notice of a decision not to reappoint will be given to a tenure-track faculty member in accord with the following standards:
  - 2.1.2 Not later than March 1 of the first academic year of probationary service.
  - 2.1.3 Not later than December 15 of the second year of probationary service.
  - 2.1.4 After two or more academic years, written notice shall be given not later than August 31 that the subsequent academic year will be the terminal year of appointment.

### 3. **Cause for Non-reappointment.**

- 3.1 A non-tenured faculty member who is notified of non-reappointment in accordance with the Texas State University System *Rules and Regulations* and the *Policy and Procedure Manual* or that the subsequent academic year will be the terminal year of appointment, shall not be entitled to a statement of reasons upon which the decision for such action is based.

### 4. **Notification.**

- 4.1 Reappointment shall be accomplished only upon the President's written recommendation and the Board's approval. Notice of a decision not to reappoint shall be provided to the affected faculty member. If the faculty member does not receive notice it shall be his or her duty to inquire as to the decision of the President, who shall give the required notice to the faculty member. Failure of the institution to comply with this policy shall not entitle a faculty member to reappointment or *de facto* tenure. Written notices required by this policy shall be sent by certified mail, return receipt requested. Notice shall be complete when deposited in the United States mail, addressed to the last address given by the faculty member. The faculty member's failure or refusal to receive the notice is immaterial.

<b>POLICY:</b>	<b>7.4</b>	<b>TERMINATION AND DUE PROCESS PROCEDURES</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>7.4</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>12-4-2014; 8-2018</b>	

1. **Grounds.**

- 1.1. Termination by Lamar State College Port Arthur of the employment of a tenured faculty member and of all other faculty members before the expiration of the stated period of their appointment, except by resignation or retirement, will be only for good cause shown.

Good cause includes but is not limited to the following:

- 1.1.1. Failure to work efficiently or effectively
- 1.1.2. Insubordination
- 1.1.3. Serious professional or personal misconduct, examples of which include:
  - 1.1.3.1. Commission of a misdemeanor involving moral turpitude, or a felony;
  - 1.1.3.2. Failure to secure and maintain permits required in the discharge of teaching, research, or other professional duties, including failure to maintain appropriate documentation;
  - 1.1.3.3. Willful destruction of College property or violent disruption of the campus operations;
  - 1.1.3.4. Violation of the TSUS Ethics Policy (see TSUS Rules and Regulations, Chapter VIII) including, but not limited to, acceptance or solicitation of gifts that might tend to influence the discharge of one's professional responsibilities;
  - 1.1.3.5. Stealing and publishing as one's own the intellectual property of another;
  - 1.1.3.6. Misuse or misappropriation of State property, resources, funds, including funds held by a faculty member as part of official duties;
  - 1.1.3.7. Sexual harassment or sexual misconduct as defined by Section 4.4, Chapter VIII of the TSUS *Rules and Regulations*.
  - 1.1.3.8. Racial harassment as defined by Section 4.3, Chapter VIII of the TSUS *Rules and Regulations*.
- 1.1.4. Professional incompetence and/or neglect of professional duties.

- 1.1.5. Mental or physical disablement of a continuing nature adversely affecting to a material and substantial degree the performance of duties or the meeting of responsibilities to the institution, or to students and associates.
- 1.1.6. Illegal use of drugs, narcotics, or controlled substances. A faculty member who, by a preponderance of the evidence, under the polices of the TSUS *Rules and Regulations*, is found to have illegally possessed, used, sold, or distributed any illegal drug, narcotic, or controlled substance, whether the infraction is found to have occurred on or off campus, shall be subject to termination, suspension, or other discipline determined by the President. That an employee is charged in a criminal case, or is found "guilty" therein, shall not be construed as prohibiting administrative enforcement of this policy. If, in the judgment of the President, the best interests of the students, institution, or Texas State University System dictate, the employee may be immediately removed from contact with students and other employees, pending resolution of disciplinary proceedings.
- 1.1.7. Intentionally or knowingly violating a state, federal, or local law, particularly Texas Penal Code Section 42.01 and 42.05 (Disorderly Conduct Disrupting Meeting or Procession) and Texas Education Code, Section 4.30 and 4.31 (Disruptive Activities and Exhibition of Firearms). Any employee who violates any provision of these statutes is subject to dismissal as an employee not withstanding any action by civil authorities on account of the violation.
- 1.1.8. Intentionally or knowingly violating a Board or college regulation, rule, or order. An employee is presumed to have knowledge of all such Board or college regulations, rules, or orders published in the *Policy and Procedure Manual* or TSUS Rules Regulations.
  - 1.1.8.1. Violating minimum standards of individual conduct required by the penal statutes of Texas or the United States. An employee who violates the minimum standard of conduct required by a penal statute of Texas or the United States is subject to dismissal as an employee regardless of whether action is taken against the employee by civil authorities on account of such violation.

## 1.2. **Suspension**

The President may, for good cause, suspend an accused faculty member pending immediate investigation or speedy hearing as hereinafter provided when the continuing presence of the faculty member poses a danger to persons or property, or an ongoing threat of disrupting the academic process. An employee who is suspended or discharged from a particular duty or job at the college may be suspended or discharged from all other or jobs in the institution for the same or other good cause.

### 1.2.1. Summary Dismissal.

In cases of good cause where the facts are admitted by the faculty member, summary dismissal may follow.

### 1.2.2. Hearing Tribunal.

In all cases where the facts are in dispute, the accused faculty member shall be informed in writing of the charges which, on reasonable notice, will be heard by a special hearing tribunal whose membership, including its chair, shall be appointed by the President. If possible, the tribunal membership shall be composed from members of the faculty whose instructional rank is equal to, or higher than, that of the accused faculty member. At such a hearing:

- 1.2.2.1. The hearing tribunal shall not include any accuser of the faculty member. The faculty member may challenge the alleged lack of fairness or objectivity of any tribunal member, provided such challenge is made prior to the submission of any evidence to the tribunal. The faculty member shall have no right to disqualify such member from serving on the tribunal. Each such challenged member shall determine whether he or she can serve with fairness and objectivity in the matter. If the challenged member elects not to serve, the President shall appoint a substitute.
- 1.2.2.2. The faculty member shall have a right to attend the hearing; confront and cross-examine adverse witnesses; present relevant evidence on his or her own behalf; testify or choose not to testify; and, be assisted and represented by counsel. The hearing shall be closed unless the faculty member requests that it be open to the public. Notwithstanding a faculty member's request, the tribunal may close all or a portion of a hearing to deliberate or if it appears likely that privacy interests of others are relevant and could be affected by an open hearing.
- 1.2.2.3. Lamar State College Port Arthur, through a representative and/or through counsel, shall have the right to attend proceedings; present witnesses and evidence against the faculty member; and cross-examine the faculty member (if the faculty member testifies) or his or her witnesses.
- 1.2.2.4. The hearing tribunal, by a majority of the total membership, shall make written findings on the material facts and a recommendation of the continuance or termination of the faculty member's tenure as well as any supplementary suggestions, and the record of the hearing shall be delivered to the President and a copy thereof sent to the faculty member. Any minority findings, recommendations, or suggestions shall be distributed in the same manner.
- 1.2.2.5. A stenographic or electronic record of the proceedings will be taken and filed with the President, and such record shall be made accessible to the faculty member.

1.2.3. Review by President.

The President shall review the record, plus any additional written briefs the parties wish to submit, and render a decision stating his or her reasons therefore in writing and communicating the same to the faculty member. The President may recommit the matter to the same tribunal to hear additional evidence and/or to reconsider its findings, recommendations, and suggestions, if any. The original findings, recommendations, and suggestions of the hearing tribunal, a transcript of the hearing, any briefs submitted, and the decision, recommendations, findings shall be delivered to the President.

Decisions of the president are final.



<b>POLICY:</b>	<b>7.5 TERMINATION OF FACULTY EMPLOYMENT UNDER SPECIAL CIRCUMSTANCES</b>
<b>SCOPE:</b>	<b>FACULTY</b>
<b>POLICY NUMBER:</b>	<b>7.5</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>July 1999; August 2018</b>

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1. **Determination of Special Circumstances.**

If, in the judgment and discretion of the Board, reductions in legislative appropriations for faculty salaries; governmentally-mandated reductions in faculty positions; significant loss of enrollment; consolidation of departments or other reorganization; dropping of courses, programs, or activities for educational or financial reasons; or financial exigency make such action advisable, the employment of a tenured faculty member or of any other faculty member before the expiration of the stated period of his or her employment, may be terminated in accordance with the provisions of this section.

2. **Notification of the Faculty Member.**

A faculty member whose employment will be recommended for termination under special circumstances shall be given:

- 2.3. A statement of the basis for the decision to terminate the faculty member's employment, together with a description of how the recommendation to terminate was made;
- 2.4. Access to the information and data upon which the recommendation was based; and
- 2.5. An opportunity to respond consistent with the requirements of due process.

3. **Procedures for Identifying Faculty Members Whose Employment will be *Recommended for Termination Under Special Circumstances.***

In cases involving the termination of faculty employment under the provisions of this section, the guidelines to be used to identify faculty members in a designated program whose employment will be recommended for termination shall include the following:

- 3.3. Whenever possible, faculty reduction will be accomplished through attrition.
- 3.4. Within a designated program, termination of the employment of a tenured faculty member may not be recommended in favor of retaining a non-tenured faculty member unless:
  - 3.4.1. The removal of a non-tenured faculty member would eliminate an essential part of the program or render a program dysfunctional; or
  - 3.4.2. The removal of a non-tenured faculty member who is deemed to be of equal or greater merit than a tenured faculty member would jeopardize the advances achieved by the college under its diversity program.

4. After faculty members, tenured and non-tenured, who are essential to a department's or program's effective continuance have been identified, the remaining faculty within the unit who can be retained, if any, should have priority in retention of on the basis of the following criteria, stated in general order of importance:

- 4.3. Length of demonstrated professional excellence. Extended service of high caliber is an important measure of the basic character and motivation of the faculty member and an indication as well of his or her loyalty to the profession and institution, intellectual stamina, and general stability.

- 4.4. The annual evaluations of faculty members by colleagues and administrators can be used on a comparative basis. Comparative evaluations should be applied only when clearly differentiated in result. If nearly equal, other criteria should take preference.
- 4.5. In cases of essential equality or near equality of factors, rank may be applied.
5. **Appointment in a Related Area.**

A faculty member recommended for termination under the provisions of this section should be given the opportunity for appointment in a related area provided the faculty member is qualified professionally to teach in such area or is willing to undergo the appropriate professional training that will qualify him or her to do so, and a position is available.
6. **Consideration for Rehiring.**

A faculty member whose position has been terminated will be given first consideration for rehiring, should the position be re-established within three years.

<b>POLICY:</b>	<b>7.6</b>	<b>FACULTY POSITION RESPONSIBILITIES</b>
<b>SCOPE:</b>		<b>FACULTY</b>
<b>POLICY NUMBER:</b>	<b>7.6</b>	
<b>APPROVED:</b>	<b>May 2020</b>	
<b>REVISED:</b>	<b>March 2021</b>	

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1. **Teaching.** Faculty members are expected to be effective teachers and excel in course instruction. Listed below are the minimum expectations of faculty who teach at LSCPA.
  - 1.1. **Content Expertise.** Faculty must demonstrate deep subject knowledge, including key concepts, current and relevant research, methodologies, tools and techniques, and meaningful applications. Consequently, faculty members are expected to:
    - 1.1.1. Possess thorough and accurate knowledge of the specific field/discipline including the ability to evaluate and apply content.
    - 1.1.2. Commit to professional development by remaining current in the respective discipline.
    - 1.1.3. Maintain faculty credentials required by the college's policies and accrediting agencies.
    - 1.1.4. Faculty members are responsible for securing and maintaining any and all federal, state, and local licenses and permits required for his or her classroom instruction, research, or other professional activities.
  - 1.2. **Effective teaching.** Effective teaching reflects sound instructional methods drawn from the scholarship of teaching and learning, and cultivates a supportive learning environment that allows students to think critically and experiment with material. Therefore, faculty members are expected to:
    - 1.2.1. Select and develop instructional materials; plan and organize instruction to enhance student learning; create appropriate assignments to encourage student learning, the development of communication skills, and higher order thinking; and use available instructional technology, as appropriate.
    - 1.2.2. Use a variety of proven methods of engagement and assessment that facilitate student mastery of the content.
    - 1.2.3. Provide students constructive, encouraging, and corrective feedback.
    - 1.2.4. Evaluate student learning by creating and applying course competencies and

accurately evaluating student progress.

- 1.2.5. Evaluate student learning at the course and program levels through formal assessment measures approved by the college.
- 1.2.6. Strive to increase teaching effectiveness through the application of appropriate teaching and learning strategies; evaluate student learning and modify instructional methods and strategies as appropriate to meet diverse student needs.
- 1.3. **Effective communication.** Effective teaching clearly articulates high, achievable, and purposeful expectations. Effective teaching adeptly guides meaningful course activities, allowing students to advance their knowledge or skill. As a result, faculty members are expected to:
  - 1.3.1. Demonstrate interpersonal and communication skills that result in clear communication of subject matter to students.
  - 1.3.2. Provide timely, substantive feedback in appropriate forms.
- 1.4. **Effective advising.** Effective academic advising that guides the student through the educational organization.
  - 1.4.1. Provide timely and appropriate academic guidance to help students achieve their educational goal.
  - 1.4.2. Maintain knowledge of current information that assures accurate academic advising practices.
2. **Meet institutional expectations.** Effective teachers should meet institutional expectations. Therefore, faculty members are expected to:
  - 2.1. Meet classes as scheduled; notify the appropriate Chair or supervisor in advance if they will be absent, and, if possible, arrange for a substitute instructor or assignments for the class.
  - 2.2. Be accessible to students through e-mail, wireless/cellular technology, or scheduled office hours including, when necessary, additional time for appointments.
  - 2.3. Prepare and distribute syllabi in accordance with established procedures and guidelines and follow the published final exam schedule.
  - 2.4. Maintain accurate records of students' academic standing; promptly provide final grades, attendance, and other information as required by administration.
  - 2.5. Respect the confidentiality of student information; refrain from discussing or releasing such information except within recognized limits.
  - 2.6. Evaluate students based solely on their academic performance and respond promptly to student grade questions and/or appeals.
3. **Member of the college community.** In addition to teaching, faculty members are expected to be an active member of the college community. Listed below are the expectations of faculty as responsible and professional representatives of LSCPA.
  - 3.1. **Perform professional responsibilities.** Perform professional responsibilities in accordance with the goals, missions, and plans of the department, program, division and College. Therefore, faculty members are expected to:
    - 3.1.1. Fulfill all requirements as stated in College policies and procedures including mandatory training.
    - 3.1.2. Attend and participate in required meetings and exercise stewardship in the use

- of college facilities and materials.
- 3.1.3. Submit information or materials related to their assigned duties as requested by college administrators or peers in a timely manner.
  - 3.1.4. Participate in a variety of departmental, program, division, and college committees as assigned.
- 3.2. **Contribute to a collegial culture.** Members of the college community should contribute to the creation of a collegial culture. As colleagues, all faculty have obligations that derive from common membership in the community of scholars. Faculty do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates, even when it leads to findings and conclusions that differ from their own. Faculty accept their share of faculty responsibilities for the governance of the institution (drawn from AAUP Statement on Professional Ethics, 1966, Revised 1987, 2009). Therefore, faculty members are expected to:
- 3.2.1. Collaborate with faculty, staff, and stakeholders from the College and the community in order to create, preserve, and enhance important partnerships.
  - 3.2.2. Provide support for adjunct and full-time colleagues in the form of consultation and cooperation; work as effective team members when required.
  - 3.2.3. Treat all members of the college community with dignity and respect demonstrating professional, courteous behavior and engage in constructive conflict resolution, when needed.
- 3.3. **Contribute to growth and enhancement.** Contribute to the growth and enhancement of the college mission and programs. Consequently, full-time faculty members are expected to:
- 3.3.1. Participate in instructional and College planning and assist in the recruitment and retention of students, faculty, and staff.
  - 3.3.2. Serve on college, program, and department committees and assist the Chair or Dean in the exercise of their duties.
  - 3.3.3. Attend and participate in professional development opportunities including activities during Professional Development Days and other opportunities offered by the College and/or external organizations.
  - 3.3.4. Create and revise, develop and amend where appropriate, departmental or program curricula.
4. **Member of the community.** Faculty members are expected to be an active member of the community. Listed below are the expectations of faculty as responsible and professional representatives of LSCPA.
- 4.1. Attend and participate in organizations that serve the community.
  - 4.2. Participate annually in volunteer activities that serve the community and extra-curricular campus activities.

<b>POLICY:</b>	<b>7.7</b>	<b>INTELLECTUAL PROPERTY</b>
<b>SCOPE:</b>		<b>FACULTY</b>
<b>POLICY NUMBER:</b>	<b>7.7</b>	
<b>APPROVED:</b>	<b>March 2021</b>	
<b>REVISED:</b>		

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1. Purpose. The intent of this policy is to safeguard the interests and mission of Lamar State College Port Arthur (LSCPA) while encouraging creative thinking and activity by employees and students.
2. Definitions. For purposes of this policy, the term “intellectual property” refers to inventions, discoveries, patents, patent applications, scientific or technological developments, and copyrightable instructional materials, regardless of the mode of publication, such as books, articles, study-guides, online courses, artistic works, movies, and television programs.
3. Intellectual Property.
  - 3.1. Ownership.
    - 3.1.1. Most published scholarly works written by members of the faculty or staff are the property of the author. In instances where LSCPA pays the full or a substantial part of the costs of production and/or publication, such as work produced as part of the employee's designated workload, arrangements concerning the ownership of the copyright and the division of any royalties must be submitted to the college president or the Vice President for Academic Affairs according to procedures established by this Intellectual Property Policy.
    - 3.1.2. Intellectual property unrelated to an individual's employment, appointment or association with LSCPA that is conceived, created or developed on an individual's own time and without the college's support, funds provided by or through the college, use of college resources, facilities (excluding libraries), equipment, and/or materials shall be deemed the exclusive property of the creator(s)/inventor(s), and LSCPA shall have no interest in or claim to such property.
    - 3.1.3. Intellectual property not considered instructional material that is conceived, created, or developed or that results from research supported by a grant or contract with an external agency or by private gift to Lamar State College Port Arthur shall be deemed the property of LSCPA unless applicable laws or governmental regulations specifically provide otherwise.
    - 3.1.4. A reasonably complete and detailed disclosure of intellectual property for assigning ownership rights to the college and/or requesting a fair and equitable arrangement for joint ownership for the mutual benefit of the faculty and the college, sharing of royalties or reimbursement to the college of its costs and support must be submitted to the college president or Vice President for Academic Affairs prior to beginning the work creating intellectual property. Disclosure of reimbursement figures will be made to all affected employees.
4. Limitations. Faculty, staff and students are free to publish and invent and, subject to the terms stated in the above policy, to benefit from publishing and invention. Faculty and staff, however, are not to allow their writing or inventing to interfere with their regular assigned duties unless prior arrangements have been made. In addition, faculty and staff are required to make a disclosure of intent to publish or invent prior to beginning the work.
5. The Texas State University System Rules and Regulations contain additional information on the intellectual property rights of faculty, staff and students. In the event of conflict between the provision(s) of this policy and The Texas State University System Rules and Regulations or other System policies, the System rules, regulations, and policies shall govern.

<b>POLICY:</b>	<b>7.8</b>	<b>COPYRIGHT POLICY</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>7.7</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>2-7-12</b>	

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1. **Purpose and Scope.**

The purpose of the Lamar State College Port Arthur copyright policy is to outline the respective rights of the institution and the members of its faculty, staff, and student body have in copyrightable materials created by them while affiliated with it.

2. **General Policy Statement.**

Copyright is the ownership and control of the intellectual property in original works of authorship that is subject to copyright law. It is the policy of Lamar State College Port Arthur that all rights in copyright shall remain with the creator of the work except as otherwise provided in the *Policy and Procedure Manual*.

3. **Ownership of Copyright.**

Lamar State College Port Arthur has developed the following policy regarding the ownership of copyrighted materials.

3.1. The Texas State University System and Lamar State College Port Arthur claim no ownership of fiction, popular nonfiction, poetry, music compositions or other works of artistic imagination that are not institutional works. For other materials that are totally faculty generated with no college equipment or aid other than that routinely used by faculty in duties associated with teaching, the faculty member holds the copyright and complete intellectual property rights.

3.2. If the work is contracted in writing by the college of the employee on a work for hire basis, the college then owns the copyright and all benefits of the materials.

3.3. Copyright of materials (including software) that are developed with the significant use of funds, space, equipment, or facilities administered by the college, including but not limited to classroom and laboratory materials, but without any obligation by the college to others in connection with the support, shall be held by the college.

3.4. For the purpose of this policy, the provision of office or library space alone shall not be construed as constituting a significant use of funds, substantial resources, space, equipment, or facilities, except in those situations where the office or library facilities were provided specifically to support the development of the materials in question. Substantial resources shall include, but shall not be limited to, the purchase of new technology software or equipment not normally needed for the employee's duties, and/or a substantial monetary award explicitly for the creation of the work.

3.5. Copyright ownership of all materials (including software) developed in the course of or pursuant to a sponsored research or support agreement (i.e., an agreement which provides funds, space, equipment, or facilities for research purposes), shall be determined in accordance with the terms of such agreement, or, in the absence of such terms, the copyright shall be held by the college. The agreement may grant an employee a non-exclusive educational license allowing the employee to share royalties from third parties using the materials.

4. **Ownership of Copyright of Mediated Courseware.**

4.1. Mediated courseware includes, but is not necessarily limited to, instructional materials delivered over the Internet, synchronous or asynchronous video or audio courses, components of courses, or instructional support materials.

- 4.2. Copyright of mediated courseware developed without specific direction of significant support of Lamar State College Port Arthur shall remain with the employee. No royalty, rent, or other consideration shall be paid to the employee or former employee when that mediated courseware or a modification thereof is used for instruction by the college. The employee or former employee shall take no action that limits the college's right to use the instructional materials and shall provide written notice on the courseware itself of the institution's right of use. See Chapter V, Paragraph 4.76 of the System Rules and Regulations and Section III of this Handbook for policies on noncompetitive use of employee-owned, mediated courseware.
- 4.3. Copyright of mediated courseware developed at the specific direction or with the substantial resources of the college shall be jointly held by the college and the employee, unless otherwise specified at the time commissioning of the work, and shall not be used without written consent of the college. The college shall have the right to modify the courseware and decide who will utilize it in instruction. Royalties or revenues generated from the licensing of such mediated courseware may be jointly shared with the employee as noted in Section III, Paragraph 11 of the System Rules and Regulations.
- 4.4. For the purposes of this policy, the provision of an office or library facilities alone shall not be construed as constituting substantial resources, space, equipment, or facilities, unless they were provided specifically to support the development of the material in question.

5. **Distribution of Copyright Royalties.**

Creators of copyrightable material not owned by Lamar State College Port Arthur, or to which the college has relinquished any ownership claim, own the copyrights in their works and are free to publish them, register the copyright, and receive any revenues which may result therefrom.

Royalty income received by Lamar State College Port Arthur through the sale, licensing, leasing, or use of copyrightable material in which the college has a property interest will normally be shared with the author and the institution.

- 5.1. The net royalties or other net income received by the college will, in most cases, be distributed under a formula of 50 percent to the author and 50 percent to the institution.
  - 5.2. Any distribution which grants the author more than 50 percent of net royalties requires the approval of the TSUS Board of Regents.
  - 5.3. In the event of multiple authors, the proper distribution of the 50 percent author's share shall be determined by the President, as appropriate.
  - 5.4. Disposition of the 50 percent dedicated to the institution is within the President's discretion.
6. In the event that an author contributes a personal work to the college, a written agreement accepting such contribution shall be executed. The terms of the agreement shall include a statement governing the division of royalties between the institution and the author.
  7. In cases of external funding, the terms of the funding agreement shall govern the division of any royalties that may result in commercialization of materials resulting therefrom. In the event that the funding agreement vests royalty rights in Lamar State College Port Arthur, the author shall be entitled to the same proportionate share he or she would have received if the work had not been extramurally funded. Such a royalty payment to the author, however, may not violate the terms of the funding agreement. Such share shall be a proportion of whatever share is owned by the college under the terms of the funding agreement and this policy.

8. **Revision of Materials.**

Materials owned by the college under the terms of this policy shall not be altered or revised

without providing the author a reasonable opportunity to assume the responsibility for the revision. If the author declines the opportunity to revise such material, the President will make the assignment of responsibility for the revision.

9. **Withdrawal of Materials.**

Materials owned by the college shall be withdrawn from use when it, in consultation with the author, deems such use to be obsolete or inappropriate.

10. **Student Work**

A student shall retain all rights to work created as part of a class or using college technology resources.

<b>POLICY:</b>	<b>7.9</b>	<b>PATENT POLICY</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>7.9</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>6-7-1999</b>	

1. **Purpose.**

Lamar State College Port Arthur is dedicated to instruction, research, and public service. It is the policy of the college that an atmosphere be maintained that will allow its faculty to carry out its scholarly work openly and freely, and publish results gained therefrom. The institution recognizes that patentable inventions and discoveries may arise on occasion in the course of scholarly work conducted by its employees and students. The purpose of this policy is to ensure that such discoveries and inventions are used and controlled in a fashion that maximizes their benefit to the public, the inventor, and the institution.

2. **Applicability.**

This policy shall apply to all persons employed by the college and to anyone using facilities it owns or supervises in connection with the development of a patentable product.

3. **Condition of Employment and Enrollment.**

The patent policy, as occasionally amended, shall be deemed part of the conditions of employment of all college employees, including student employees, and of the conditions of enrollment and attendance by all students in the institution.

4. **Ownership.**

Except as otherwise described in this policy, every invention or discovery or part thereof that results from research or other activities carried out at Lamar State College Port Arthur, or that is developed with the aid of its facilities, staff, or funds, shall be the property of the college.

5. **Inventions Made on Own Time.**

Inventions or discoveries made by college employees or student in their personal time and not involving the use of college facilities are the property of the inventor except in case of conflict with any other applicable agreement.

5.1. For the purposes of this policy, an individual's "personal time" shall mean time other than that devoted to normal or assigned functions in teaching, extension, campus service, or direction or conduct of research on college premises or utilizing "college facilities."

5.2. The term "college facilities" shall mean any facility, including equipment and material, available to the inventor as a direct result of the inventor's affiliation with the institution, and which would not have been available to a non-college individual on the same basis.



5.3. Persons who claim that inventions or discoveries are made on personal time and without the use of college facilities have the responsibility to disclose all such inventions to the college in accordance with the disclosure procedures applicable to inventions made on college time or with the use of college facilities. It shall be the responsibility of the inventor to demonstrate the basis of the inventor's claim that only personal time and no college facilities were utilized.

5.4. If the inventor so desires, inventions or discoveries made on personal time and without the use of college facilities may be assigned to the institution. Under this arrangement, the procedures will be the same as for inventions or discoveries made by Lamar State College Port Arthur personnel on college time or with the use of college facilities and materials.

**6. Patents Arising from Government Sponsored Research.**

Patents on inventions or discoveries arising from research financed by federal, state, or local government may be controlled by the terms of the grants and contracts specified by the government agency sponsoring the research, or by applicable law. In some cases, the sponsoring government agency may claim rights to patents resulting from the sponsored research.

**7. Patents Arising from Research Sponsored by Non-Government Entities.**

Lamar State College Port Arthur is obligated to ensure that its facilities and the results of the work of its employees are applied in a manner which best serves the interests of the public. The college reserves the right to ownership of patents on inventions or discoveries arising out of research supported in whole or in part by grants or contracts with non-governmental firms.

**8. College Patent Committee.**

The President shall appoint a College Patent Committee, consisting of no less than three members, one (1) of whom shall be designated by the President to serve as chair of the committee. Such committee shall perform the duties delineated in this policy and other such duties as may be assigned by the President or his designee.

**9. Duty to Disclose Discoveries and Inventions.**

All individuals covered by this policy have a duty to disclose in writing their inventions and discoveries promptly to the College Patent Committee.

9.1. The duty to disclose arises as soon as the individual has reason to believe, based on his or her own knowledge or upon information supplied by others, that the invention or discovery may be patentable.

9.2. Certainty about patentability is not required before a disclosure should be made.

9.3. Individuals shall execute such declarations, assignments, or other documents as may be necessary in the course of invention evaluation, patent prosecution, or protection of patent rights, to ensure that title in such inventions shall be held by Lamar State College Port Arthur, where this policy indicates the college shall hold title, or by such other parties as may be appropriate under the circumstances.

**10. Review by Patent Committee.**

The College Patent Committee, after receiving disclosure about an invention, shall forward a recommendation to the President concerning such discovery. Such recommendation shall include: (1) the committee's opinion whether the college has an ownership in the invention in question, or whether such invention was one developed on personal time and without use of college facilities, and (2) whether and how the institution should assert and exploit its ownership interest in any invention or discovery.

**11. Waiver of College Interests.**

The president has the authority to determine that the college desires no claim on the invention or discovery, and may advise the inventor that the college asserts no ownership interest in the invention or discovery.

12. **Royalties.**

In consideration of the disclosure and assignment of invention rights, the inventor, or the inventor's heirs, successors, and assigns, may receive up to 50 percent of the net royalties or other net income arising from an invention or discovery after a deduction for administrative and patent management costs. Administrative and patent management costs include, but are not limited to, the costs associated with the licensing, patenting, and protection of patent rights. The remaining percentage of net royalties shall accrue to Lamar State College Port Arthur.

13. **Avoidance of Conflicts.**

Any employee covered by the policies of this section shall report in writing to the President, or his designee, the name of any business entity as referred to therein in which the person has an interest or for which the person serves as director, officer, or employee and shall be any change in the interest or position held by such person in such business entity. These reports will be filed with the TSUS Board of Regents, and upon Board approval the report shall be submitted to the governor and Legislature as required by Section 51.912 of the Texas Education Code.

14. **Equity Interests.**

In accordance with Texas Education Code<sup>69</sup>, and subject to review and approval by the President, employees of the college who conceive, create, discover, invent, or develop inventions or discoveries may hold an equity interest in a business entity that has an agreement with the college relating to the research, development, licensing, or exploration of those discoveries or inventions.

14.1. Lamar State College Port Arthur may negotiate, but shall not be obligated to negotiate, an equity interest on behalf of any employee as a part of an agreement between the institution and a business entity relating to inventions and discoveries conceived, created, discovered, invented, or developed by the employee and owned by the college.

14.2. Dividend income and income from the sale or disposition of equity interests held by the college pursuant to agreements relating to inventions and discoveries shall belong to the college and shall be distributed in accordance with the provisions of this policy. Dividend income and income from the sale or disposition of an equity interest held by a college employee pursuant to an agreement between the college and a business entity relating to rights in inventions and discoveries conceived, created, discovered, invented, or developed by such employee shall belong to the employee.

15. **Business/Management Participation.**

An employee of Lamar State College Port Arthur who conceives, creates, discovers, invents, or develops an invention or discovery shall not serve as a member of the board of directors or other governing board, or as an officer or employee (other than as a consultant in accordance with college regulations) of a business entity that has an agreement with the college relating to the research, development, licensing, or exploitation of that invention or discovery without prior review and approval by the President. When requested and authorized by the TSUS Board of Regents, an employee may serve on behalf of the TSUS Board of Regents as a member of the board of directors or other governing board of a business entity that has an agreement with the college relating to the research, development, licensing, or exploitation of inventions and discoveries.

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69 Texas Education Code, Section 51.92.

<b>POLICY:</b>	<b>7.10</b>	<b>DETERMINING CREDIT HOURS</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>7.10</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>		

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1. **Policy.**

For semester credit hour and continuing education program formats, LSCPA assigns consistent and appropriate ratios of contact hours to SCH or CEU for each course in the program according to the ratios and parameters established by Higher Education Coordinating Board guidelines in the *Academic Course Guideline Manual (ACGM)* and the *Workforce Education Course Manual (WECM)*. *The Guide for Instructional Programs in Workforce Education (GIPWE)* also provides guidance on the assignment of credit.

2. **Procedure for Approval.**

- 2.1. The faculty are responsible for determining which course(s) should be offered within departments and programs.
- 2.2. The review and approval of program changes must include Advisory Committee, Department Committee, Curriculum Review Council, and the Executive Committee.
- 2.3. Proposed change information including a revised course and/or program curriculum, minutes from each committee in the approval process, and an Inventory Tracking Form.
- 2.4. After approval by the Executive Committee, the approved changes will be distributed to the campus offices and other offices that must be informed.

<b>POLICY:</b>	<b>7.11</b>	<b>CREDIT BY EXAMINATION</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>7.11</b>	
<b>APPROVED:</b>	<b>October 2016</b>	
<b>REVISED:</b>		

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1. **Policy**

Credit by Examination is designed to allow students, who have completed formal or informal training in topics presented at the rigor of a college level curriculum, to challenge a course by completing a comprehensive examination. Credit is awarded to students that pass an advanced standing examination with a 'C' or better. Individual departments may have program specific standards.

2. **Eligibility Criteria.**

- 2.1. Students enrolled at LSCPA may earn college credit by examination.
- 2.2. Eligible students must:
  - 2.2.1. be officially enrolled in a course at LSCPA,
  - 2.2.2. have the approval of the department chair, Dean of Technical Programs (if requesting credit for technical course), and the Vice President for Academic Affairs,
  - 2.2.3. complete the Credit by Examination form,
  - 2.2.4. pay the advanced standing testing fee, and
  - 2.2.5. Successfully complete a comprehensive examination that includes the

assessment of course objectives.

- 2.2.6. Students are not eligible if they are enrolled in the course they want to challenge. Students may attempt credit by examination for a course one (1) time.

3. **Application Approval**

- 3.1. Students must apply to earn credit by examination. Application includes the approval of the department chair responsible for the course, Dean of Technical Programs (if requesting credit for technical course), and the Vice President for Academic Affairs. The instructor must submit the 1) Credit by Examination Form, 2) course syllabi, and 3) examination to be completed by the applicant. The Credit by Examination form is available at departmental offices.

4. **Examination**

- 4.1. Examinations must be comprehensive and assess the test taker's knowledge of the course objectives. If a course includes a laboratory or clinic class, the comprehensive examination must include the assessment of laboratory and clinic objectives.

5. **Fee.**

- 5.1. A fee of \$25 per semester credit hour is assessed for each advanced placement examination. Fees are paid at the LSCPA Business Office located in the Business Building.

<b>POLICY:</b>	<b>7.12 EXPERIENTIAL CREDIT</b>
<b>SCOPE:</b>	<b>FACULTY</b>
<b>POLICY NUMBER:</b>	<b>7.12</b>
<b>APPROVED:</b>	<b>March 2021</b>
<b>REVISED:</b>	

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1. **Introduction.**

Lamar State College Port Arthur believes rigorous professional and/or personal development occurs in settings outside the traditional classroom and grants Experiential Credit to students who demonstrate the academic merit of such experiences. These contexts for Experiential Credit include both formal and informal learning resulting from work experiences, non-credit courses, seminar training, workshops, professional licenses and certifications, community volunteerism and unique life experiences

2. **Policy.**

A systematic process for evaluating and credentialing learning gained in a variety of contexts has been implemented by Lamar State College Port Arthur.

Students enrolled in degree, certificate, or diploma programs are permitted to seek Experiential Credit. Credit may not be awarded for a course previously taken at Lamar State College Port Arthur. The course for which Experiential Credit is requested must be offered in the current Lamar State College Port Arthur Catalog and be included in the student's program of study.

Credit is awarded based on an evaluation of a student's prior knowledge and acquired skills. Evidence of the student's experience must be equivalent to what a student would have obtained in the college-level course.

3. **Guidelines.**

- 3.1. Students seeking Experiential Credit must allow adequate time for evaluation and review of the portfolio materials; therefore, students must begin the process at least three months before the anticipated graduation date.
- 3.2. The fee for Experiential Credit will be assessed at \$25 per semester credit hour.
- 3.3. Students must successfully complete at least (25%) twenty-five percent of credit hours for a degree at Lamar State College Port Arthur.

**4. Procedure**

- 4.1. The student schedules and completes a meeting with the Department Chair to discuss assembling the portfolio to apply for Experiential Credit.
- 4.2. The student must submit a portfolio of information representing their experiences to the Department Chair. Information must demonstrate student learning outcomes consistent with every course outcome. Documentation may include samples of work, non-credit transcripts, certifications, or other evidence of prior learning.
- 4.3. The portfolio of information is reviewed by a faculty member within the discipline, Dean of Technical Programs and the Vice President for Academic Affairs.
- 4.4. Credit is awarded if the evaluator determines the portfolio provides sufficient evidence that the knowledge and skills a student has acquired outside the classroom are equivalent to what one would have acquired in the respective college course.
- 4.5. Student is notified in writing by the Department Chair of the evaluator's decision.
- 4.6. Credit will be awarded by the Registrar upon approval by the appropriate Department Chair, Dean, and the Vice President of Academic Affairs. Experiential Credit will appear as transfer credit on a student's transcript; and, thus the maximum amount of credit that can be awarded is limited by a student's total transfer hours. Credit hours will be awarded for experiential learning; however, no quality points will be assigned.
- 4.7. In determining experiential credit for coursework completed in continuing education non-credit coursework, the college references the NCCCS *Continuing Education Master Course Listing and Business and Industry Guidelines*.

<b>POLICY:</b>	<b>7.13</b>	<b>ONLINE LEARNING</b>
<b>SCOPE:</b>		<b>FACULTY</b>
<b>POLICY NUMBER:</b>	<b>7.13</b>	
<b>APPROVED:</b>		<b>November 29, 2012 (Distance Education Committee)</b>
<b>REVISED:</b>		

**1. Policy**

The purpose of this policy is to provide a framework for the development, implementation, and maintenance of formal degree and certificate programs and courses offered via online learning for academic credit at Lamar State College Port Arthur.

**2. Authority**

The contents of the Policies listed below ensure the college's compliance with [Texas Administrative Code Title 19, Part 1, Chapter 4, Subchapter P](#), the [Texas State University System Rules and Regulations](#), and the [Southern Association of Colleges and Schools Commission on Colleges](#).

**3. Online Learning**

- 3.1. Definition. For the purposes of the Commission on College's accreditation review, online learning is defined as a formal educational process in which the majority of the

instruction (interaction between students and instructors and among students) in a course occurs when students and instructors are not in the same place. Instruction may be synchronous or asynchronous. An online learning course may use the internet: one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices; audio conferencing; or video cassettes, DVD's, and CD-ROMs if used as part of the distance learning course or program.<sup>70</sup>

- 3.2. Lamar State College Port Arthur does not currently offer any courses via correspondence, video conference, pre-recorded video cassette, DVD, or CD-ROM. All Lamar State College Port Arthur online learning courses are offered through an Internet based online course management system.

#### 4. **Standards and Criteria**

- 4.1. Institutional Issues<sup>71</sup> (Authority: Texas Administrative Code 4.260).
- 4.2. All online learning courses that offer either semester credit hours or Continuing Education Units shall do so in accordance with the standards of the Southern Association of Colleges and Schools Commission on Colleges.
- 4.3. The Office of the Vice President for Academic Affairs serves as the central repository for online learning program information and support structure. The Distance Learning Advisory Committee will serve in an advisory capacity to the VPAA on policy and operational issues related to online learning. Committee membership is determined by the VPAA.
- 4.4. Instruction shall be administered by the same academic unit administering the corresponding on-campus instruction. The supervision, monitoring, and evaluation process for online learning instructors shall be comparable to those for on-campus instruction. All subject content decisions will be the responsibility of the instructor and will be coordinated through the appropriate Lamar State College Port Arthur academic structure no matter the delivery system.
- 4.5. LSCPA policies and procedures related to admission, withdrawals, and attendance will be the same no matter what delivery system is utilized. Admission to the college does not automatically admit students to a specific online learning program or course. Texas Higher Education Assessment requirements must be met before a student is admitted to a course that might require proficiency in related study skills. In addition, there are individual course prerequisites that must be met.
- 4.6. LSCPA shall submit or not submit online learning courses for formula funding as required by the Texas Higher Education Coordinating Board formula funding general provisions<sup>72</sup>.

#### 5. **Online learning Programs and Courses**<sup>73</sup> (Authority: TAC 4.261, 4.262).

- 5.1. Each program that Lamar State College Port Arthur offers via online learning shall be within the role and mission of the academic unit responsible for offering the instruction. There shall be no distinction between programs offered through online learning and those offered on campus. Unless otherwise provided, all policies, standards, and guidelines for on-campus instruction apply to programs delivered via online learning.

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<sup>70</sup> SACSCOC

<sup>71</sup> Texas Administrative Code 4.260

<sup>72</sup> Texas Administrative Code Title 19, Part 1, Chapter 4.264

<sup>73</sup> Texas Administrative Code 4.261, 4.262

- 5.2. Each course that LSCPA offers via online learning shall be on the College's inventory of approved courses and each program LSCPA offers via online learning shall be on the offering academic unit's inventory of approved programs. There shall be no distinction between courses offered through online learning and those offered on campus. Courses offered via online learning shall have the same rigor and expected outcomes of on-campus offerings.
- 5.3. The quality of online learning instruction must meet the same standards as on-campus instruction. All face-to-face, online, and hybrid classes must be approved by the Vice President for Academic Affairs before development as outlined in the *Faculty Handbook*. For online courses, the *Principles of Good Practice for Electronically Delivered Courses and Programs* self-study must be completed and submitted to the Director of Online Learning for each first time course offering. Verification is then forwarded to the Vice President for Academic Affairs for approval to offer the course.
- 5.4. An academic unit offering a degree or certificate program shall comply with the standards and criteria of any specialized accrediting agency or professional certification board.
- 5.5. Each degree program offered via online learning shall be approved by the Texas State University System Board of Regents. If the program is approved through all college levels, it will be transmitted by the Vice President for Academic Affairs to the Texas Higher Education Coordinating Board and Southern Association of Colleges and Schools Commission on Colleges for final review.
- 5.6. Students who enroll in online learning courses must satisfy the same requirements for admission to Lamar State College Port Arthur, to the program of which the course is a part, and to the class or section itself as are required of on-campus students.
- 5.7. The instructor of record shall bear responsibility for the delivery of instruction and for evaluation of student progress.
6. **Faculty**<sup>74</sup> (Authority: TAC 4.263)
  - 6.1. Faculty shall be selected and evaluated by the same standards, review, and approval procedures used by the institution to select and evaluate faculty responsible for on-campus instruction. Faculty selection follows the same procedure at LSCPA no matter what delivery system for the course is used.
  - 6.2. The Director of Online Learning and the Information Technology Services Department shall provide support to enhance the added skills required of faculty teaching classes at a distance via electronic delivery.
  - 6.3. The load value for an online learning course shall be the same as its equivalent on-campus course. The total number of students allowed to enroll in any online learning course shall be set by the appropriate division director in consultation with the dean and the instructor.
  - 6.4. Lamar State College Port Arthur encourages faculty members to develop courses to be delivered through online learning technology. Faculty members who create online learning courses are subject to the college's Copyright Policy as detailed in the *Policy and Procedure Manual*.
  - 6.5. Faculty are not compensated for the development of online learning courses.

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<sup>74</sup> Texas Administrative Code 4.263

- 6.6. Lamar State College Port Arthur, through the Director of Online Learning, shall provide information regarding the most current copyright laws to all faculty members, and faculty members shall adhere to those guidelines.
7. **Student Support Services**<sup>75</sup> (Authority: TAC 4.264)
  - 7.1. All advertising, recruiting, and scheduling information provided in campus publications or online regarding any online learning class or program shall include the prerequisite level of knowledge and skill necessary to complete the course successfully and clear and specific information on the technology needed to participate in the course. Where necessary, these publications shall include information on resources available to assist the student in using the required technology.
  - 7.2. Students shall be provided academic and student support services, including academic advising, counseling, library and other learning resources, tutoring services, and financial aid, comparable to those available for on-campus students. Online learning students are provided academic support services by a variety of delivery methods, including, but not limited to, orientations, on-site conferences, links on web pages within Internet-based courses, the LSCPA web site, the MyLSCPA web portal, e-mail, fax, and telephone.
  - 7.3. Lamar State College Port Arthur shall provide access to Gates Memorial Library services and resources through the campus library web page. Services include self-paced online tutorials and electronic reference assistance. Resources include extensive electronic holdings including e-books, e-journals, magazines, newspapers, data sets, graphics and audiovisual collections.
8. **Online Learning Facilities and Support**<sup>76</sup> (Authority: TAC 4.274)
  - 8.1. Online learning facilities (other than homes as online learning reception sites) shall be comparable in quality to those for on-campus instruction. Online learning students will have access to the same learning management systems as on-campus students.
  - 8.2. The College shall support student and faculty access to on-line courses and on-line support services through the campus Internet connection or through access provided in computer labs on campus. A help desk shall be provided by the Information Technology Services Department.

<b>POLICY:</b>	<b>7.14 PRIVACY OF ONLINE LEARNING STUDENTS</b>
<b>SCOPE:</b>	<b>FACULTY</b>
<b>POLICY NUMBER:</b>	<b>7.14</b>
<b>APPROVED:</b>	<b>November 29, 2012 (Distance Education Committee)</b>
<b>REVISED:</b>	

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1. **Policy**

The privacy of all students, including online learning students, will be protected through strict adherence to the rules of the Family Education Rights and Privacy Act.
2. **Strategies**
  - 2.1. All students, including online learning students, will be issued a unique, nine-digit student identification number during the acceptance process at Lamar State College Port Arthur. The student ID number will become the unique identifier for all individuals

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<sup>75</sup> Texas Administrative Code 4.264

<sup>76</sup> Texas Administrative Code 4.274



throughout their academic career at Lamar State College.

- 2.2. All students, including online learning students, will be issued a unique username and password. The username and password combination are required for login to My.LamarPA.edu and the Learning Management System. Students must follow the Lamar State College Port Arthur IT Policy requirements for password length, complexity, and change frequency. Students must accept responsibility for the security of their personal passwords.
- 2.3. The privacy of all students, including online learning students, will be protected within the Learning Management System by:
  - 2.3.1. Controlled registration of students and assignment of faculty to online courses.
  - 2.3.2. LSCPA issued username and password login is required for course access.
  - 2.3.3. Student information is separated from others' within the Learning Management System and protected from outside intruders.
  - 2.3.4. Faculty information is protected from student views within the Learning Management System and from outside intruders.
- 2.4. Online learning faculty will keep the concern for student privacy in the forefront of all activities related to online learning courses. Online learning faculty will inform students of anticipated ways their information or work may be used by the college.

### 3. **Assessment**

- 3.1. Assessment is a process by which LSCPA can help students learn better and gauge the level of progress students have made to attain knowledge, skills, beliefs, and values. It also helps professors understand how to improve teaching and testing methods in your classes, and it helps each department understand and improve degree and certificate programs.
- 3.2. Periodically LSCPA will collect assessment data for research and reporting purposes, including statistical data and sometimes copies of student work. Students can be assured that all material the college uses for assessment purposes will be kept confidential. To ensure anonymity, the name will be removed from any material LSCPA uses for assessment purposes, including video-recorded performances, speeches, and projects.

### 4. **Release of Student Information**

- 4.1. Federal privacy laws apply to college students. This means that college employees, including instructors, cannot divulge information to third parties, including parents and legal guardians of students. Even if the students are minors, information about their college work cannot be shared with anyone except in very limited circumstances.
- 4.2. Anyone requesting information about a student should be referred to the Registrar. Instructors will be notified in writing by that Office about what information may be released and to whom.
- 4.3. Releasing private information about a student, however innocuous, can be a violation of federal law, with very serious consequences. Circumstances under which information may be released:
  - 4.3.1. An adult student may submit, to the Registrar, a handwritten, signed note granting permission for release of information. The note must specify what information may be divulged, and it must specify the name of the person to whom the information may be given.

- 4.3.2. A parent or guardian may be given access to information about a student by providing a copy of a filed tax return that shows that the student was listed as a dependent of that parent or guardian. The tax return must be for last complete tax year. Documentation must be submitted to the Registrar's Office.
- 4.3.3. A parent or guardian may be given access to information about a student if the student logs on to MyLSCPA and sends an email to the Registrar granting permission. The email must specify what information may be given and the name of the person to whom it may be given.

<b>POLICY:</b>	<b>7.15</b>	<b>GRADE CHANGES</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>7.15</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>January 2020</b>	

1. Course grades are generally recorded by the instructor and can be changed by 1) the instructor who assigned the grade, 2) agreement between the Department Chair, Dean of Technical Programs, and the Vice President for Academic Affairs and 3) as a result of a decision of the Student-Faculty Relations Committee. All grade changes must be approved by the Department Chair, Dean of Technical Programs (for technical programs), and the Vice President for Academic Affairs.
2. **Procedure**
  - 2.1. Grade change by the instructor. The instructor must complete the *Grade Change Form* which includes a justification for the grade change. The completed *Grade Change Form* must be approved and signed by the Department Chair and Vice President for Academic Affairs.
  - 2.2. Grade change by administrator. In the event the instructor is no longer employed, the Department Chair, Dean of Technical Programs, and the Vice President for Academic Affairs have the authority to change grades with a written explanation for the change placed in the college's official files
  - 2.3. Grade change following appeal to the Student-Faculty Relations Committee. Grades may be changed by the Department Chair, the Dean of Technical Programs, and the Vice President for Academic Affairs when the Student-Faculty Relations Committee, as a result of the appellate process, determines that a faculty member has failed to implement a previously announced grade policy.

<b>POLICY:</b>	<b>7.16</b>	<b>CLASS TIMES</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>7.16</b>	
<b>APPROVED:</b>	<b>September 2016</b>	
<b>REVISED:</b>	<b>June 2020</b>	

1. **Policy.** The Class Times outlined below must be used when developing the schedule of classes. Deviation from the Class Times policy may be approved by the Vice President for Academic Affairs or the Dean of Technical Programs.
2. **Modifications.** Class Times may be modified to address campus emergencies. In the event of an emergency, modifications to the Class Times must be approved by the Executive Committee

(President, Vice President for Academic Affairs, Executive Vice President for Finance, Dean of Student Services).

## CLASS TIMES <sup>77</sup>

Effective Fall 2016

M, W, F	
Period 1	7:00 - 7:50 A.M.
Period 2	8:00 - 8:50 A.M.
Period 3	9:00 - 9:50 A.M.
Period 4	10:0 - 10:50 A.M.
Period 5	11:00 - 11:50 P.M.
Period 6	12:00 - 12:50 P.M.
M, W	
Period 7	2:00 - 3:15 P.M.
Period 8	4:00 - 5:15 P.M.
Period 9	5:30 - 6:45 P.M.
Period 10	7:00 - 8:15 P.M.
Period 11	8:30 - 9:45 P.M.

TR	
Period A	6:45 - 8:00 A.M.
Period B	8:00 - 9:15 A.M.
Period C	9:30 - 10:45 A.M.
Period D	11:00 A.M. - 12:15 P.M.
Period E	12:30 - 1:45 P.M.
Period F	2:00 - 3:15 P.M.
Period G	4:00 - 5:15 P.M.
Period H	5:30 - 6:45 P.M.
Period I	7:00 - 8:15 P.M.
Period J	8:30 - 9:45 P.M.

Evening Classes (One Night Per Week)
5:30 – 8:00 P.M.
Mini Sessions <sup>78</sup>
8:00 A.M. - 12:15 P.M.

**Exceptions:** Programs that have a cohort of students that have classes scheduled consecutively with no break are exempt.

**POLICY:** 7.17 USE OF PERSONAL ELECTRONIC DEVICES IN THE CLASSROOM

**POLICY NUMBER:** 7.17

**SCOPE:** FACULTY AND STAFF

**APPROVED:** 8-1-2006

**REVISED:**

Electronic devices (including but not restricted to cell phones, MP3 players, and laptop computers) shall not be used during examinations unless specifically allowed by the instructor, or unless the Special Populations Coordinator has determined that such a device is a reasonable accommodation for a disability. Under any other circumstances, the use of an electronic device during an examination shall be considered academic dishonesty, and will result in appropriate sanctions as outlined in the course syllabi, in the *Policy and Procedure Manual*, and in the *Student Handbook* (Academic Dishonesty).

<sup>77</sup> Based on a three-credit hour course. Ending times will vary for courses that are not 3 SCH (3:3:0).

<sup>78</sup> MTWR, 9-15 days.

Use of personal electronic devices during normal class hours distracts other students, disrupts the class, and wastes valuable time. Instructors have an obligation to reduce such disruptions. Each instructor shall develop a policy regarding the use of electronic devices in class and include that policy in the course syllabi.

## **SECTION 8: RIGHTS AND RESPONSIBILITIES AS A TEACHER AND CITIZEN**

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<b>POLICY:</b>	<b>8.1</b>	<b>ACADEMIC FREEDOM</b>
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<b>SCOPE:</b>	<b>FACULTY</b>
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<b>POLICY NUMBER:</b>	<b>8.1</b>
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<b>APPROVED:</b>	
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<b>REVISED:</b>	
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1. Introduction

Institutions of higher education are conducted for the common good. The common good depends upon a free search for truth and its free expression. Hence, it is essential that faculty members be free to pursue scholarly inquiry without undue restriction and voice and publish their conclusions concerning the significance of evidence that they consider relevant. The faculty must be free from fear that others, inside or outside the institution, because their views may differ, may threaten the faculty member's professional career or the material benefits accruing from it.

Faculty members are entitled to full protection of their rights under the First Amendment to the Constitution of the United States and such further rights as conferred on the faculty member by contractual agreement, as they discuss the subject which they teach in the classroom. Further, the employees of Lamar State College Port Arthur are entitled to the protection of the Fourteenth Amendment of the Constitution of the United States, which prohibits the institution, as an arm of the state, from depriving a citizen of life, liberty, or property without due process of law.

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<b>POLICY:</b>	<b>8.2</b>	<b>ACADEMIC RESPONSIBILITY</b>
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<b>SCOPE:</b>	<b>FACULTY</b>
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<b>POLICY NUMBER:</b>	<b>8.2</b>
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<b>APPROVED:</b>	
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<b>REVISED:</b>	
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1. Introduction

The concept of academic freedom must be accompanied by an equally demanding concept of responsibility, which shall be shared by Lamar State College Port Arthur administrator's faculty members. The fundamental responsibilities of faculty members as teachers and scholars include maintenance of competence in their fields of specialization and the exhibition of such competence in lectures, discussions, or publications.

Exercise of professional integrity of faculty members includes recognition that the public will judge their profession and their institution by their statements. Therefore, they should strive to be accurate, exercise appropriate restraint, show respect for the opinions of others, and avoid creating the impression that they speak or act for the institution when they speak or act as private persons.

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<b>POLICY:</b>	<b>8.3</b>	<b>CLASSROOM RESPONSIBILITIES OF FACULTY</b>
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<b>SCOPE:</b>	<b>FACULTY</b>
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<b>POLICY NUMBER:</b>	<b>8.3</b>
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1. Introduction

The faculty member is entitled to freedom in the classroom in discussing the faculty member's subject. However, controversial material should be used relevantly in the classroom and should be introduced only as such material has a clear relationship to the subject field.

<b>POLICY:</b>	<b>8.4</b>	<b>CLASSROOM MANAGEMENT AND RELATED DUTIES</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>8.4</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>		

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1. Classroom Management and Related Duties Policy.

Faculty members are responsible for maintaining proper and complete records, accounts, enrollments, grades, and related documentation. Faculty members, including Department Chairs and Program Coordinators, are expected to participate in departmental, committee, and general faculty meetings immediately before the beginning of each semester and continuing through commencement, the official end of the semester.

<b>POLICY:</b>	<b>8.5</b>	<b>COMMUNITY SERVICE</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>8.5</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>		

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1. Community Service Policy.

Faculty activities rendered as a service to the constituency of the institution are important functions. These activities include teaching non-credit courses; preparation of informational bulletins; clinical services; speeches; providing counseling and technical assistance through the Small Business Development Center; conference planning and participation; consultation without compensation to business, industry and government; participation in professional societies; and other educational and leadership activities.

<b>POLICY:</b>	<b>8.6</b>	<b>GRIEVANCE</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>8.6</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>September 1, 2014</b>	

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1. Grievance (Faculty) Policy.

1.1. Grievances on Terms and Conditions of Employment.

1.2. Every employee, including faculty, shall be entitled to present grievances concerning such individuals' wages, hours of work, or conditions of work individually or through a representative that does not claim the right to strike to a hearing officer designated by the President.

1.2.1. Grievance topics may include wages, hours of work, or conditions of work. Such grievances shall not involve formal hearings (*Texas State University System Rules and Regulations* CHAPTER V, 2.15).

1.3. Grievances on Non-renewal or Termination of Employment.

- 1.3.1. For purposes of this policy, "faculty member" means a person employed full-time by a System Component as a member of the faculty whose duties include teaching, research, administration, or the performance of professional services. It does not include a person who holds faculty rank but spends the majority of his or her time engaged in managerial or supervisory activities.
- 1.3.2. A faculty member, whose employment is terminated prior to the end of his or her contract period, shall be entitled to invoke the full due process procedures provided to tenured faculty under Paragraph 4.5 of Chapter V of the Texas State University System Rules and Regulations.
- 1.4. Grievances on Termination of Employment Prior to the End of Contract Period.
  - 1.4.1. A faculty member may present a grievance, in person, to the president on an issue related to non-renewal or termination of the faculty member's employment at the end of his or her contract period.
  - 1.4.2. The president shall designate a member of his or her administration as a hearing officer to consider grievances under this *Chapter*.
  - 1.4.3. No later than thirty (30) business days after the grievant learns (or in the exercise of reasonable care should have learned) of the action or condition giving rise to the grievance, he or she shall file the grievance on a form prescribed by the Component, providing supporting documentation, if any. The hearing officer will meet with the grievant at a mutually convenient time to review any documentation or other evidence that the grievant may present in support of his or her position.
  - 1.4.4. The hearing officer may not recommend changing the administration's action regarding non-renewal or termination of employment unless the faculty member establishes a *prima facie* case—that is, presents evidence sufficient to establish a claim in the absence of rebuttal by the Component—that he or she has been denied a right guaranteed by the constitutions or laws of the United States or of the State of Texas.
  - 1.4.5. If finding that the grievant has established a *prima facie* case, the hearing officer shall determine whether the administration has stated a non-discriminatory reason for its decision and so advise the president.
  - 1.4.6. The president shall make the final decision regarding the grievance.
  - 1.4.7. A grievance under this Paragraph is not a due process hearing, requiring the formalities specified in Paragraph 4.5 of Chapter V of the Texas State University System *Rules and Regulations*.

<b>POLICY:</b>	<b>8.7</b>	<b>CORRECT MAILING ADDRESS</b>
<b>SCOPE:</b>		<b>FACULTY</b>
<b>POLICY NUMBER:</b>	<b>8.7</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>		

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1. Maintaining a Correct Mailing Address Policy.

Each faculty member shall keep the Human Resources Office and the Vice President for Academic Affairs notified of the faculty member's current mailing address. Written notices regarding tenure and termination shall be sent by certified mail, return receipt requested. Notice

shall be complete when deposited in the United States mail addressed to the last address given by the faculty member. The faculty member's failure or refusal to receive the notice is immaterial.

**POLICY:** 8.8 MEDIATED COURSEWARE  
**SCOPE:** FACULTY  
**POLICY NUMBER:** 8.8  
**APPROVED:**  
**REVISED:**

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1. Mediated Courseware Policy.

Mediated courseware developed by an employee of Lamar State College Port Arthur without specific direction or significant support of the College shall not be sold, rented, leased, or otherwise used in a manner that competes with the instructional offerings of the College without the prior written approval of the Vice President for Academic Affairs. Should approval be granted to offer the course, course component, or instructional support materials outside of the institution, the employee shall reimburse the College for any use of its resources. For additional information on mediated courseware see Chapter III, Paragraph 11.3 and Chapter V, Paragraph 4.76 of the *System Rules and Regulations* and Section X of the *Policy and Procedure Manual*.

**POLICY:** 8.9 NOTICE OF INTENTION TO RESIGN  
**SCOPE:** FACULTY  
**POLICY NUMBER:** 8.9  
**APPROVED:**  
**REVISED:**

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1. Notice of Intention to Resign Policy.

Faculty members have the responsibility to provide due notice of intent to interrupt or terminate institutional services within a reasonable time or the time provided by contractual agreement. A faculty member should not resign later than May 15, or 30 days after receiving notification of the terms of the continued employment for the following year, whichever date comes later. A faculty member who plans to resign should give written notice addressed to the President through the Department Chair, Division Dean, and Vice President for Academic Affairs.

**POLICY:** 8.10 PARTISAN POLITICAL ACTIVITIES  
**SCOPE:** FACULTY  
**POLICY NUMBER:** 8.10  
**APPROVED:**  
**REVISED:**

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1. Partisan Political Activities Policy.

Lamar State College Port Arthur recognizes and affirms a faculty member's right to participate in political activities as long as such political activities do not interfere with the discharge of the duties and responsibilities a member of the faculty owes to the institution or to otherwise involve the institution or the Texas State University System in partisan politics. If, in the President's judgment, the interest of the institution or the System may so require, a leave of absence may be granted without pay to a member of the faculty. If a member of the faculty, who has not been granted a leave of absence, wishes to engage in political activity that interferes with the duties and responsibilities that are owed to the institution, the faculty member should voluntarily terminate employment. If the faculty member does not voluntarily terminate his or her employment and the



President or Board of Regents finds that the faculty member's political activity interferes with the discharge of the duties and responsibilities that are owed to the System or the institution, the President or the Board shall terminate such faculty member's employment.

**POLICY:** 8.11 PROFESSIONAL DEVELOPMENT  
**SCOPE:** FACULTY  
**POLICY NUMBER:** 8.11  
**APPROVED:**  
**REVISED:**

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1. Professional Development Policy.

An important annual objective for faculty members is to remain current in their teaching fields; it is considered an obligation of all faculty members. To fulfill this obligation, a faculty member may participate in activities such as the following: general professional reading; leaves of absence designed to improve one's general professional competence; travel associated with research or creative efforts, formal course work; and other activities designed to improve one's general or specific professional competence.

**POLICY:** 8.12 PUBLICATIONS  
**SCOPE:** FACULTY  
**POLICY NUMBER:** 8.12  
**APPROVED:**  
**REVISED:**

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1. Publications Policy.

The faculty member is entitled to freedom in research and in the publication of the results in accordance with responsible academic and professional practices.

**POLICY:** 8.13 RELEASE FROM CONTRACT  
**SCOPE:** FACULTY  
**POLICY NUMBER:** 8.13  
**APPROVED:**  
**REVISED:**

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1. Release from Contract Policy.

After a faculty member has signed a contract for the subsequent year, good faith requires that the faculty member not negotiate for a new position elsewhere for the period the faculty member is obligated to teach under the terms of the signed contract. Requests for release from a written contract will be considered on a case-by-case basis, with primary consideration given to the best interests of Lamar State College Port Arthur.

**POLICY:** 8.14 RESEARCH  
**SCOPE:** FACULTY  
**POLICY NUMBER:** 8.14  
**APPROVED:**  
**REVISED:**

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1. Research Policy.

Lamar State College Port Arthur recognizes its obligation to maintain a faculty that is professionally creative in respective disciplines. This dimension is important not only to quality instruction in the classroom, but also to the realization of the institution's goal as an overall scientific, technical, and cultural resource within the community. In this spirit, the institution encourages faculty members to recognize their responsibility for professional growth through activities outside the classroom which maintain the scholar's professional interests and the production of creative materials. Faculty members are entitled to freedom in research and in the publication of the results in accordance with responsible academic and professional practices.

<b>POLICY:</b>	<b>8.15 SPEAKING AS A CITIZEN</b>
<b>SCOPE:</b>	<b>FACULTY</b>
<b>POLICY NUMBER:</b>	<b>8.15</b>
<b>APPROVED:</b>	<b>November 2020</b>
<b>REVISED:</b>	<b>February 7, 2012</b>

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1. Speaking as a Citizen Policy.

The faculty member is a citizen, a member of a learned profession, and an employee of an educational institution supported by the State of Texas. When the faculty member speaks or writes as a citizen, the faculty member should be free from institutional censorship or discipline; but the faculty member's special position in the community imposes special obligations. As a person of learning and a faculty member of a state funded educational institution, the faculty member should remember that the public may judge his or her profession and Lamar State College Port Arthur by his or her utterance. Hence, the faculty member should at all times be accurate, exercise appropriate restraint, and should show respect for the opinion of others.

## SECTION 9: TERMS AND CONDITIONS OF EMPLOYMENT

<b>POLICY:</b>	<b>9.1 ABSENCES</b>
<b>SCOPE:</b>	<b>FACULTY</b>
<b>POLICY NUMBER:</b>	<b>9.1</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>June 2004; October 2013; September 2021</b>

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1. Absences Policy.

Faculty members must complete their instructional duties and other responsibilities associated with a faculty appointment, including the meeting of all scheduled classes.

2. Absences from classes will be authorized under the following circumstances:

- 2.1. Professional meetings when, in the judgment of the President or his designee, attendance at such a meeting would contribute to improving teaching or scholarship at the College;
- 2.2. Sickness, injury, pregnancy and/or confinement that prevents the faculty member's performance of duty or when a member of his or her immediate family is actually ill;
- 2.3. Family emergencies, including attending the funerals of the faculty member's spouse, or the faculty member or spouse's parents, brothers, sisters, grandparents, or children; or for any other absence designated by the President as an emergency;
- 2.4. Specific assignments of the President of short duration, or special circumstances where the President considers such absences to be for valid reasons.

- 2.5. 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 two days and who fails to obtain authorized leave will be considered to have abandoned their position. The instructor will be subject to disciplinary action which may include leave without pay, dismissal, or another personnel action.
  - 2.6. In the event of a planned faculty absence prior authorization is required. The request for permission to be absent should be made to the Department Chair/Program Coordinator 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 arrangements for missed classes.
  - 2.7. Faculty members should contact the Human Resources Office, for information regarding sick leave, catastrophic sick leave pool, leave without pay, extended leave without pay, military leave, volunteer firefighter leave, family medical leave, parental leave, foster parental leave, emergency bereavement leave, emergency leave, worker's compensation, return to work policy, and absence for jury duty.
3. A faculty member is responsible for notifying the Department Chair/Program Coordinator of an absence in time to ensure the uninterrupted schedule of classes.

<b>POLICY:</b>	<b>9.2</b>	<b>ACCEPTANCE OF MONEY FROM STUDENTS</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>9.2</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>October 2013</b>	

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1. **Acceptance of Money from Students.**

Faculty members shall not, without the approval of the President or his designee, collect from students any fees or charges to be expended for institutional purposes or sell to students' books, notes, materials, or supplies. Faculty of the rank of lecturer or above, and other instructional personnel as designated by the President, may not accept pay from students for extra instruction or teaching of students who are registered in the institution.

<b>POLICY:</b>	<b>9.3</b>	<b>COMMENCEMENT</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>9.3</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>June 2004; October 2013; September 2021</b>	

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1. Attendance at commencement.  
All full-time faculty are expected to participate in all commencement exercises.  
Part time faculty are encouraged to participate in commencement exercises.
2. Faculty members participating in these ceremonies shall wear academic regalia appropriate to their highest degree and the conferring institution.
3. Request to be Absent.
  - a. Faculty may request to be absent from the Vice President for Academic Affairs.
  - b. Requests must be made in writing.

<b>POLICY:</b>	<b>9.4</b>	<b>CONSENSUAL SEXUAL RELATIONSHIPS BETWEEN EMPLOYEES</b>
<b>SCOPE:</b>		<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>9.4</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>October 2013; May 2022</b>	

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1. Consensual Sexual Relationships Between Employees.

Lamar State College Port Arthur prohibits consenting romantic and sexual relationships between employees where a power differential exists.

- 1.1. Any employee who enters into such a relationship must realize that, if a charge of sexual harassment is subsequently lodged, it will be exceedingly difficult to prove immunity on grounds of mutual consent. The administrator or board reviewing a charge of sexual harassment shall be expected, in general, to be unsympathetic to a defense based on consent when the facts establish that an employee power differential existed within the relationship.
- 1.2. Employee power differential relationship is defined as a relationship between two employees where by virtue of one employee's status at Lamar State College Port Arthur he or she has apparent authority over the other employee's status in the institution.
- 1.3. Any employee who thinks that he/she is a victim of sexual harassment should clearly communicate to the offender that the behavior should cease immediately. If the behavior continues, the victim should lodge a complaint against the offender.

<b>POLICY:</b>	<b>9.5</b>	<b>CONSENSUAL SEXUAL RELATIONSHIPS BETWEEN FACULTY MEMBERS AND STUDENTS</b>
<b>SCOPE:</b>		<b>FACULTY</b>
<b>POLICY NUMBER:</b>	<b>9.5</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>October 2013</b>	

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1. Consensual Sexual Relationships Between Faculty Members and Students.

Lamar State College Port Arthur prohibits a consensual sexual relationship between a faculty member and a student enrolled in a course taught by the faculty member. This applies even when both parties appear to have consented to the relationship. A faculty member who is or has been involved in a consensual sexual relationship with a person should not enter into a student/teacher relationship with that person. "Consensual sexual relationships" may include amorous or romantic relationships. The term is intended conduct between a faculty member and a student which passes beyond what a person of ordinary sensibilities would believe to be a collegial relationship.

The initiation of or acquiescence to a sexual relationship by a faculty member with a student under the personal supervision of the instructor is a serious breach of professional ethics. The professional relationship between faculty and students is central to the institution's educational philosophy. When faculty members interact with students in a student-teacher relationship, they exercise a form of power over the students, whether in the form of criticism, praise, suggestions, corrections, or career guidance. Any action in which power is abused or appears to have been abused can disrupt this professional relationship and undermine the mutual trust and respect upon which this professional relationship is founded.

A consensual sexual relationship between a faculty member and a student, particularly when the instructor is in a position of power, will irreparably undermine this professional relationship. The issue of power and control over the student remains so strong that in a sexual relationship that voluntary consent by a student may be only forced consent which the hidden, subtle pressure

stemming from the faculty member's position of power has turned into a “voluntary” act. Such a relationship creates an inevitable conflict of interest when a teacher makes judgments about a student’s work. The appearance of impropriety to the Lamar State College Port Arthur community, which such relationships produce, casts doubt on the faculty member’s judgment and evaluation of the student’s performance, the faculty member’s overall professionalism and credibility, and the genuineness of the student’s accomplishments where the faculty member is directly supervising and teaching the student.

Lamar State College Port Arthur and the Texas State University System have established policies affirming that no employee of the institution or the System may sexually harass another person. Any employee who violates the policies will be subject to disciplinary action. A faculty member who engages in a consensual sexual relationship with a student in a course taught by the faculty member could be liable to charges of committing sexual harassment. Faculty members are responsible for reading and understanding the institutional policy on sexual harassment included in POLICY: 9.16 SEXUAL HARASSMENT (pg. 180) of the institution’s *Policy and Procedure Manual* and the policy on sexual harassment in Chapter VII, Section 8 of the Texas State University System *Rules and Regulations*. Questions regarding the policies should be directed to the Vice President for Academic Affairs.

<b>POLICY:</b> 9.6	<b>EMERGENCIES, FIRES, ACCIDENTS, AND SUDDEN ILLNESS</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>9.6</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>February 2008; October 2013; September 2021; May 2022</b>

1. Emergencies, Fires, Accidents, and Sudden Illness.  

In the event of a life-threatening injury or illness, immediate emergency assistance should be sought. Immediately contact Campus Security at extension 6255 or the Campus Security Duty Phone at 409-720-7369. You may also use an emergency call box if there is one nearby. If there is no response from College personnel, call 911.
2. In the event of minor injuries or illness requiring medical attention, the person should be sent or taken to the Security Office on the first floor of the Student Center.
3. In all cases of fire, activate the nearest fire alarm to warn other building occupants. If there is a suspicion that there is a fire in the building, and the fire alarm does not sound, immediately contact Campus Security at extension 6255, or the Campus Security Duty Phone at 409-720-7369, or the campus Operator, or use an emergency call box if there is one nearby.
  - 3.1. If the fire alarm sounds you should immediately have your students exit the building in an orderly manner. Please refer to the evacuation plan posted in the classroom.
4. In the event of an electrical power failure during the day, employees will receive instructions and updates from the Public Information Office. Information will be shared with the campus via text and email.
5. In the event of an electrical power failure during evening classes, and in the absence of any administrative directive, you may dismiss class if power has not been restored after fifteen (15) minutes. There are emergency lights in all buildings to allow for safe egress.
6. In the event of an electrical power failure that leaves someone stranded in an elevator, note that all elevators on campus are equipped with emergency call buttons. The call goes to Campus Security or the Operator. The call automatically rolls over to 911 if it is not answered on campus.

7. In the event of biological, chemical, or bomb threats, the College has procedures in place for notifying faculty of the appropriate action to take (i.e., evacuation or sheltering in place). In these circumstances the College works closely with federal, state, and local law enforcement officials.
8. In the event of severe weather that may potentially threaten the safety of individuals on campus, employees and students will be notified of the appropriate action to take.
9. In the event of a crime, or possibility of a criminal act, notify Campus Security by calling extension 6255 or the Campus Security Duty Phone at 720-7369, or the campus Operator.
10. In the event of an accident, fire, or criminal act that occurs when the college is closed and a security officer is not on duty, call 911. An emergency call box may also be used to report events.
11. Familiarize yourself with the campus BlackboardConnect system and encourage your students to do the same. There is a link to BlackboardConnect on the LSCPA website, in the lower right corner. In the event of emergencies affecting the entire campus, BlackboardConnect will automatically send a message to all computers on campus, and it will replace the home page for the duration of the emergency.
12. The Emergency Operations Plan outlines additional detailed information about multiple emergencies. The Emergency Operations Plan is available on the LSCPA website.

<b>POLICY:</b>	<b>9.7 EMERGENCY CLOSING</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>9.7</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>October 2013; September 2021; May 2022</b>

1. Emergency Closings.

Situations occasionally arise that necessitate the suspension of normal campus operations to protect the members of the campus community. In such cases, the following policies and procedures will be observed.
2. Authority to suspend operations rests with the President or their designee.
3. Faculty members are responsible for notifying students in their classes of the emergency closing policies.
4. Notification of Emergency Closing.
  - 4.1. The Public Information Office will notify employees, students, and the community of emergency closings. Notification will be made by email, text, website, and media outlets.
  - 4.2. Upon the recommendation of Department Chairs, and with prior written approval from the Vice President for Academic Affairs, separate closing policies may be approved for specific programs.
5. The college calendar may not be lengthened if classes are cancelled due to inclement weather or other circumstances. The method for including the subject matter that normally would have been covered in the missed class meetings will be left to the discretion of each instructor.
6. 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.

<b>POLICY:</b>	<b>9.8</b>	<b>OUTSIDE EMPLOYMENT</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>9.8</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>February 2008; October 2013</b>	

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1. By accepting employment at Lamar State College Port Arthur, faculty are expected to:
  - 1.1. Accept the full-range of teaching responsibilities assigned;
  - 1.2. Continue to develop professionally through research, participation in professional societies, desirable professional experience, and/or public service;
  - 1.3. Assume committee and service assignments at the department, division, and campus levels;
2. Ensure that professional activities, with or without remuneration, performed outside the Lamar State College Port Arthur community shall not interfere with the full performance of assigned duties in accordance with the following policies governing outside employment for all faculty members:
  - 2.1. Faculty members may accept appropriate appointments of a consultative or advisory capacity with governmental agencies, industry, or other educational institutions as long as such activities do not conflict with the individual's work at the institution. The consideration to the institution of such activity is the improvement of the individual through contact with the nonacademic world. Faculty members are discouraged from accepting regular employment outside the institution because such does not directly benefit the institution as indicated herein.
  - 2.2. Conflict of interest must be avoided in all instances of outside employment. Conflict of interest is any outside activity imposing upon the employee's responsibility to the institution.
  - 2.3. No member of the faculty engaged in outside remunerative activities shall use in connection therewith the official stationery, supplies, equipment, personnel services, or the resources of the Texas State University System or Lamar State College Port Arthur. Nor shall such member of the faculty accept pay from private persons or corporations for tests, essays, chemical analysis, computer programming, bacteriological examinations, or other work of a routine character which involves the use of property owned by the System or the institution.
  - 2.4. No member of the faculty shall accept employment or any position of responsibility if the discharge of such employment or responsibility will be antagonistic to the interests of the State of Texas, the Texas State University System, or any member institution of the System.
    - 2.4.1. Every faculty member who gives professional opinions must protect the Texas State University System and its component universities against the use of such opinions for advertising purposes. That is, when work is done in a private capacity, the faculty member must make it clear to the employer that such work is unofficial and that, absent the President's prior approval, the name of the System and its component universities are not to be connected with the faculty member's name. Exceptions may be made for the name of the author attached to pamphlets, books, and articles in periodicals, and the identification of an individual in publications of corporations or companies related to service as a member of an advisory council, committee, or board of directors.
    - 2.4.2. No member of the full-time faculty of Lamar State College Port Arthur employed on a twelve-month or nine-month basis shall be employed in any

outside work or activity or receive from an outside source a retainer fee or salary during the period of employment by the institution until a description of the nature and extent of the employment has been filed with and approved by the President or his designee.

<b>POLICY:</b>	<b>9.9 EVALUATION OF FACULTY</b>
<b>SCOPE:</b>	<b>FACULTY</b>
<b>POLICY NUMBER:</b>	<b>9.9</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>October 2013</b>

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1. Evaluation of Faculty.

Full-time faculty members are independently evaluated annually by their Department Chairs and Deans relating to various professional duties and activities including classroom instruction, scholarly research and publication, participation in department and campus-wide affairs, professional development and service, and community service. The Annual Faculty Report may be used for self-evaluation, by the Department Chair and Dean to support recommendations concerning promotion, tenure, and salary administration. Faculty members receive a copy of their evaluation report after the Department Chair and Dean have completed their reviews and have the right to request a conference concerning evaluations and to appeal such evaluations.

During each long semester, each faculty member (full-time and part-time) will provide students with an opportunity to evaluate his or her performance. To ensure that grades are not biased by comments made on evaluations, another faculty or staff member will monitor the evaluation process. The instructor being evaluated shall not be present in the classroom when students are completing the evaluation without the prior approval of their Department Chair. Completed evaluations must be returned to the Vice President for Academic Affairs for tallying. The Vice President will release the evaluations to the Deans for distribution to faculty after final grades are posted.

The student evaluations of faculty are to be used as a means for improving teaching and may also be used to document teaching effectiveness in applications for tenure and promotion. The results of student evaluations may also be submitted as part of the annual faculty evaluation process.

<b>POLICY:</b>	<b>9.10 USE OF FACILITIES</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>9.10</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>October 2013; May 2022</b>

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1. Use of Facilities.

All Lamar State College Port Arthur facilities are open to faculty and staff groups when they are conducting or sponsoring college-related activities. State property is not to be used for partisan political activity or for other activities not clearly related to the functions of the institution.

The Dean for Student Services and the Director of the Physical Plant are responsible for the safety and welfare of campus students, staff, and faculty by providing proper security for all buildings. Classrooms and most other space is scheduled through the Office of the Dean for Student Services.

2. Events Coordinator. The Events Coordinator schedules events in the Gates Memorial Library, Carl J. Parker Center, Student Center, and the Theatre.



<b>POLICY:</b>	<b>9.11 FACULTY DEVELOPMENT LEAVE PROGRAM</b>
<b>SCOPE:</b>	<b>FACULTY</b>
<b>POLICY NUMBER:</b>	<b>9.11</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>October 2013</b>

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1. Faculty Development Leave Program.

The Board of Regents has authorized the institution to implement a Faculty Development Leave Program pursuant to the provisions of the Texas Education Code<sup>79</sup>.

2. Purpose.

2.1. A faculty development leave may be granted for study, research, writing, field observations, or other suitable purpose, which the faculty member is eligible by reason of service, that the purpose for the faculty development leave is one for which faculty development leave may be granted, and that granting leave to the faculty member will not place on faculty development leave a greater number of faculty members than is authorized.

3. Eligible Faculty.

3.1. A faculty member is eligible if they have been employed full-time as a member of the faculty or staff and their duties include teaching, administration, including professional librarians, or the performance of professional services. The term does not include a person employed in a position which is in the institution's classified personnel system, or employed in a similar type of position.

3.2. A faculty member is eligible after serving as a faculty member of LSCPA for at least two consecutive academic years. The service must be full-time academic duty but need not include teaching.

4. Application.

4.1. Applications for faculty development leaves will be evaluated by a committee elected by those persons eligible to apply for leave. The committee makes recommendations to the President, who shall make the final determination which applications should be granted for paid faculty development leave.

4.2. Applications for faculty development leave must be submitted to the committee by October 1<sup>st</sup> and forwarded to the President by November 1<sup>st</sup>. Approved leaves will begin in the following academic year.

5. Duration and Compensation

5.1. Faculty development leave may be granted to a faculty member for either one academic year at one-half of regular salary or for one-half of an academic year at full regular salary. For the purposes of this policy, an academic year means a fall semester followed immediately by a spring semester. One-half of an academic year means either a fall or spring semester.

5.2. A faculty member on faculty development leave may accept a grant for study, research, or travel from any institution of higher education, from a charitable, religious, or educational corporation or foundation, from any business enterprise, or from any governmental agency.

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<sup>79</sup> Texas Education Code, Chapter 51, Subchapter C.

- 5.3. A faculty member on faculty development leave may not accept employment from any other person, corporation, or government, unless the governing board determines that it would be in the public interest to do so and expressly approves the appointment.
6. By statute, no more than six (6) percent of the faculty members may be on faculty development leave at any one time. The actual number that can be supported in a given year will depend upon available resources.
7. Rights Retained.
  - 7.1. A faculty member on faculty development leave shall continue to be a member of the Teacher Retirement System of Texas or of the Optional Retirement Program, just as any other member of the faculty on full-time duty.
  - 7.2. The institution shall cause to be deducted from the compensation paid to a faculty member on faculty development leave the deposit and membership dues required to be paid by the employee to the Teacher Retirement System of Texas or to the Optional Retirement Program, or both, the contribution for Old Age and Survivors Insurance, and any other amounts required or authorized to be deducted from the compensation paid any faculty member.
  - 7.3. A member of the faculty on faculty development leave is a faculty member for purposes of participating in the programs and of receiving the benefits made available by or through the institution or the state to faculty members.

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<b>POLICY:</b>	<b>9.12 LIBRARY SERVICES</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>9.12</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>October 2013; May 2022</b>

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1. Library Services.
  - a. Collections are continuously developed to provide support in both academic and technical areas.
  - b. Collections include:
    - i. Research guides
    - ii. Books / catalogs
    - iii. Videos
    - iv. E-books
  - c. Laptops. The Library has laptop computers that students can use.
  - d. Library instructional orientations are available by reservation to all instructors and all classes.
  - e. Other services include Internet, telephone, and in-person reference assistance, Tex-share cards, and inter-library loans.

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<b>POLICY:</b>	<b>9.13 MAIL</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>9.13</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>October 2013; May 2022</b>

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1. Mail.

Faculty mailboxes are located in the Madison Monroe Education Building and should be checked daily.

**POLICY: 9.14 OFFICE HOURS**

**SCOPE: FACULTY**

**POLICY NUMBER: 9.14**

**APPROVED:**

**REVISED: August 2005; October 2013**

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1. Office Hours.

A good relationship between instructor and student requires that faculty members provide time for conferences. Full-time faculty members are obligated to be available in their offices or laboratories (other than scheduled lab time) at least ten hours per week, at least one hour per day for student consultations and class/lab preparation.

2. Courses and laboratories taught as overloads do not take the place of office hours.

3. Conference periods and office hours should be scheduled at times that would be the most advantageous to students.

4. Faculty members are not required to make up office hours missed because of committee meetings or most other forms of official college business.

5. Office hours must be observed by all faculty during the summer term. The number of office hours per week is equivalent to the percentage of a regular full teaching load that the faculty member is teaching in a summer session. For example, six semester hours in a summer session is the equivalent of forty per cent (40%) of the fifteen (15) semester hour load that is required of faculty in a long semester. Therefore, a summer faculty member with this load would be expected to maintain forty per cent (40%) of the weekly office hours required in a long semester, which equates to four office hours per week.

6. Questions about missed office hours should be directed to Department Chairs. Observance of office hours is subject to review by Department Chairs. Because of the nature of certain programs, Deans may require faculty to maintain more than ten office hours per week. Office hours should be posted outside of faculty offices on an official form (found on the web site). A copy of the office schedule forwarded to the Department Chair and subsequently submitted to the Division Dean for final approval. The Dean will make three copies of the form for the following: Department Chair, Vice President for Academic Affairs, and switchboard. The original form will be returned to the faculty member to be posted on the office door.

**POLICY: 9.15 PART TIME FACULTY**

**SCOPE: FACULTY**

**POLICY NUMBER: 9.15**

**APPROVED:**

**REVISED: October 2013**

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1. Part-time Faculty.

A part-time faculty member is one whose teaching assignment and appointment with the institution is less than full-time. Unlike full-time faculty, part-time instructors are not issued employment contracts. The following principles and procedures apply to part-time faculty employment at Lamar State College Port Arthur:

- 1.1. Lamar State College Port Arthur acknowledges the contribution which part-time faculty members make to its academic and curricular goals. Part-time faculty members frequently provide unique expertise and experience that enhances the educational effectiveness of an institution. Their employment also allows administrators the flexibility to respond to unforeseen enrollment fluctuations.
  - 1.2. The qualifications of part-time faculty members shall be the same as those of full-time faculty and shall meet the criteria established for faculty by the college, Southern Association of Colleges and Schools Commission on Accreditation and the Texas Higher Education Coordinating Board.
  - 1.3. Part-time faculty shall file an application for employment and complete other appropriate forms in the Human Resources Office.
  - 1.4. The Chair of each instructional department shall supervise and evaluate the performance of part-time faculty members assigned to the department.
  - 1.5. Instructional units are encouraged to place in writing specific rules, regulations, and expectations which apply to part-time faculty in relation to departmental operations, curricular concerns, and classroom instruction.
  - 1.6. Part-time faculty members shall be accessible to their students before and after each class period and shall make themselves available by appointment.
  - 1.7. Part-time faculty members should not expect employment beyond the current appointment.
  - 1.8. Part-time faculty members are subject to being removed or dismissed from their teaching assignment(s) without receiving prior notification. Compensation that a part-time instructor is scheduled to receive for a teaching assignment ends on the date that the instructor is removed from that assignment.
  - 1.9. Part-time faculty members possess the same rights regarding academic freedom, speaking as a citizen, and political participation as full-time faculty. Part-time faculty should become familiar with the appropriate expression of those rights in the Texas State University System *Rules and Regulations*.
2. Part-time instructors are held to the same ethical and competence standards as full-time faculty.

<b>POLICY:</b>	<b>9.16</b>	<b>SEXUAL HARASSMENT</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>9.16</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>October 2013</b>	

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1. Sexual Harassment.

Lamar State College Port Arthur is committed to providing a work and study environment that fosters intellectual and academic excellence and the emotional well-being of its students and employees. The institution shall strive to provide and will accept nothing less than an educational and working environment that is free of intimidation and harassment. Unprofessional treatment of students and fellow employees in any form is unacceptable in the campus community.

Lamar State College Port Arthur and the Texas State University System have adopted policies affirming that no employee of the institution or the System may sexually harass another person. An employee of the institution or the System will be subject to disciplinary action for a violation of these policies. "Sexual harassment" is defined as unwelcome sexual advances, requests for favors, and other verbal or physical conduct of a sexual nature when:

2. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic career;
3. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual;
4. Such conduct unreasonably interferes with an individual's performance or creates an intimidating, hostile, or offensive academic environment.

Faculty members are responsible for reading and understanding the institutional policy on sexual harassment included in the policy on sexual harassment in Chapter VII of the *TSUS Rules and Regulations*.

<b>POLICY:</b>	<b>9.17</b>	<b>SUMMER EMPLOYMENT</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>9.17</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>October 2013</b>	

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1. Summer Employment.  
Notices concerning summer employment are issued separately from academic year (fall and spring) contracts. The current policy on the employment of faculty for summer is listed below.
2. Faculty will be employed based on the need within departments.
3. Decisions regarding summer employment will not be based on seniority or tenured status.
4. Instructional needs and/or budgetary constraints may make it impossible to offer all faculty members in a department who so desire six weeks of summer employment. Therefore, a system of rotation shall be implemented so that, as a general rule and if institutional and departmental needs permit, no one shall teach two consecutive summer terms until faculty in the department has been offered the opportunity to teach one six-week summer term or a course in the May mini-session.
5. Department chairs shall calculate the amount of faculty salary money available for summer school as soon as possible after spring semester registration. They shall work with their faculty members and Deans to craft a schedule of summer courses that meets student needs while remaining within the institutional budget.

<b>POLICY:</b>	<b>9.18</b>	<b>FACULTY RESIGNATION</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>9.18</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>October 2013</b>	

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1. Faculty Resignation.  
In the event of a resignation in the course of a semester, the instructor must give adequate notice to the Department Chair to assure the uninterrupted schedule and conduct of classes. In all cases of termination of employment, voluntary or otherwise, final salary checks will be released to the faculty member at the next regular date of payment, after written clearance has been given by the Vice President for Academic Affairs or his designee certifying that:
  - 1.1. Records have been completed and transferred to the Department Chair.
  - 1.2. Building and room keys assigned have been returned to the immediate supervisor or to the appropriate staff member.

- 1.3. Parking permits and library materials and cards have been returned to the proper officials.
- 1.4. Office and laboratory facilities have been vacated in proper order.
- 1.5. The forwarding address has been filed with the Human Resources Office and the proper forms have been completed for retirement and tax reporting.

This policy applies to part-time instructors.

<b>POLICY:</b>	<b>9.19 TEXTBOOKS</b>
<b>SCOPE:</b>	<b>FACULTY</b>
<b>POLICY NUMBER:</b>	<b>9.19</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>October 2013</b>

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1. Textbooks.

Individual academic departments have wide discretion in the choice of materials to be used in the courses offered by the department with the approval of the Department Chair.

- 1.1. Although the authorship of books, outlines, manuals, and similar materials by members of the faculty is encouraged, the prescribed use of these by students is a responsibility that goes beyond that of an individual author. Where practicable and equitable, the charge for outlines, syllabi, and similar materials prescribed for student use should be borne by the instructional department. Whenever a charge is authorized for such duplicated materials, the prices should be as low as possible, consistent with the payment of a fair and reasonable royalty to the author or authors.
- 1.2. Textbooks, notebooks, manuals, or other materials for the use of students of Lamar State College Port Arthur, written or prepared by a member of the faculty of the institution, shall not be prescribed for the use of or sold to such students until such sales have been approved, with reasons stated, by the Department Chair and subsequently approved by the Division Dean and the VPPA. All requests shall indicate the proposed prices and profits, and their authorization shall be effective only to the end of the fiscal year (August 31) for which such approval has been given.

<b>POLICY:</b>	<b>9.20 UNCLAIMED PERSONAL PROPERTY</b>
<b>SCOPE:</b>	<b>FACULTY</b>
<b>POLICY NUMBER:</b>	<b>9.20</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>October 2013</b>

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1. Unclaimed Personal Property.

Abandoned and unclaimed personal property discovered on the campus shall be stored for safekeeping and standardized handling. Property shall be considered abandoned if it appears from the circumstances under which the institution comes into possession of the property that the owner has thrown it away or has voluntarily left or lost it without any intent or expectation to regain it. Abandoned and unclaimed personal property acquired by the campus security department shall be held for a minimum of one hundred and twenty (120) days from the time the institution acquires the property. If the property is reclaimed during that time, the institution may charge the owner a reasonable storage fee. After one hundred and twenty (120) days the item may be sold as part of the normal institution surplus property sale.

**POLICY: 9.21 SALARY ADMINISTRATION**

**SCOPE: FACULTY**

**POLICY NUMBER: 9.21**

**APPROVED:**

**REVISED: July 2012; October 2013; September 2021**

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1. Salary Administration.

Following initial employment, Lamar State College Port Arthur does not utilize a faculty salary schedule that includes fixed increases or that places limitations on the earnings of faculty members who reach certain steps. In accordance with state law, salary increases for faculty are based on merit except in cases when an appropriation act<sup>80</sup> of the Legislature is made for the purpose of across-the-board increases. Salaries may be adjusted when faculty members earn the master's and doctoral degrees. When salary increases are granted on the basis of merit the following factors shall be taken into consideration:

- 1.1. Performance on the Annual Faculty Report (Form F2.08).
  - 1.2. Results of the student evaluation of instruction.
  - 1.3. Length of full-time service at the college.
2. The Vice President for Academic Affairs, Executive Vice President for Finance and Operations, and Director of Human Resources shall review compensation criteria and application to ensure compliance with federal and state requirements.
3. When full-time faculty members are paid from multiple sources of funds, the faculty member's workload shall be proportional to the source of funds.

**POLICY: 9.22 WORK LOAD**

**SCOPE: FACULTY**

**POLICY NUMBER: 9.22**

**APPROVED:**

**REVISED: October 2013; September 2021**

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1. Work Load.

Full-time faculty responsibilities include face-to-face or online teaching in the classroom, laboratory, or clinical courses. Faculty are also required to perform curricular tasks auxiliary to teaching, e.g. course development and improvements, serving on faculty committees, attending to administrative and disciplinary tasks, and promoting diligence and honest work in the student body. Finally, faculty are expected to participate in campus and community service activities.

2. The evaluation of faculty for promotions, salary increases, reappointments, and tenure shall include but not be limited to the duties described above. These duties are considered part of the normal workload of a member of the faculty.
3. Each full-time faculty member shall teach a standard fifteen load credit schedule of organized courses each fall and spring semesters. One hour of lecture per week equates to one load credit.
4. Exceptions:
  - 4.1. Select courses meet more hours per week than the load credits granted, i.e., laboratory courses (excluding cosmetology courses), the equivalent of one load credit of teaching credit is listed below:

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<sup>80</sup> Texas Education Code, Section 51.0065

- 4.1.1. A laboratory course shall have a value of 1.75 load credits.
- 4.1.2. A physical education activity course shall have a value of 1.875 load credits.
- 4.1.3. An applied music course shall have a value of .667 load credits.
- 4.2. Additional exceptions would include but not be limited to the following:
  - 4.2.1. Faculty who teach in the Upward Mobility Nursing Program shall teach a standard work load of thirty (30) semester credit hours of instruction each academic year beginning each fall and continuing through the following summer.
  - 4.2.2. A reduction in teaching load may be granted for a faculty member chairing a department or supervising a comparable administrative unit; directing or coordinating a special program, activity, or multi-section course; assuming significant temporary administrative responsibilities relating to instruction; or who taught a load in excess of the standard requirement during the previous semester without additional pay.
  - 4.2.3. A reduced teaching load may be granted temporarily if classes do not materialize, and when additional classes cannot be assigned to the faculty member.
  - 4.2.4. A 20% workload is assigned to an instructor who supervises internship students. Compensation for the assignment is not based on the total number of sections.

<b>POLICY:</b>	<b>9.23 OVERLOADS</b>
<b>SCOPE:</b>	<b>FACULTY</b>
<b>POLICY NUMBER:</b>	<b>9.23</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>July 2012; October 2013; September 2021</b>

- 1. Overloads.
  - 1.1. Compensation for courses taught by full-time faculty members that are in addition to the requirements of the faculty contract is equal to the adjunct compensation rate.
  - 1.2. Compensation for courses taught in the winter mini-session and the spring mini-session will be at the adjunct compensation rate.
  - 1.3. Compensation for a course taught in addition to a full teaching load shall be the adjunct rate for teaching the course. An enrollment of ten (10) or more students in the course shall result in the instructor's receiving one hundred per cent (100%) of the salary for the course. The salary for the course may be pro-rated when enrollment is less than 10 students. Courses taught in addition to a full-time teaching load shall not be counted as part of an instructor's course load.
- 2. The final decision to assign additional courses to faculty members' schedule rests with the Vice President for Academic Affairs, with recommendations solicited from the Division Deans and Department Chairs. Decisions regarding the assignment of overload courses are made in the best interests of the institution. An overload assignment is not considered an inherent right associated with a faculty contract. Overloads are not assigned on the basis of seniority or tenure status.
- 3. Overloads shall be limited to 40% per semester unless it is clearly in the best interest of the college to decide otherwise. The decision to exceed 40% rests with the Vice President for Academic Affairs.



<b>POLICY:</b>	<b>9.24</b>	<b>APPROVAL OF ADVERTISEMENTS AND BROCHURES</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>9.24</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>March 2003; October 2013</b>	

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1. Media Materials (Approval of Advertisements and Brochures).

Ideally, advertising materials are developed by the Public Information Office.

The Public Information Office will ensure that the college's published media materials present an appropriate image of the institution; including all information required by the state or federal governments or the Texas State University System; guaranteeing accuracy; and eliminating duplication of effort and unnecessary expense. However, when circumstances dictate that departments must develop their own newspaper ads or articles, brochures, posters, or electronic media, the originating department should notify the Director of Public Information that the work is anticipated or in progress.

2. The approval of the Public Information Office is required prior to publication or release of print and electronic media for the college.

<b>POLICY:</b>	<b>9.25</b>	<b>KNOWLEDGE OF REGULATIONS</b>
<b>SCOPE:</b>	<b>FACULTY</b>	
<b>POLICY NUMBER:</b>	<b>9.25</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>October 2013</b>	

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1. Policy.

Each faculty member shall become acquainted with the Texas State University System *Rules and Regulations* and the Lamar State College Port Arthur *Policy and Procedure Manual*, catalog, announcement of courses, other official publications, and printed or other material prepared for the use of the faculty.

<b>POLICY:</b>	<b>9.26</b>	<b>DRESS CODE</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>	
<b>POLICY NUMBER:</b>	<b>9.26</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>	<b>September 2020; February 2021</b>	

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1. **Purpose**

The purpose of the Dress Code Policy is to establish guidelines for appropriate dress and hygiene for LSCPA employees during operational hours and while representing LSCPA at college-related events.

2. **Policy**

- 2.1. Employees are expected to project a professional image to students, parents, business associates, and the general public.

- 2.1.1. Staff members are expected to dress in a manner appropriate to their working environment and to the type of work performed.

- 2.1.2. Faculty members are expected to project professionalism in their dress and appearance as an example for students in the learning environment.

- 2.2. Dress and hygiene standards are intended to enhance the image LSCPA within the

community it serves.

- 2.3. Dress practices must not be a distraction to the learning environment in the classroom or to the conduction of campus business.

### 3. **Applicability**

The Dress Code Policy applies to all employees, including full-time and part-time staff members, faculty, adjunct faculty, and student employees during operational hours and while representing LSCPA at college-related events.

### 4. **Procedures**

- 4.1. Regulation of employee dress is managed at the departmental level. Departments should consider their operating environment, industry norms, safety considerations, and the nature of the jobs being performed when determining appropriate dress. Safety and health regulations are factors to be considered when determining the appropriateness of attire, including accessories such as jewelry and head coverings.
- 4.2. Dress and personal appearance requirements must be applied consistently at the department level.
- 4.3. Employees that are unsure of what is appropriate should consult their supervisors.
- 4.4. Department supervisors are responsible for monitoring their employee's compliance with this policy. Supervisors will bring violations of this policy to the attention of the employee immediately and will discuss said violations privately with the employee. Appropriate remedies include, but are not limited to, suggesting that the employee dress more appropriately in the future or requiring the employee to change attire.
- 4.5. Employees may not consider time missed to change clothing as time worked.
- 4.6. Employees who repeatedly violate this policy will be subject to appropriate disciplinary action up to and including termination of employment.

### 5. **Guidelines**

- 5.1. Employees are expected to present a clean, neat, and professional appearance and to dress according to the requirements of their position. Generally, the higher level the position and more contact with the general public, the higher the dress standard
- 5.2. Employees should show good judgment and common sense in their clothing selection.
- 5.3. Appropriate footwear should be worn at all times.

### 6. **Prohibited Attire**

The following list is not all inclusive. It represents, at a minimum, those items of attire and those wardrobe choices which are specifically prohibited.

- 6.1. Athletic wear, sports jerseys, exercise wear, t-shirts, and shorts, unless appropriate for job duties and authorized by the employee's supervisor.
- 6.2. Flip flops, shower shoes, beach shoes, house slippers, Crocs clogs, and other similar footwear.
- 6.3. Garments that are ripped, torn, or otherwise not in good repair. This includes clothing in which rips, tears, or holes, are part of the style (e.g., distressed or ripped jeans).
- 6.4. Clothing determined to be unsafe, based on job duties.
- 6.5. Clothing bearing language or art that is likely to offend others.

- 6.6. Clothing which exposes either parts of the body or undergarments that are typically covered in a professional work environment.

**7. Personal Hygiene Standards**

- 7.1. LSCPA employees must observe good habits of grooming and personal hygiene.
- 7.2. Fragrant products (e.g., perfume, cologne, body lotions, hair products) that may be offensive to others should be used in moderation.
- 7.3. Offensive body odor, poor personal hygiene, and fragrant products must not create distractions in the classroom or workplace.

**8. Special Issues**

- 8.1. Nothing in the Dress Code Policy is intended to restrict or violate rights related to non-discrimination and disability policies and law or hinder the advancement of diversity at the college. Flexibility in freedom of choice should be shown in relation to religious or ethnic attire.
- 8.2. Nothing in the Dress Code Policy is intended to regulate individual choices such as facial hair, jewelry, and hairstyles. Job-related safety when operating potentially dangerous machinery with moving parts or jobs with public health considerations, such as serving or cooking food, may nevertheless require some personal adjustments.

**9. Exceptions to the Policy**

Supervisors may make temporary exceptions to dress standards for special occasions and for participation in college-sponsored events. Other exceptions to this policy may be made on a case-by-case basis, as follows:

- 9.1. Employees with disabilities may request an accommodation as per instructions in Policy 2.1, Employment of Persons with Disabilities.
- 9.2. Employees with non-disabling medical conditions that require certain apparel may submit a request for accommodation to their supervisor and Human Resources with supporting documentation from an appropriate healthcare provider.
- 9.3. Employees seeking religious, ethnic, or other accommodations may submit a request for accommodation to their supervisor and Human Resources.

## **SECTION 10: OPERATIONS**

<b>POLICY:</b>	<b>10.0 TRAFFIC-PARKING SAFETY</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>10.0</b>
<b>APPROVED:</b>	<b>July 2008</b>
<b>REVISED:</b>	<b>June 2011; August 2011; April 2015; December 2020</b>

**1. Policy.**

The control of automobile vehicle traffic on the campus is a necessary part of the efficient operation of the College. The purpose of these regulations is to facilitate the safe and orderly conduct of College business and to provide parking facilities in support of this function with the limits of available space. These rules and regulations are part of the rules and regulations of Lamar State College Port Arthur and as such are to be observed by members of the staff, faculty, and student body.

- 1.1. In these regulations the term ‘campus’ includes all property under the control and jurisdiction of Lamar State College Port Arthur.
- 1.2. Texas law governing the use of motor vehicles, in addition to the following regulations, is effective at Lamar State College Port Arthur.
- 1.3. The College assumes no responsibility for the care and/or protection of any vehicle or its contents at any time it is operated on its campus.
- 1.4. The College reserves the right to remove and impound abandoned motor vehicles, or any vehicle found on campus without 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 serious hazard to vehicles or pedestrian traffic or to the movement and operation of emergency equipment. The owner will be responsible for the cost involved in removing impounding and storing of such vehicles. Lamar State College will assume no responsibility for damages to those vehicles moved by the College.
- 1.5. Lamar State College Port Arthur reserves the right to modify the Traffic-Parking Safety and Fleet Management Plan as necessary.

## 2. **Administration**

The policies and regulations contained herein are given the effect of law by Senate Bill 162, 60<sup>th</sup> 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.”<sup>81</sup>

## 3. **Parking Permits**

- 3.1. Any student, faculty or staff member who wishes to park a motor vehicle on property owned or controlled by the College must obtain 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.
- 3.2. Students will purchase their parking permit as part of their academic registration procedure at the beginning of each semester. Parking permits may be obtained on the 2<sup>nd</sup> Floor of the Student Center.
- 3.3. Faculty and Staff will obtain their Parking Permit from the office of the Dean of Student Services on or before the beginning of the academic year.
- 3.4. Parking permits are valid for one academic year beginning September 1<sup>st</sup> and ending August 31<sup>st</sup>.
- 3.5. It is the responsibility of the permit holder to report the loss or theft of their Parking Permit to the Director of Student Activities Office immediately.
- 3.6. 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.
- 3.7. To be valid, a hanging permit must be hanging from the rear-view mirror of the vehicle.

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<sup>81</sup> Senate Bill 162, 60<sup>th</sup> Legislature, 1967

A permit must not be defaced or altered in anyway.

- 3.8. For information regarding handicapped parking, students should contact the Student Activities Office.

#### 4. **Reserved Parking**

- 4.1. Admittance to any reserved parking area or space is by authorization of Lamar State College Port Arthur only. 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.
- 4.2. There are designated handicapped parking spaces across the campus and one entire lot is devoted to handicapped parking.

#### 5. **Bicycle Regulations**

- 5.1. Definition. A bicycle is any device designated to travel on two but no more than three wheels and moved by human power.
- 5.2. Regulations
  - 5.2.1. 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.
  - 5.2.2. Bicycles must be parked in parking racks.
  - 5.2.3. Bicycles will not be secured to any tree, shrub, or plant by means of any locking device.
  - 5.2.4. Bicycles shall not be permitted inside any LSCPA building except a garage.
  - 5.2.5. The operator of any bicycle must yield right of way to pedestrians at all times.
  - 5.2.6. 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.
  - 5.2.7. All abandoned bicycles on the campus will be impounded. Impounded bicycles will be held for six (6) months at the Physical Plant. At the end of six months, impounded bicycles will be discarded.
  - 5.2.8. There is no fee for bicycle registration.

#### 6. **Visitor Parking**

- 6.1. Visitor Regulations.
  - 6.1.1. Visitors may park in any of the areas designated for visitor parking.
  - 6.1.2. A visitor shall be defined as one who is neither a student nor an employee of Lamar State College Port Arthur, or a person who uses campus facilities for the benefit of a student or employee.
  - 6.1.3. Visitors are required to observe all parking and traffic regulations.
  - 6.1.4. 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*.
- 6.2. **Parking and Traffic Regulations**
  - 6.2.1. Parking and traffic regulations in the Statues of the State of Texas and in the Ordinances of the City of Port Arthur will be enforced by the college. In

addition, the following regulations which are unique to this institution will be enforced.

- 6.2.2. Parking Offences:
  - 6.2.2.1. No Parking Zone
  - 6.2.2.2. Parked in Unauthorized Area
  - 6.2.2.3. Parked at Yellow Curb
  - 6.2.2.4. Parked in Passenger Zone
  - 6.2.2.5. Parked across marker lines
  - 6.2.2.6. Visitor Parking Only
  - 6.2.2.7. Overtime in Time Zone
  - 6.2.2.8. Parked in Service Zone
  - 6.2.2.9. Decal Improperly Displayed
  - 6.2.2.10. Reserved Parking Only
  - 6.2.2.11. No Parking Decal
  - 6.2.2.12. Other
- 6.2.3. Traffic Offenses:
  - 6.2.3.1. Exceeding speed limit. The maximum speed in parking lots is 10mph unless otherwise posted.
  - 6.2.3.2. Operating motor vehicle upon or over sidewalk.
  - 6.2.3.3. Operating motor vehicle in a prohibited direction on a one-way street or parking lot lane.
  - 6.2.3.4. Failure to yield right-of-way to pedestrians. Pedestrians have right-of-way at all times.
  - 6.2.3.5. Failure to report traffic accidents.
  - 6.2.3.6. Operate motor vehicle upon or over an area not designated as a road or parking area.
  - 6.2.3.7. Any other violation as defined in the Official Texas Motor Vehicle Laws Booklet.
- 6.2.4. Other Violations:
  - 6.2.4.1. Failure to comply with a lawful order and direction by a LSCPA officer.
  - 6.2.4.2. Altering, damaging or moving LSCPA traffic signs, markings or signal devices.
  - 6.2.4.3. When a person receives a citation he/she should comply with the instructions on the citation.

## 7. **Violations**

- 7.1. Citations. Students, staff and faculty members receiving parking citations will report to the Lamar State College Port Arthur cashier within five (5) school days to pay the fine for each citation received. Failure to report after proper notification of an overdue citation will result in a \$2.00 late fee being added to the fine.
  - 7.1.1. Fines. The amount of the fine for each citation is as follows:
    - 7.1.1.1. Parking violations #7.2.1-7.2.9..... \$5.00
    - 7.1.1.2. Parking violations #7.2.10-7.2.12 and other ..... \$10.00

- 7.1.2. Suspension of Parking Privileges. 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.
- 7.1.3. Faculty/Staff. Faculty and Staff members who persist in violating regulations or fail to answer a citation will be reported to department heads and/or Deans or through other appropriate channels.
- 7.1.4. 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 may result in suspension of parking privileges.
- 7.1.5. Enforcement. Lamar State College Port Arthur is authorized to issue citations for violations of campus parking and traffic regulations. College parking citations are managed by the Student Services Division subject to a right of appeal to the Student Court.

## 8. Towing and/or Impounding Vehicles

- 8.1. The College is authorized to remove unattended vehicles from the streets, parking areas or other areas within the Lamar State College Port Arthur campus to such place of safety as necessary under the following circumstances:
  - 8.1.1. When, in the opinion of Lamar State College Port Arthur, a motor vehicle should be removed in the interest of the safety of persons or property because of fire, flood, storm, snow or other emergency reasons, it may be removed.
  - 8.1.2. A motor vehicle blocking access to any building, loading zone, parking lot entrance, reserved area, barricades or maintenance equipment.
  - 8.1.3. A motor vehicle displaying a lost, stolen or unauthorized parking permit.
  - 8.1.4. A motor vehicle parked in a designated tow-away zone.
  - 8.1.5. A motor vehicle parked outside of a designated parking area on the grass or turf.
  - 8.1.6. A motor vehicle left unattended continuously for more than 48 hours under such circumstances which indicate it has been abandoned.
  - 8.1.7. A motor vehicle with five (5) or more outstanding, unanswered or unpaid parking citations.
  - 8.1.8. A motor vehicle parked in a designated fire zone.
  - 8.1.9. 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.

## 9. Extensions and Appeals

- 9.1. Special arrangements and/or extensions to pay violation fees will be made by the Dean of Student Services.
- 9.2. Appeals. If a student believes the parking citation is unwarranted, he/she may file an appeal with the Director of Student Activities. The Director of Student Activities will determine if the appeal is reasonable. If reasonable, the appeal will be reviewed by the Student Traffic Court. Failure to file an official appeal within the prescribed time limit of five (5) school days shall constitute a forfeit of all appeal privileges.
- 9.3. 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.

- 9.4. Faculty and Staff members desiring to appeal a citation may do so through appropriate administrative channels.
- 9.5. 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.

#### 10. **Special Occasions and Emergencies**

- 10.1. On special occasions and in emergencies, parking and traffic limitations may be imposed by the College as required by the conditions which prevail.
- 10.2. Individuals who are mobility impaired are entitled to special parking if verified through the State of Texas. There will be no fee for the *first* Lamar State College Port Arthur parking permit issued. However, all other rules and regulations will apply. If you have a State of Texas Blue placard, you will be required to present this or other pertinent information before a student can receive a Lamar State College Port Arthur parking permit.
- 10.3. Individuals who are temporarily mobility impaired are entitled to special parking and must see the Dean of Student Services. The full parking fee will still apply.

#### 11. **General Information**

- 11.1. The office of the Parking and Traffic Division is located in the Student Center at 1520 Procter, Port Arthur, Texas. Hours are from 8:00a.m. to 5:00p.m., Monday through Friday.
- 11.2. All thefts, accidents and offenses that occur on campus should be reported to the Dean of Student Services immediately.
- 11.3. A record of all serial numbers on valuables should be kept. Mark your auto accessories so that they may be identified. Write your name and contact information in textbooks.
- 11.4. Do not leave keys or valuables in the car. Always keep your car locked.

<b>POLICY:</b>	<b>10.1 FLEET MANAGEMENT POLICY</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>10.1</b>
<b>APPROVED:</b>	<b>July 2008</b>
<b>REVISED:</b>	<b>June 2011; August 2011; April 2015; December 2020</b>

#### 1. Policy

In order 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, and Insurance Carrier mandates.

#### 2. 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.

#### 3. Administration.



- 3.1. 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 76<sup>th</sup> 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.  
  
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 related procedures.
- 3.2. 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.
- 3.3. Employee 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.
4. Definitions. For the purposes of this policy, the following definitions shall apply.
  - 4.1. 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.
  - 4.2. 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.
  - 4.3. 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.
  - 4.4. 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 (known as Mules or EZGOs).
  - 4.5. 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.
  - 4.6. Approved Driver Certificate. A certificate issued by 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, rented or personal 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.

- 4.7. Satisfactory Driving Record. A driving record in which an employee has a rating of 1 or 2 based on the formula detailed in Program Administration (see **Error! Reference source not found.**, page **Error! Bookmark not defined.**).
- 4.8. 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 maintained and 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.
- 4.9. 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. A copy of this form is found in the Appendix.
- 4.10. College 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 monthly or when returning the vehicle from a trip. A copy of this form is found in the Appendix.
- 4.11. 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. A copy of this form is found in the Appendix.
- 4.12. Operate. To be in actual physical control of a motor vehicle upon a highway.
- 4.13. Trip 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 (409-984-6058). The *Vehicle Request Form* can be accessed on the Physical Plant web page at <http://www.lamarpa.edu/dept/pp/forms/vehicle-request.pdf>. Trip authorization is approved by an employee's Department Chair, Dean or Director, Vice President, or President of the College but use of a college vehicle is based on availability (see **Error! Reference source not found.**, page **Error! Bookmark not defined.**).
- 4.14. 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 valid 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.
- 4.15. Passengers.
  - 4.15.1. Family members. 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 insurance coverage for the immediate family of any employee who are passengers in a College owned vehicle. 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.
  - 4.15.2. Students/Other Passengers. Additional limited trip insurance for students traveling on authorized trips conducted and sanctioned by the College is available and recommended for all such travel (see **Error! Reference source not found.**, page **Error! Bookmark not defined.** ).

Arrangements for this coverage require prior notification of and confirmation by

the Office of the Dean of Student Activities. This additional liability coverage is available to students only. All other authorized passengers should have sufficient personal insurance coverage. It is the *driver's* responsibility to verify passenger's insurance coverage prior to departure.

4.15.3. Hitchhikers. Hitchhikers are not allowed to ride in any fleet vehicle.

## 5. Travel Using College Owned Vehicles

- 5.1. Appropriate Use. College vehicles should be used only by persons who are acting within the course and scope of LSCPA related activities or employment.
- 5.2. Eligible Drivers. In addition to meeting all other criteria in this policy, only those persons whose names appear on the LSCPA payroll.
- 5.3. Special Requirements for Student Drivers.
  - 5.3.1. In accordance with the Texas State University System Rules and Regulations<sup>82</sup>, the following are special requirements for student drivers of vehicles or equipment.
    - 5.3.1.1. Students operating college vehicles must be employed by LSCPA
    - 5.3.1.2. Student employees will not operate college vehicles between the hours of 12 midnight and 5:00 am.

## 6. Travel Using Personal Vehicles

- 6.1. Vehicles
  - 6.1.1. 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.
  - 6.1.2. Reimbursement for Expenses. Reimbursement for travel expenses related to the use of personal vehicles is contingent upon travel approval. 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, and dean or director. 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 determined by the State of Texas (Web site: <http://ecpa.cpa.state.tx.us/mileage/Mileage.jsp>). College fuel cards will NOT be issued for use in personal vehicles used to conduct college-related business.
- 6.2. Personal Vehicles. No individual shall be required to use his or her vehicle to perform College-related activities.

## 7. Travel Using Rental Vehicles

- 7.1. Vehicle Rentals. Vehicle 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. Employees must use a state contract provider (Enterprise Rent-A-Car/National Car Rental, Avis Budget Group Inc, The Hertz Corporation). Updates may be viewed at [State Travel Management Program – Car Rental Contract \(texas.gov\)](#).  
  
LSCPA is exempt from state taxes. Present the rental agency with the 1) Motor Vehicle Rental Exemption Certificate, 2) Motor Vehicle Verification Certificate for Rental Tax and Texas Sales and 3) Tax Exemption Certification. These forms are found in the Appendix or Contact the Travel Coordinator in the Business Office.  
  
Employees must meet the requirements of the vehicle rental agency.
- 7.2. Auto Insurance. 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.
- 7.3. 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.
- 7.4. Travel Questions. Contact the LSCPA Travel Coordinator.
- 7.5. Reimbursement of Rental Car Insurance. The reimbursement of employees for car rental insurance is prohibited.
- 7.6. Fuel for a Vehicle 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 in to the Fleet Manager.
8. Driver Authorization
  - 8.1. 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 valid driver's license. Employees must maintain and provide proof of liability insurance when requested.
  - 8.2. 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.
9. Driver Eligibility.
  - 9.1. All LSCPA employees who may be called upon to drive a College vehicle or be reimbursed for travel in their own vehicle shall have a Motor Vehicle Record (MVR) as required by law<sup>83</sup> 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.
10. Approved Driver Certificate. 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

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83 Article 6687b, Section 37, V.A.C.S.

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 valid driver's license.

The MVR rating shall be based on the last 3 years of driving experience and will be evaluated using the following criteria.

- 10.1. Superior. No traffic citations or motor vehicle accidents.
- 10.2. Good. No more than one moving traffic citation and one motor vehicle accident (not at fault).
- 10.3. Marginal. No more than two moving traffic citations, two motor vehicle accidents (not at fault) or one at-fault motor vehicle accident.
- 10.4. 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 driver's license. Resumption of driving privileges will be contingent upon approval from the institution's insurance carrier.
- 10.5. Unacceptable. Any driver whose MVR shows any one of the following records is not acceptable:
  - 10.5.1. Three or more accidents (regardless of fault) in the last three years.
  - 10.5.2. One or more Type "A" violations in the last three (3) years.
  - 10.5.3. Any combination of accidents and Type "B" violations which equal four (4) or more in the last three years.
  - 10.5.4. An operator's license that has been suspended or revoked within the past three years.
- 10.6. Type "A" Violations
  - 10.6.1. Driving while intoxicated (alcohol or drugs).
  - 10.6.2. Homicide arising out of the use of a motor vehicle.
  - 10.6.3. Operating a motor vehicle during a period of suspension or revocation of an operator's license.
  - 10.6.4. Using a motor vehicle for the commission of a felony.
  - 10.6.5. Aggravated assault with a motor vehicle.
  - 10.6.6. Operating a motor vehicle without the owner's permission (stolen vehicle).
  - 10.6.7. Permitting an unlicensed person to drive.
  - 10.6.8. Reckless driving.
  - 10.6.9. Hit and run involving bodily injury and/or physical damage.

*For the purposes of these guidelines, a plea of no contest to the Type "A" violations will be considered a violation.*
- 10.7. Type "B" Violations
  - 10.7.1. All moving violations not listed as Type "A" violations.

11. Motor Vehicle Record Review. A motor vehicle record (MVR) shall be obtained for all employees whose job duties include driving a LSCPA owned, rented or personal vehicle while on College business. The MVR shall be reviewed and updated regularly based on the following schedule:

- 11.1. Prior to employment. The Human Resources Department will ensure that prospective employees who require a MVR submit driving records before a job offer is extended. Human Resources will review driving records to ensure acceptability for positions requiring the driving of a vehicle while conducting College business.

- 11.2. 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 before 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 Department of Public Safety office in order to acquire driving records. All information from these records will be kept confidential.
- 11.3. Accidents or citations. If an employee is 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.*
- 11.4. Suspension, revocation or expiration of an operator's license. Driving privileges are automatically suspended when the employee's valid 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. *Individuals who do not have a valid 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.*
- 11.5. MVR 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 may include, but is not limited, to:
  - 11.5.1. Defensive Driving Classes
    - 11.5.1.1. One-day seminars on driving improvement
    - 11.5.1.2. Driver training videos on needed specific driving skills

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.

## 12. Vehicle Operations

- 12.1. Vehicle Assignments.
  - 12.1.1. 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> . 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 valid driver's license. Only LSCPA eligible drivers will be

issued a reservation (see Driver Eligibility, page **Error! Bookmark not defined.**).

- 12.1.2. 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.
- 12.2. 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, insurance card, mandatory Vehicle Use Report, Vehicle Accident Report, Traffic-Parking Safety and Fleet Management Plan, keys and a Fuel Credit Card.
- 12.3. 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.

- 12.4. Driver Obligations. The following conditions apply to all drivers who use LSCPA vehicles. Drivers should read these obligations carefully before operating a College vehicle.
  - 12.4.1. 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.
  - 12.4.2. The driver must:
    - 12.4.2.1. Have a valid driver's license, appropriate for the weight and class vehicle that they are operating.
    - 12.4.2.2. 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.
    - 12.4.2.3. Have a current *Motor Vehicle Record Form* on file with the Human Resources Office.
    - 12.4.2.4. Notify the Human Resources Office of any change in his/her driver's license status. This includes notification of moving violations and/or traffic accidents.
    - 12.4.2.5. 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.
- 12.4.2.6. Turn in fuel receipts from trip with mileage and license plate number recorded on the fuel ticket as this information must be reported to OVFM.
  - 12.4.2.7. Wear seat belts when driving or occupying a LSCPA vehicle.
  - 12.4.2.8. Assume responsibility for any and all fines or traffic violations associated with your use of a College vehicle.
  - 12.4.2.9. Never drive while under the influence of drugs and/or alcohol. This includes an over the counter or prescription medication that may affect the driver's ability. Refer to the Drug and Alcohol Abuse Policy 5.8.
  - 12.4.2.10. Never transport passengers such as hitchhikers, family members or friends for unauthorized use.
  - 12.4.2.11. Turn the vehicle ignition off, remove the keys, and lock the vehicle when you leave it unattended.
  - 12.4.2.12. Never drive the vehicle at speeds that are inappropriate for the road conditions.
  - 12.4.2.13. Report all accidents to the Fleet Manager and 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.
  - 12.4.2.14. Not allow smoking in the vehicle.
  - 12.4.2.15. Not eat, drink or operate any equipment that may distract or interfere with the safe operation of the vehicle.
  - 12.4.2.16. Not use radar/laser detection devices or wear headphones/earphones while operating the vehicle.
  - 12.4.2.17. Observe State and municipal traffic laws.
  - 12.4.2.18. Drive courteously and defensively.
  - 12.4.2.19. Return the vehicle with a full tank of gas, remove all litter, noting any problems with the vehicle on the Vehicle Use Report.
  - 12.4.2.20. 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.
- 12.4.3. Cell Phone. The use of cell phones while operating a moving vehicle has restrictions/guidelines.
- 12.4.3.1. Regardless of the circumstances, including slow or stopped traffic, employees are required to use handsfree operations or pull off to the side of the road and safely stop the vehicle before placing or accepting a call.
  - 12.4.3.2. Texting while driving is prohibited for all drivers.
  - 12.4.3.3. Handheld cell phone use is prohibited for drivers under 18 years old.



- 12.4.3.4. Cell phone use is prohibited (handheld and hands-free) for bus drivers.
- 12.4.3.5. It is illegal to use handheld phones and text in school zones.
- 12.4.3.6. Place your cell phone in your vehicle where it is easily accessible without removing your eyes from the road.
- 12.4.3.7. Use a cell phone for emergencies. However, do not place yourself or others in danger while doing so. If you see an auto accident, crime in progress or other serious emergency where lives are in danger call *911* and give the exact location and information to fire, police or ambulance personnel.
- 12.4.4. Employees are encouraged to refrain from discussion of complicated or emotional matters and to keep their eyes on the road while driving at all times.
- 12.4.5. Special care should be taken in situations where there is traffic or inclement weather, or the employee is driving in an unfamiliar area.
- 12.4.6. Reporting of Accidents or Damage: 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 practicable after any accident or incident resulting in injury or damage to the vehicle.
- 12.5. Accidents. When you have an accident involving a college vehicle, you must:
  - 12.5.1. Get immediate medical attention if you or your passengers are injured.
  - 12.5.2. Notify the police; a police report may be necessary for some insurance claims.
  - 12.5.3. Notify campus security if the accident occurred on campus.
  - 12.5.4. Discuss the accident only with police officers, the College's Insurance Claims Adjuster or a LSCPA official.
  - 12.5.5. Record as much information as you can on all other 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. Don't forget to get the name of the city or jurisdiction in which the accident occurred and the name of the investigating officer.
  - 12.5.6. Fill out a *Vehicle Accident / Incident Report* and forward it to the Property Manager and Fleet Manager as soon as possible.
  - 12.5.7. Keep calm and avoid arguments.
  - 12.5.8. Make no statements concerning guilt or fault.
  - 12.5.9. Never agree to make payments for the accident.
  - 12.5.10. Refer all questions from lawyers, the other party to the accident and others to the Office of Human Resources.
- 13. **Student Drivers**
  - 13.1. Requirements. Only students that meet college policies are allowed to drive a college vehicle. Student drivers must:
    - 13.1.1. Be enrolled at Lamar State College Port Arthur
    - 13.1.2. Be a college employee
    - 13.1.3. Have a valid driver's license

13.1.4. Hold an 'Approved Driver Certificate' from LSCPA

14. Student Travel

14.1. Authorization and Supervision. Each college-related activity that requires 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 to be passenger in vehicle driven on a college-related activity. (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 for Student Services prior to the trip.**

14.2. Insurance Requirements for Student Travel. Special event insurance is available through the Student Services office. If students are to be transported in rental vehicles, the college, through the State of Texas, has several rental sources that offer special rate and inclusive insurance for this type of travel at no or little additional cost. The 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 reservations and vehicle 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 field trips 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 Director of Student Activities.

If students use their own vehicles to drive themselves or transport other students as passengers to college-related activities, they should be informed in advance that *their* personal insurance will be responsible for any liability arising from the trip.

14.3. Guidelines for Student Travel.

14.3.1. Loading of the vehicle shall comply with the vehicle manufacturer's recommendations. Particular attention should be paid in loading the large (3/4 ton) vans. No more than eleven (11) passengers should be transported in a van.

14.3.2. All occupants must remain seated with their seat belts fastened while the vehicle is in motion.

14.3.3. The number of occupants in a vehicle must never exceed the number of working seat belts.

14.3.4. The use of tobacco products is prohibited.

14.3.5. The *Trip Manifest, Itinerary and Authorization for Student Travel* documents must be verified by the LSCPA sponsor of the trip and the driver.

14.3.6. Each vehicle transporting students involved in college-related activities shall be equipped with:

14.3.6.1. A first aid kit.

14.3.6.2. A fire extinguisher.

14.3.6.3. A flashlight.

- 14.3.6.4. A fuel credit card.
- 14.3.6.5. A cell phone. The trip sponsor must plan to provide a cell phone for emergency communication.
- 14.3.7. Student trips will be planned to comply with the following restrictions:
  - 14.3.7.1. The driver may not drive more than eight (8) hours in any calendar day.
  - 14.3.7.2. The driver may not drive more than forty-eight (48) hours in a week.
  - 14.3.7.3. Every driver must take a rest period of at least twelve (12) hours between driving periods.
  - 14.3.7.4. The maximum number of hours any vehicle may be driven during a calendar day is twelve (12) hours.

**15. Fleet Size & Maintenance**

- 15.1. Vehicle Disposal. Once the decision to dispose of the vehicle has been made, the vehicle should be sold as soon as practical. The longer it sits the more it will depreciate.
- 15.2. Vehicle Replacement Schedule. The determination of 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 when a passenger vehicle reaches 9 years of service and accrues more than 100,000 miles the vehicle should be evaluated for replacement. Cargo vehicles should be replaced when they reach 10 years of service and accrue 110,000 miles. This replacement determination will also take into consideration the use of the vehicle and if it has been exempted from the minimum mileage requirement.
- 15.3. Vehicle Purchase. 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 of a documented need.

Vehicle are procured from any cooperative agreement, or groups purchasing organizations. The Statewide Procurement Division (SPD) from the Texas Comptroller of Public Accounts oversees TXMAS (Texas Multiple Award Schedule Program). Buyboard is overseen by the Texas Association of School Boards.

Vehicles that cost between \$15,000 and \$50,000 may be purchased using an informal bid process.

Fleet evaluation will occur on an annual basis to identify vehicles meeting established replacement criteria, or vehicles with excessive repair, maintenance or operating costs.

The President of the College and the OVFM must approve all additions to the LSCPA fleet.
- 15.4. New 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. The 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.
- 15.5. Titles and Registration. All original vehicle titles and registration receipts will be acquired and maintained by the Office of the Property Manager.
- 15.6. 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.

- 15.7. 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.
- 15.8. Cleaning. Cleaning of vehicles is included in the Preventative Maintenance Schedule.
- 15.9. Repairs. Repairs are completed using in-house mechanics or local repair businesses identified by the preventive maintenance process or by complaints reported by drivers.
- 15.10. Fuel Selection. 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. The use of high-octane blends offers no proven benefit to the performance and greatly increases the operating cost.
- 15.11. Fuel and Service Credit Cards. The College provides commercial fleet fueling cards to authorized drivers for fleet and rental vehicles only 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.

<b>POLICY:</b>	<b>10.2</b>	<b>KEY CONTROL POLICY</b>
<b>SCOPE:</b>		<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>10.2</b>	
<b>APPROVED:</b>		
<b>REVISED:</b>		

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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. Records 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 **Key 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 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.

- 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.

<b>POLICY:</b>	<b>10.3 FUND RAISING</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>10.3</b>
<b>APPROVED:</b>	<b>March 2011</b>
<b>REVISED:</b>	

**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 are a guide that directs fundraising activities to achieve success.

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 Students and employees often engage in fundraising activities which the College is not the intended beneficiary. When fundraising activities do not directly benefit Lamar State College Port Arthur, approval is 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 does not benefit 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 campus internet or electronic media 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 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 POLICY: 10.3 FUND RAISING, page 207).

## 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 Lamar State College Port Arthur Alumni Association

<b>POLICY:</b>	<b>10.4 ACCEPTING GIFTS AND DONATIONS</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>10.4</b>
<b>APPROVED:</b>	<b>April 1999</b>
<b>REVISED:</b>	

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**1. Policy.**

It shall be the policy of Lamar State College Port Arthur actively to pursue the acquisition of gifts and bequests within the following policy guidelines:

2. The President of Lamar State College Port Arthur is responsible for the development of policies and procedures to insure the proper acceptance and usage of all gifts which may be tendered to the institution and that all such programs comply with and support the Texas State University System's operating policies.

**3. Procedure.**

3.1. Non-monetary gifts or bequests which have been tendered to the institution and/or Foundation shall not be sold or disposed of unless such action is specifically approved by the President. All such commitments to expend funds shall be considered in advance of the acceptance of the gift or bequest involved.

3.2. Any equipment, books, or similar gifts offered to the institution shall be accepted only after appropriate consideration by the officials of the institution who would have the responsibility and/or the authority to use, employ, or otherwise have reason to accept such items on behalf of the institution.

<b>POLICY:</b>	<b>10.5 HAZARD COMMUNICATION PROGRAM</b>
<b>SCOPE:</b>	<b>FACULTY, STAFF AND STUDENTS</b>
<b>POLICY NUMBER:</b>	<b>10.5</b>
<b>APPROVED:</b>	<b>December 2010</b>
<b>REVISED:</b>	

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**1. Policy**

Lamar State College Port Arthur will maintain an effective *Hazard Communication Program* in accordance with the current State and federal requirements<sup>84, 85</sup>

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.

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.

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<sup>84</sup> <https://www.osha.gov/Publications/OSHA3514.html>

<sup>85</sup> <http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.502.htm>

- 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 Allied Health Labs
  - 5.3.2 Armory
  - 5.3.3 Carl Parker Multipurpose Center
  - 5.3.4 Cosmetology Labs
  - 5.3.5 Paint Shop
  - 5.3.6 Physical Plant, Mechanic Shop, Housekeeping, Grounds Maintenance
  - 5.3.7 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:<sup>86</sup>
  - 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 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*'s "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

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<sup>86</sup> <https://www.osha.gov/Publications/OSHA3514.html>

- 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 213).
- 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 213).
- 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.

<b>POLICY:</b>	<b>10.6 CAMPUS PROGRAM FOR MINORS &amp; CHILD ABUSE TRAINING REQUIREMENTS</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>10.6</b>
<b>APPROVED:</b>	<b>April 2014</b>
<b>REVISED:</b>	<b>June 2017</b>

**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. The training includes information and examination concerning warning signs of sexual abuse and child molestation. A proactive Child Abuse Awareness and Prevention Training program maximizes adherence to Texas Education Code 51.976, Texas Education Code 51.9761 and other applicable laws, rules, regulation and policies, and provides for the protection of minors involved in LSCPA activities.

The purpose of this policy is to provide guidance to staff, faculty, and students of Lamar State College Port Arthur regarding the mandatory requirements in Texas law that govern the reporting of suspected cases of child abuse and neglect, and to educate the campus community by establishing requirements relating to child abuse awareness and prevention training.

**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 for at least twenty (20) minors who:

2.1.1.2.1. Are not enrolled at the institution, and

2.1.1.2.2. Attend or temporarily reside at the camp for all or part of at least four (4) days.

- 2.1.2. A Campus Program for Minors is any program that is operated by or on the campus of LSCPA 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 applies to 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 Child Abuse Awareness and Prevention Training 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, Deans 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 camp employees and/or volunteers.
    - 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 Child Abuse Awareness and Prevention Training Certification Forms to the Office of Human Resources.
4. **Training.** The Child Abuse Awareness and Prevention Training includes information and examination concerning warning signs of sexual abuse and child molestation.
  - 4.1. Training Requirements:<sup>87</sup> The training must include:
    - 4.1.1. techniques for reducing a child’s risk of sexual abuse or other maltreatment;
    - 4.1.2. factors indicating a child is at risk for sexual abuse or other maltreatment;
    - 4.1.3. the warning signs and symptoms associated with sexual abuse or other maltreatment and recognition of those signs and symptoms; and
    - 4.1.4. the requirements and procedures for reporting suspected sexual abuse or other maltreatment as provided by *Chapter 261, Family Code*.
  - 4.2. Employee Requirements
    - 4.2.1. LSCPA employees are required to complete the Child Abuse Awareness and Prevention Training and examination.
    - 4.2.2. LSCPA employees and designated individuals must complete the Child Abuse Awareness and Prevention Training and examination upon hire and recertify every two (2) years.
    - 4.2.3. 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.
    - 4.2.4. 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.
  - 4.3. 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.
  - 4.4. A Program Director for camps and/or programs involving minors must complete and submit to the Office of Human Resources a signed document stating the dates of the camp/program and a list of camp staff no later than ten (10) business days prior to the start of the Program so all designated individuals can be scheduled for the online Sexual Abuse and Child Molestation Awareness training and examination. Human Resources will file the “Campus Program for Minors Information Form” which is available on the Texas Department of State Health Services website (<http://www.dshs.state.tx.us/cpm/forms.shtm>) within five (5) days of the start of the campus program.
5. **Non-Compliance**
  - 5.1. Employees who violate this policy will be subject to applicable and appropriate disciplinary action, up to and including termination.
  - 5.2. The Texas Department of State Health Services may also impose civil penalties and/or injunctive relief for persons violating the Act.
  - 5.3. If designated individuals who are not employees violate this policy, they may have privileges extended to them by LSCPA revoked or suspended.

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<sup>87</sup> Education Code Section 51.9761

## 6. Mandatory Reporting Requirements

- 6.1. A person having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report to:
  - 6.1.1. any local or state law enforcement agency;
  - 6.1.2. the Department of Family and Protective Services; or
  - 6.1.3. the State agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.
- 6.2. If a professional (as defined by *Section 261.101, Family Code*) has cause to believe that a child has been or may be abused or neglected (as defined by *Section 261.001 or Section 261.401, Family Code*) or that a child is a victim of an offense under *Section 21.11, Penal Code*, the professional shall make a report not later than the 48<sup>th</sup> hour after he or she first suspects abuse, neglect or other infraction. A professional may not delegate to or rely on another person to make the report.
- 6.3. A person or a professional shall make a report in the manner required by this Paragraph if he or she has cause to believe that an adult was a victim of abuse or neglect and determines, in good faith, that disclosure of the information is necessary to protect the health and safety of another child or an elderly person (as defined in *48.002, Human Resources Code*).
- 6.4. The requirement to report applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, an employee or member of a board that licenses or certifies a professional, and an employee or member of a board that licenses or certifies a professional, and an employee of a clinic or health care facility that provides reproduction services.

<b>POLICY:</b>	<b>10.7 TRAVEL POLICY</b>
<b>SCOPE:</b>	<b>STUDENTS AND EMPLOYEES</b>
<b>POLICY NUMBER:</b>	<b>10.7</b>
<b>APPROVED:</b>	<b>February 2019</b>
<b>REVISED:</b>	<b>April 2019</b>

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### 1. Policy

The purpose of the Travel Policy is to provide procedures and safety guidelines for employees, students, student organizations, and sponsored program travel.

### 2. Sanctioned Student Travel

#### 2.1. Definition

- 2.1.1. Sanctioned student travel is:
  - 2.1.1.1. Travel recognized by the college as professional, educational, or is one in which the student group is serving as a representative of LSCPA;
  - 2.1.1.2. Travel supervised by a faculty or staff member serving in her or his official capacity;
  - 2.1.1.3. Travel is an organized event that is initiated and planned by the college's faculty, staff, or registered student organization;
  - 2.1.1.4. Institutional, departmental, or organizational resources are used;

- 2.1.1.5. Travel to the activity or event is undertaken using a vehicle owned, leased, or rented by the college, other modes of transportation, or personal vehicles.
- 2.1.2. Non-Sanctioned student travel
  - 2.1.2.1. Travel to attend out-of-town recreational activities, or to engage in student-teaching, internships, practicums, observations or research, unless the research is organized by a member of the faculty.
- 2.2. **Organizing Travel**
  - 2.2.1. Requests for travel and supporting documents should be submitted at least three (3) weeks prior to the date of travel.
  - 2.2.2. Supporting documents and the procedures for approval of student travel are maintained by the Office of Student Services.
- 2.3. **Approval**
  - 2.3.1. Sanctioned student travel must be approved by the administrator(s) with supervisory responsibility over the individual(s) traveling.
  - 2.3.2. Sanctioned travel utilizing funds from the Student Service Fee must also be approved by the Dean of Student Services.
- 2.4. **Restrictions**
  - 2.4.1. Students must be currently enrolled at LSCPA and have a valid driver's license to be approved to operate a college vehicle.
- 2.5. **Conduct During Travel**
  - 2.5.1. Any student involved in travel that violates The Texas State University System Board of Regents and Lamar State College Port Arthur policies, or local, state, and federal laws, will be subject to disciplinary action notwithstanding any action taken by appropriate authorities because of the violations.
- 2.6. **Release of Liability**
  - 2.6.1. Each student who travels to participate in a college-related activity, including but not limited to academically related field trips 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 form.**
- 2.7. **Trip Sponsor.**
  - 2.7.1. The trip sponsor must be identified by a supervisor.
  - 2.7.2. The trip sponsor is responsible for completing all required documents, safety, and conduct during the travel.
- 2.8. **Student Travel Authorization and Supervision.**
  - 2.8.1. 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.
  - 2.8.2. 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.

**2.9. Use of Students as Drivers.**

- 2.9.1. Students, except student employees, are expressly excluded from operating College vehicles. Student employees must 1) hold a valid driver's license and 2) have an approved *Driver Certificate* issued by LSCPA.

**2.10. Insurance Requirements for Transporting Students.**

- 2.10.1. 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.

**2.11. Guidelines for transporting students involved in college related activities:**

- 2.11.1. 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.
- 2.11.2. 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.
- 2.11.3. The use of tobacco products is not allowed in any of the College's vehicles.
- 2.11.4. The Trip Manifest, Itinerary and Authorization for Student Travel documents shall be verified by the LSCPA sponsor of the trip and the driver.
- 2.11.5. Each vehicle transporting Students involved in College related activities shall be equipped with a first aid kit, a fire extinguisher, a flash light, and a college credit card. The Trip Sponsor plans to provide a cell phone for emergency communication.
- 2.11.6. Student trips will be planned in accordance with the following restrictions:
- 2.11.6.1. The maximum number of hours that a driver may drive in any calendar day is eight (8) hours.
- 2.11.6.2. The maximum number of hours that a driver may drive in a week is forty-eight (48) hours.

2.11.6.3. Every driver must take a rest period of at least twelve (12) hours between his/her driving period.

2.11.6.4. The maximum number of hours any passenger car or van may be driven during any calendar day is twelve (12) hours.

### **3. Employee Travel**

#### **3.1. Travel Expenses and Allowances**

##### **3.1.1. Transportation, Meals, and Lodging**

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

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

3.1.1.3. 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.

#### **3.2. Purpose of Travel.**

3.2.1. 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

#### **3.3. Improper Travel Reimbursement**

3.3.1. 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.

#### **3.4. Travel Bonus (Frequent Flyer) Awards**

3.4.1. 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.

#### **3.5. Official Travel by Spouses and Relatives of Employees**

3.5.1. 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 deciding 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.

#### **3.6. Foreign Travel**

3.6.1. 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.

**3.7. Reimbursement of Expense**

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

**3.8. Training**

3.8.1. 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. The 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.

## SECTION 11: CAMPUS POLICIES

<b>POLICY:</b>	<b>11.0 FAMILY EDUCATION RIGHTS AND PRIVACY ACT (FERPA)</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>11.0</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>May 26, 1999</b>

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The following information concerning student records maintained by Lamar State College Port Arthur is published in compliance with the Family Education Rights and Privacy Act of 1974 (PL 93-380) (FERPA).

**1. Access to Records**

Unless the records are of the type exempted by law, students will be granted access to all records directly related to him/her for inspection and review. Explanations and interpretations will be available. Copies may be obtained at the rate established by the General Services Commission.

**2. Challenge of Records**

A student has the right to challenge records and information directly relating to him/her. The challenge is limited to inaccurate, misleading or otherwise inappropriate records and information. A student should attempt to resolve issues informally with the official immediately responsible. If a student does not obtain satisfaction through the informal hearing an appeal can be made through administrative channels. The procedure to be followed in an administrative appeal is available in the Office of the Dean for Student Services.

**3. Release of Information**

Access to records by persons other than the student will be limited to those persons and agencies specified in FERPA or the Texas Public Information Act. Records will be maintained of persons granted such access and the legitimate interest in each case, to the extent the law permits maintenance of such records.

<b>POLICY:</b>	<b>11.1 CAMPUS CARRY POLICY</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>11.1</b>
<b>APPROVED:</b>	<b>May 2016</b>
<b>REVISED:</b>	

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1. **Policy**

**Background:** Senate Bill 11, commonly referred to as the “campus carry” law, was passed by the Texas Legislature and signed into law by Governor Greg Abbott in 2015. The law states that, beginning on August 1, 2016, a person who holds a Texas License to Carry a Concealed Handgun may carry a concealed handgun on the grounds and in the buildings of an institution of higher education. While the President of Lamar State College Port Arthur may not generally prohibit license holders from carrying concealed handguns on the campus, the law gives public colleges and universities some discretion to regulate campus carry including designating certain areas on campus where concealed handguns are prohibited. The law requires the College to receive approval of its campus carry policy from the TSUS Board of Regents and implement the same by August 1, 2016.

- 1.1. Lamar State College Port Arthur recognizes that a safe and secure environment is critical to maintaining a climate that is conducive to learning. The College’s Campus Carry Policy is consistent with the State of Texas Law and the governing policies and procedures of the Texas State University System TSUS Board of Regents.
- 1.2. **Purpose:** The purpose of the Campus Carry or Concealed Handgun Policy is to set forth the College’s Policy on concealed handguns on campus and to provide the consequences of violation of this Policy including College disciplinary action and possible criminal penalties.
- 1.3. **Application:** The Campus Carry or Concealed Handgun Policy applies to all faculty, staff, students, and visitors; and individuals and organizations doing business on or on behalf of Lamar State College Port Arthur.
- 1.4. **Effective Date:** The Campus Carry or Concealed Handgun Policy will become effective on August 1, 2016.

2. **Definitions**

- 2.1. **Concealed Carry** is defined as carrying a firearm in a fashion so that the firearm is not discernible by ordinary observation, and is in such close proximity to the person that it is readily accessible for prompt use.
- 2.2. **Campus** is defined as all land and buildings owned or leased by Lamar State College Port Arthur.
- 2.3. **Premises** is defined by Section 46.035 of the Penal Code as a “building or a portion of a building”. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.
- 2.4. **Open Carry** or Texas House Bill 910 became law on January 1, 2016 and makes it legal for concealed handgun license (CHL) holders to carry visible handguns in the state of Texas. However, open carry does not apply to public colleges and universities, including LSCPA.
- 2.5. **Handgun** is defined by the Texas Penal Code 46.01 as “any firearm that is designed, made, or adapted to be fired with one hand.”
- 2.6. **Concealed handgun** is defined as a handgun, the presence of which is not openly noticeable to the ordinary observation by a reasonable person.
- 2.7. **Concealed Handgun License** is defined as a current Concealed Handgun License issued by the Texas Department of Public Safety under the authority of the Texas Government Code, Chapter 411, Subchapter I.

3. **Carrying of Concealed Handgun by a License Holder**

- 3.1. **Right to Carry.** A Licensed Holder may carry a concealed handgun while on the campus premises (including public driveways, streets, sidewalks or walkways, parking lots, and

other parking areas) and in Lamar State College Port Arthur passenger transportation vehicles, unless prohibited by state or federal law, or by this policy

- 3.2. Intoxication. A Concealed Handgun License Holder may not carry a concealed handgun while intoxicated.
- 3.3. Display of Concealed Handgun. A Concealed Handgun License Holder may not carry a partially or wholly visible handgun, or intentionally or knowingly display a handgun in plain view of another person, even if holstered, on the campus premises, including public driveways, streets, sidewalks, walkways, parking lots, or other parking areas on the premises of Lamar State College Port Arthur.
- 3.4. Requirement to Display License. A Concealed Handgun License Holder must display his/her License to Carry a Concealed Handgun issued by the Texas Department of Public Safety when directed by a law enforcement officer in accordance with Section 411.205 of the Texas Government Code. Otherwise, an individual is not required to disclose whether he/she is a Concealed Handgun License Holder in order to participate in any program or service offered by Lamar State College Port Arthur, except as required by law.

#### 4. **Designated No Handgun Areas**

- 4.1. Lamar State College Port Arthur has designated No Handgun Areas as those areas that are already prohibited by law per Texas Penal Code 46.035. This would include, but is not limited to, all collegiate level competitive sporting events and any UIL sanctioned event hosted on the campus of Lamar State College Port Arthur.

- 4.2. Notice. A notice for 'No Handgun Areas' will be displayed on campus. The notice must state:

*Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.*

- 4.3. The notice may be provided to individuals on a card, document or sign. If notice is provided through signage, it must:
  - 4.3.1. Include the language italicized above in both English and Spanish,
  - 4.3.2. Use contrasting colors, block letters at least 1 inch in height; and,
  - 4.3.3. Be displayed in a conspicuous manner clearly visible to the public.

#### 5. **Handgun Storage**

- 5.1. Lamar State College Port Arthur will not provide storage for handguns on the campus. It is the responsibility of the Concealed Handgun License Holder to properly store their handgun in a location allowable by law.

#### 6. **Concealed Handgun License Status**

- 6.1. Authorized Concealed Handgun License Holders are not required to disclose their status to anyone other than a law enforcement officer. Lamar State College Port Arthur employees may not, under any circumstances, require faculty, staff, students, visitors or third parties to disclose their concealed handgun license status.

#### 7. **Employees**

- 7.1. Employees with a Concealed Handgun License may exercise their right to carry a concealed handgun; however, under no circumstances is the concealed handgun to be shown or used within the scope of their employment. If found in violation of this provision and/or this policy, an employee may be subject to disciplinary actions that include written or verbal reprimands and/or termination.



8. **Others on Campus**

- 8.1. Others on campus such as vendors, contractors, and visitors must comply with this policy.
- 8.2. Anybody that does not comply with this policy may be subject to disciplinary and/or legal action. Disciplinary action may include removal from the campus while legal action may include criminal prosecution.

9. **Closing**

- 9.1. Lamar State College Port Arthur is obliged to follow Senate Bill 11, commonly referred to as the “campus carry” law and may not enact policies or provisions that violate the law. Any changes to the law must be initiated by the Texas legislature.

<b>POLICY:</b>	<b>11.2 PROHIBITION OF WEAPONS</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>11.2</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>December 2005; May 2014</b>

1. **Prohibition of Weapons 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, to be brought on the premises of a System component. Under some circumstances an individual with a concealed handgun license may bring a handgun on the campus. (See POLICY: 11.1 CAMPUS CARRY POLICY, page 222).

- 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 police, 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.

<b>POLICY:</b>	<b>11.3 DRUG FREE WORKPLACE</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>11.3</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>March 2002; May 2012</b>

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
- 1.4. The Drug Free Schools and Communities Act of 1989, U.S.C. §1011i.

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 twenty-four (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 TSUS Board of Regents, applicable legislation, or guidelines promulgated by local, state, or federal governmental bodies.

<b>POLICY:</b>	<b>11.4 TOBACCO FREE WORKPLACE</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>11.4</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>March 2002; December 2005; September 2015</b>

**1. Tobacco Free Workplace Policy.**

Lamar State College Port Arthur recognizes its commitment to the emotional and physical well-being of its students, faculty, and staff. There is increasing concern, interest, and anxiety about the effects of secondary tobacco smoke on individuals exposed to it and the dangers associated with tobacco smoking. Lamar State College Port Arthur acknowledges the seriousness of this problem and recognizes its obligation to promote public health on the campus by protecting its students, faculty, and staff from hazardous conditions which are within the College's ability to regulate.

**2. Regulations**

The following regulations have been adopted by Lamar State College Port Arthur.

- 2.1. All campus buildings are designated "smoke free." Included in this designation are all instructional facilities; faculty, staff, and administrative offices; and student services areas.
  - 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.

<b>POLICY:</b>	<b>11.5 RACIAL HARASSMENT</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>11.5</b>
<b>APPROVED:</b>	
<b>REVISED:</b>	<b>March 2002</b>

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1. **Racial Harassment 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.

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. **Definitions**

- 2.1. **Racial Harassment.** An 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.

## 3. **Complaint**

- 3.1. 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.

### 3.1.1. **Informal Complaint**

All complaints are considered informal until they are filed in writing. The steps for seeking an informal resolution are as follows:

#### 3.1.1.1. Procedure

- 3.1.1.1.1. The offended individual should report the incident(s) to the appropriate College official or the Director of Human Resources.
- 3.1.1.1.2. The college official will work with the complainant to determine what evidence exists for the charge of racial harassment.
- 3.1.1.1.3. The evidence presented will be reviewed to determine if there is cause to believe a violation of racial harassment occurred.
- 3.1.1.1.4. 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.
- 3.1.1.1.5. If the complainant does not agree with this decision, the complainant will be given the opportunity to file a formal written complaint.

### 3.1.2. **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.

- 3.1.2.1. 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.

- 3.1.2.2. If a resolution is not achieved, the charging party will be given the opportunity to file a written formal complaint.

3.1.2.3. The College may elect to pursue the charge even if the complainant does not elect to proceed.

3.1.2.4. 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.

3.1.2.4.1. Step One

3.1.2.4.1.1. The college official will review the written complaint with the charging party.

3.1.2.4.1.2. 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.

3.1.2.4.1.3. 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.

3.1.2.4.1.4. The college official will then meet with both parties either together or separately and try to reach a mutually agreeable resolution.

3.1.2.4.1.5. Step Two

3.1.2.4.1.6. If a solution is not reached in Step One, the college official and the Director of the Human Resources Office will meet with both parties, either together or separately, to review both sides of the issue.

3.1.2.4.1.7. The college official and the Director of the Human Resources Office will then mutually agree on a resolution which will be communicated in writing to both parties.

3.1.2.4.1.8. Both parties will be instructed by the Human Resources Office to comply with the terms of the resolution.

3.1.2.4.2. Step Three

3.1.2.4.2.1. The decision may be appealed by either party to the President by submitting a written statement to the Director of the



Human Resources Office. The appeal must include the basis for the appeal and the remedy sought.

- 3.1.2.4.2.2. The President will take whatever action he/she feels appropriate to resolve the complaint. The President's decision is final and binding.
- 3.1.2.4.2.3. 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.
- 3.1.2.4.2.4. If a complaint, whether informal or formal, is filed against a college official or the Director of the Human Resources Office, the functions assigned to the person by these procedures will transfer to the President or his designee.
- 3.1.2.4.2.5. 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 the Human Resources Office at least forty-eight (48) hours prior to the meeting.

**4. 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.

<b>POLICY:</b>	<b>11.6 EXTERNAL SPEAKER</b>
<b>SCOPE:</b>	<b>FACULTY AND STAFF</b>
<b>POLICY NUMBER:</b>	<b>11.6</b>
<b>APPROVED:</b>	<b>March 2022</b>
<b>REVISED:</b>	

**1. Policy**

The purpose of this policy and procedure statement is to establish policies for considering external (not current faculty, staff, or students) speakers requesting the use of college facilities at LSCPA campus.

Freedom of inquiry and discussion is basic and essential to intellectual development, provided such freedoms are exercised in a manner that does not unlawfully derogate the rights of others or

interfere with the academic programs and administrative processes of Lamar State College Port Arthur (LSCPA).

LSCPA is a public institution and supports freedom of speech, freedom of assembly, freedom of inquiry, and freedom of dissent. The grounds of LSCPA are traditional public forums, subject to such reasonable time, place, and manner restrictions as the president, or designee, may impose, in accordance with the Texas State University System (TSUS) Rules and Regulations, Chapter VII, Paragraph 3.3.

## **2. Event Regulations.**

- a. Approved external speakers shall speak in a facility that is open to the public.
- b. No person may obstruct or lessen in any way the opportunity for the audience to see and hear the speaker.
- c. The number of students, faculty, staff, and guests attending an event to hear an external speaker may be limited to prevent a hazard to the safety of the audience.

## **3. Exemptions.**

- a. This policy does not apply when the intended use is to benefit students, faculty, staff, and invited guests, such as classes, colloquia, dialogue series, lecture series, seminars, symposia, performances, exhibits, and conferences.

## **4. Definitions**

- a. External Speaker. An individual who is not a current student, faculty, or staff member at LSCPA.
- b. College owned or Leased Property. Any facility or property owned or leased by LSCPA.
- c. Recognized Sponsoring Organization. Any organization or entity hosting an external speaker which includes one of the three following organizations:
  - i. registered and chartered student organizations;
  - ii. faculty and staff recognized organizations; and
  - iii. college academic or administrative units.

## **5. Major Responsibilities**

- a. The Executive Committee is responsible for updating this policy.
- b. LSCPA community members and affiliates must share responsibility to maintain an atmosphere conducive to scholarly, creative, and educational pursuits; to adhere to the core values of the college; and to respect the free speech rights of others, even those with whom they disagree.
- c. Sponsoring organizations are responsible for following all appropriate policies and procedures that are in effect to make sure the event is successful. It is their responsibility to complete all necessary paperwork and timely ensure that all appropriate policies are followed (for more information, contact the Dean of Student Services).

## **6. Procedures for Supporting External Speakers**

The freedom of speech and assembly guaranteed by the First and Fourteenth Amendments of the United States Constitution shall be enjoyed by students, faculty, and staff of LSCPA with respect to the opportunity to invite and hear external speakers.

- a. Time, Place, and Manner Restrictions
  - i. While freedom of speech and assembly rights guaranteed by the First Amendment are not absolute, the president, or designee, may adopt reasonable, nondiscriminatory rules and regulations as to time, place, and manner.
- b. Clear and Present Danger

- i. A proposed speech by an external speaker that constitutes a clear and present danger to the college's orderly operation by a speaker's advocacy may be prohibited. In determining the existence of a clear and present danger, the president, or designee, may consider all relevant factors, including whether, within the past five years, such speaker has incited violence resulting in the destruction of property at any public institution or has willfully caused the forcible disruption of regularly scheduled classes or other educational functions at any institution. There must be not only advocacy to action but also demonstrable evidence of imminent harm to the essential functions and purposes of LSCPA, not simply abstract statements of possible harm.
- ii. If a sponsoring organization is presenting an external speaker, the organization has the responsibility to advertise that they invited the speaker and that the views of the guest speaker do not necessarily represent the views of LSCPA or TSUS.
- iii. Students, faculty, staff, and registered organizations campaigning for public office on behalf of candidates for public office must request permission from the Dean of Student Services to post or distribute literature, informational booths and banners on campus.
- iv. External speakers who have not been sponsored or invited by a registered student, faculty, staff organization, or LSCPA administration, shall be prohibited from speaking to groups in college-owned or leased facilities unless the speaker is speaking to an off-campus organization that has been authorized to meet on the campus. Individuals not affiliated with the college may not invite an external speaker to use college facilities or buildings.
- v. With the prior written approval of the president, or designee, the college may, at its sole discretion, lease or rent space in the student center or other appropriate buildings or grounds for political rallies and meetings, provided that space is made available to political candidates in a nondiscriminatory fashion, and the rent for such space is based on a fair market value.

## **7. Procedures for Issuing Invitations to External Speakers**

- a. A request to invite an external speaker will be considered by LSCPA only when made by a registered student, faculty, or staff organization. Sponsoring organizations shall abide by and follow such time, place, and manner as the president, or designee, may impose.
- b. No invitation will be extended to an external speaker without prior written approval by the president, or designee.
- c. An External Speaker Request form must be electronically submitted to the president, or designee, by an officer of a registered student, faculty, or staff organization, or by an administrative department head desiring to sponsor a proposed external speaker, no later than ten (10) class days prior to the date of the proposed speaking engagement.
- d. A request made by a recognized sponsoring organization may be denied only if the president, or designee, determines, after proper inquiry and consultation with the TSUS Office of General Counsel, that the proposed speech will constitute a clear and present danger to LSCPA's orderly operation.
- e. When a request for an external speaker is approved by the president, or designee, and the speaker accepts the invitation, the sponsoring organization shall inform the president, or designee, immediately in writing of such acceptance. The president, or designee, may require that a statement be made at the meeting or event that the views presented are not necessarily those of the college, TSUS, or of the sponsoring organization. By accepting the invitation to speak, the external speaker shall assume full responsibility for any infraction of civil or criminal law committed by the external speaker while on campus.

## **8. Procedures for External Speaker Protests**

- a. Any person who chooses to protest an external speaker shall not impair the ability of any other person to see and hear the speech, performance, or event. Impairment includes, but is not necessarily limited to heckling, drowning out, or otherwise materially disrupting the speech, performance, or event.
- b. Anyone impairing the speech, performance, or event will be asked, no more than twice, to cease the disruptive behavior. If the disruptive behavior continues, the college will employ all lawful measures to halt and eliminate the disruption. The offender may be subject to disciplinary action, civil action, or criminal prosecution.

## SECTION 12: SAFETY AND SECURITY

<b>POLICY:</b>	<b>12.0 EMERGENCY NOTIFICATION</b>
<b>SCOPE:</b>	<b>Faculty, staff and students</b>
<b>APPROVED:</b>	<b>June 29, 2020</b>
<b>REVISED:</b>	

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### 1. Introduction

The Emergency and Safety Notification Policy authorizes designated Lamar State College Port Arthur (LSCPA) representatives to use Blackboard Connect and other messaging systems for immediate alerts and notifications to the campus community, prior to and during a potentially catastrophic life-threatening emergency, as well as for other urgent safety-related incidents. It was developed to furnish information and direction so campus community members may protect themselves in an emergency or other urgent safety-related situation.

### 2. Types of Notifications

Under appropriate circumstances, approved LSCPA representatives will issue appropriate notification regarding emergencies, criminal activity, or safety issues concerning campus as required by law and LSCPA policies.

- 2.1. Emergency Notification (Alert). An **LSCPA Alert** is an emergency notification of a significant emergency or dangerous situation that is currently occurring on or imminently threatening the campus and involves an immediate threat to health or safety of students or employees.
- 2.2. Timely Warning. An **LSCPA Timely Warning** is a notification of any Clery Act crime(s) that have already occurred and are considered by the institution to represent a serious or ongoing threat to the safety of students or employees. A Timely Warning may also be issued for some crimes that do not meet Clery Act requirements.
- 2.3. Safety Notification. An **LSCPA Safety Notification** may be issued when an incident has occurred and may affect members of the campus community, but an Emergency Notification or Timely Warning is not appropriate.

### 3. Roles and Responsibilities

- 3.1. President. The President is responsible for coordinating the confirmation of an emergency or dangerous situation, creating notifications, and authorizing notifications to be sent. The President may delegate some or all of these responsibilities to, or collaborate with, other LSCPA personnel, including the Vice President of Academic Affairs, Physical Plant Director, the Safety Committee, Title IX Coordinator, Dean of Student Services, the Campus Security Office, and other staff related to the emergency or dangerous situation.

- 3.2. Office of Public Information. The Office of Public Information is responsible for reviewing and coordinating the notifications sent out across all messaging platforms. Operational responsibility for sending notifications may be delegated.
- 3.3. Campus Security Office. The Campus Security Office receives notifications of crimes, emergencies, and other dangerous situations. The Campus Security Office is responsible for notifying appropriate institution officials, who will then determine if a notification is necessary.
- 3.4. Campus Security Authorities. Individuals designated as Campus Security Authorities are required to notify the Campus Security Office when they receive a report that a crime has been committed.

#### 4. **Notification Methods**

Information and instructions will be sent using one or more of the following methods:

- 4.1. Text message to a cell phone number registered in Banner.
- 4.2. E-mail notification to a MyLSCPA email account.
- 4.3. Audio message to a cell phone or other telephone number registered in Banner.
- 4.4. Designated websites.
- 4.5. Radio and TV alerts through local news media.
- 4.6. Facebook.
- 4.7. Other emerging communication platforms or messaging systems, to be determined per incident.

#### 5. **Emergency Notifications (Alerts)**

- 5.1. Notification System Verification. A semi-annual test of the text, e-mail and voice calling communications system is performed.
- 5.2. Confirmation of an Emergency Situation.
  - 5.2.1. Following confirmation of an emergency or dangerous situation that poses an immediate threat to the health and/or safety of some or all members of the campus community, the President or assigned designee(s) will assess the need to issue an emergency notification (considering the safety of the campus community) and determine the scope of the notification. Where appropriate, the college will collaborate with public health authorities, law enforcement, governmental authorities, industrial experts, and other relevant entities.
  - 5.2.2. If issuing a notification would, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, there may be a delay in issuing the notification. As soon as the condition that may compromise efforts is no longer present, the college will issue the emergency notification to the campus community.
- 5.3. Disseminating an Emergency Notification
  - 5.3.1. To the campus.

Notifications are delivered to the entire campus to keep them informed of significant emergencies. The college may also post applicable messages about the dangerous situation on the LSCPA website.
  - 5.3.2. To the greater community.

Dependent upon the situation, LSCPA may work through the Office of Public Information to notify the greater community on designated websites and a variety of media, including radio, television, text messages, and email.

5.4. Content of the Emergency Notification

The President or assigned designee(s) will determine what information to release about the situation. The goal is to ensure individuals are aware of the situation and that they know the steps to take to safeguard their personal and community safety.

5.5. Enrolling the Emergency Notification System

All students, faculty, and staff and are automatically enrolled into the Blackboard Connect System and are encouraged to regularly update their information in Banner.

6. **Timely Warning Reports**

6.1. Timely Warnings are issued on a case-by-case basis by the President or designee(s) to notify the campus community of incidents that may pose a serious or ongoing threat to students or employees, to provide information that may enable college community members to protect themselves from similar incidents, and to aid in the prevention of similar crimes. The college will issue Timely Warnings whenever the following criteria are met:

6.1.1. A Clery Act crime has been committed and reported to campus security authorities or local police agencies;

6.1.2. The perpetrator has not been apprehended;

6.1.3. There is a serious or ongoing threat to other members of the campus community because of this crime; and

6.1.4. The crime occurred in a location that has been designated by the college as being:

6.1.4.1. On campus, including Seahawk Landing

6.1.4.2. Non-campus buildings or properties

6.1.4.3. Public property within or immediately adjacent to and accessible from the campus

6.2. Clery Act Crimes

6.2.1. The following Clery Act crimes require Timely Warnings, provided they meet the criteria identified in Section 6.1:

6.2.1.1. Homicide (murder/non-negligent manslaughter, manslaughter by negligence)

6.2.1.2. Sex Offenses (rape, fondling, incest, statutory rape)

6.2.1.3. Robbery

6.2.1.4. Aggravated Assault

6.2.1.5. Burglary

6.2.1.6. Motor Vehicle Theft

6.2.1.7. Arson

6.2.1.8. Dating Violence

6.2.1.9. Domestic Violence

6.2.1.10. Stalking

6.2.1.11. Hate Crimes (all of the above, plus intimidation, larceny-theft, destruction/damage/vandalism of property, and simple assault).

6.2.2. Examples of Clery Act crimes that would not present a continuing threat and therefore might not merit a Timely Warning, include, but are not limited to, the following:

- 6.2.2.1. An assault between two individuals who have a disagreement and know each other. This may be an isolated event and presents no ongoing threat to the community.
- 6.2.2.2. In the case of a late report. These cases may be so delayed there is no possibility of issuing a “timely” warning to the community. These will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information available.
- 6.2.2.3. Crimes in which the perpetrator has been apprehended, thereby eliminating the threat
- 6.2.2.4. Crimes in which an identified perpetrator is only targeting specific individuals to the exclusion of others

6.3. Other Crimes Subject to Timely Warning Notification

Even if all the criteria in Section 6.1 are not met, LSCPA will issue a Timely Warning to the campus in the event that there is still a significant or ongoing threat to members of the college community. The campus will generally issue Timely Warnings for the following types of incidents:

- 6.3.1. Thefts on campus
- 6.3.2. Kidnapping on campus
- 6.3.3. Crimes occurring in public locations LSCPA students are known to frequent.

6.4. Timely Warning Message Template

All initial Timely Warning messages will begin with “LSCPA Timely Warning” to indicate the severity of the message and will provide, at a minimum, a brief description of the incident. The following information may also be included, if known and applicable to the incident:

- 6.4.1. Type of crime
- 6.4.2. Date, time and location of the crime
- 6.4.3. Available suspect information
- 6.4.4. Safety tips to help with the risk of being involved in a similar incident.

6.5. Disseminating a Timely Warning.

- 6.5.1. Timely Warnings are delivered to the entire campus community using the methods identified in Section 4 as soon as the pertinent information is available.
- 6.5.2. When additional information is available, it may be provided as an update using one or more of the methods identified in Section 4.

7. **Safety Notifications.**

The President or designee(s) will issue a Safety Notification to the campus in the event of an incident or hazard that may pose a threat to members of the college community. These may include, but are not limited to, inclement weather conditions, utility outages, construction, or closure, damage to, or repair of campus facilities or infrastructure.

<b>POLICY:</b>	<b>12.1 FACE COVERING RECOMMENDATION</b>
<b>SCOPE:</b>	<b>Faculty, Staff and Students</b>
<b>APPROVED:</b>	<b>June 29, 2020</b>
<b>REVISED:</b>	<b>November 29, 2021</b>

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1. **Face Covering Recommendation Policy**

- 1.1. Face coverings (cloth face covering, surgical mask, etc.) are a recommended practice for all individuals (faculty, staff, students, and visitors) on campus.

2. **Face Covering Requirements**

- 2.1. The Face Covering Recommendation becomes effective Fall 2021 Semester and may be modified or ended as COVID 19 conditions require.
- 2.2. The health and safety of the LSCPA family (students, faculty, and staff), especially of vulnerable individuals, is of paramount importance. In light of CDC guidance, and to protect fellow students against COVID 19, face coverings (cloth face covering, surgical mask, etc.) are recommended for all individuals (faculty, staff, students, and visitors) on campus in the following areas:
- 2.2.1. indoor public areas on campus, except where marked otherwise, even if you are alone (includes all non-private office or residential spaces such as lobbies, restrooms, classrooms, teaching laboratories, common spaces in residence halls, conference rooms, and break rooms); and
- 2.2.2. outdoor spaces where 6 feet of physical distancing is difficult to reliably maintain. This policy will be amended as needed in response to conditions on campus.
- 2.3. LSCPA recommends that face coverings follow the current CDC recommendations.

3. **Rationale for Use of Face Coverings**

- 3.1. The primary purpose of wearing a face covering is to reduce the amount of virus spreading from the wearer (who may not know they are spreading the virus) into the environment and to others. The secondary purpose of the face covering is to reduce the likelihood that large droplets containing virus that are generated by others may enter the nose and mouth of the wearer.

4. **Face Covering 101**

- 4.1. Face Coverings:
- 4.1.1. Face coverings made by an individual must meet CDC guidelines including:
- 4.1.1.1. fits snugly but comfortably against the side of the face
- 4.1.1.2. completely covers the nose and mouth and secure under your chin
- 4.1.1.3. is secured with ties or ear loops
- 4.1.1.4. includes multiple layers of fabric
- 4.1.1.5. allows for breathing without restriction
- 4.1.1.6. can be laundered and machine dried without damage or change to shape
- 4.1.1.7. launder masks daily
- 4.1.2. Face coverings that are purchased and disposable:
- 4.1.2.1. Must be discarded daily.
- 4.2. Face Coverings NOT recommended:
- 4.2.1. Neck gaiters and simple bandanas, face coverings with exhaust valves, and scarves.
- 4.2.2. Face shields in most cases.
- 4.3. TIPS for wearing a face covering during the COVID 19 pandemic:



- 4.3.1. Face coverings should be used in conjunction with physical distancing (6 feet social distancing), engineering controls (barriers between people) and/or administrative controls (reduced number of people at events).
    - 4.3.2. Face coverings become contaminated as you wear them, both from yourself and from the environment around you. Treat them as contaminated and avoid self-contamination or contamination of others by unsafe handling.
  - 4.4. Face coverings must be put on properly:
    - 4.4.1. Wash your hands before putting on your face covering.
    - 4.4.2. Face coverings should fully cover your nose and mouth and be secure under your chin.
    - 4.4.3. Try to fit the face covering snugly against the sides of your face.
    - 4.4.4. Face coverings should be held in place firmly with straps.
    - 4.4.5. When you are putting on a face covering, do so by the straps and adjust the covering to cover your nose and mouth, being careful not to touch your face in the process.
    - 4.4.6. Once your covering is in place, wash your hands, and wash your hands after each time you adjust your covering.
  - 4.5. Face coverings must be taken off properly to avoid self-contamination:
    - 4.5.1. Remove face coverings by the straps and move it gently away from your face. Be careful not to touch your eyes, nose, and mouth when removing.
    - 4.5.2. If your face covering is disposable, then promptly throw it away; do not place it into your pocket, backpack or where it may contaminate your belongings.
    - 4.5.3. Wash your hands after handling a used face covering.
5. **Frequently asked questions.** LSCPA Face Covering Frequently Asked Questions can be found at <https://www.lamarpa.edu/General/Alerts/COVID-19/FAQs/Face-Covering-FAQ>.
6. **Related Statutes, Policies or Requirements**  
<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html>  
<https://www.cdc.gov/coronavirus/2019-ncov/community/collegesuniversities/considerations.html>  
<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>  
<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html>  
<https://www.cdc.gov/coronavirus/2019-ncov/downloads/cloth-face-coverings-information.pdf>  
<https://www.cdc.gov/coronavirus/2019-ncov/downloads/cloth-face-covering.pdf>  
<https://www.cdc.gov/coronavirus/2019-ncov/downloads/DIY-cloth-face-coveringinstructions.pdf>

## **SECTION 13: OTHER RELEVANT POLICIES**

Relevant LSCPA Policies must be published on the LSCPA website,  
<https://www.lamarpa.edu/General/Policies/Current-Policies>

Current policies on the LSCPA website include:

1. Policy and Procedure Manual
2. Campus Carry Policy
3. Course and Faculty Information
4. Emergency Operations Plan
5. Active Attack Response and Training Plan
6. Faculty Handbook and Policy Manual
7. Faculty Online Learning Handbook
8. Information Resources Policies
9. Open Records Policy
10. Sexual Misconduct Policy and Procedure
11. Student Code of Conduct COVID-19 Policy
12. Student Handbook 2020-2021
13. Student Online Learning Handbook
14. Traffic-Parking Safety and Fleet Management Plan
15. Website Accessibility Policy
16. Website Privacy Policy

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